

CITY OF LEWISTON

CITY COUNCIL

NOVEMBER 17, 2015

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 5:30 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Dubois, D'Auteuil, Libby, Bouchard, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (292-2015)

Motion by Councilor Dubois, seconded by Councilor Lachance:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-000, on behalf of the Lewiston Public Works Unit. Passed - Vote 7-0

Executive Session began at 5:32pm and ended at 5:48pm.

VOTE (293-2015)

Motion by Councilor Cloutier, seconded by Councilor Cayer:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405 (6) (c), to discuss Acquisition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Executive Session began at 5:48pm and ended at 6:29pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Dubois, D'Auteuil, Libby, Bouchard, Cloutier, Cayer and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence. Mayor Macdonald stated this Moment of Silence was dedicated to those who lost their lives in the Paris attacks. He noted the City illuminated the City Hall clock tower with the colors of the flag of France to show solidarity for their country.

PUBLIC COMMENT PERIOD

Charles Soule of 135 Bartlett St apologized for speaking out against the Bates College student influence regarding the November 3 election. He noted he was called an "eccentric" by the Lewiston Sun Journal newspaper and he was shocked at that because every voter has a right to run in every election should they so choose. Melissa Dunn spoke about some issues residents

have been having due to their Muslim faith, in light of the Paris attacks. Marcus Talarico noted the Paris attacks were devastating and should be condemned by all residents.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Eric Hall, president of LYAC, spoke about their Jeopardy game regarding Lewiston trivia, and he said it went very well. He noted they are seeking photos of Lewiston neighborhoods to post on the website.

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR LBK EVENTS, LLC, 1 BATES STREET

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (294-2015)

Motion by Councilor Cayer, seconded by Councilor Libby:

To grant a Special Amusement permit for live entertainment to LBK Events, LLC, 1 Bates Street. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS REGARDING THE ABILITY TO DIVIDE LOTS IN THE SHORELAND ZONING DISTRICT

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (295-2015)

Motion by Councilor Bouchard, seconded by Councilor Lachance:

That the proposed amendments to Appendix A, Article V, "Administration and Enforcement", Section 3 "General provisions", of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

PUBLIC HEARING REGARDING PROPOSED BOND ISSUE FOR FARWELL SCHOOL EXPANDED CLASSROOM SPACE

Mayor Macdonald opened the public hearing. No members of the public spoke for or against this issue. The Mayor then closed the hearing. It was noted the proposed amount of \$2,331,000 can be adjusted to \$1,896,000.

VOTE (296-2015)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Order authorizing the issuance of \$2,331,000 in FY2017 Public Improvement Bonds and making an appropriation for the Farwell Additional Classroom Space Project:

Ordered, that \$2,331,000 be appropriated for financing the Farwell Additional Classroom Space Project;

Be It Further Ordered that to meet this appropriation, \$2,331,000 shall be raised by Public Improvement Bond Issue(s);

Be It Further Ordered that the City Council instruct the Finance Director to advertise for bids for \$2,331,000 or increments thereof, Public Improvement Bonds; to award the loan; and to employ Locke Lord LLP to furnish the legal opinion for the same; provided that, in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

Be It Further Ordered that the bonds shall be signed by the City Treasurer and Mayor;

Be It Further Ordered that the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

Be It Further Ordered that bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director; and

Be It Further Ordered, on or before the call date, the Finance Director is authorized to refund/advance refund this bond series if a net present value benefit is derived.

Passed - Vote 6-1 (Councilor Lachance opposed)

RESOLVE AUTHORIZING THE TRANSFER OF \$26,920 FROM GENDRON BUSINESS PARK PHASE II PROJECT FOR THE PURPOSE OF REPLACING LIGHTING AT THE LEWISTON PUBLIC LIBRARY

VOTE (297-2015)

Motion by Councilor Cayer, seconded by Councilor Cloutier:

To approve the Resolve authorizing the transfer of \$26,920 from the Gendron Business Park Phase II Project for the purpose of replacing lighting at the Lewiston Public Library:

Whereas, problems have been recently identified with the vintage 1999 metal halide lighting in the grand reading rooms of the original library building; and

Whereas, in in the midst of annual bulb replacement, wiring problems were identified at certain fixtures resulting from the intense heat generated by the metal halide bulbs and inadequate ventilation around the fixtures; and

Whereas, an option to simply repairing the existing fixtures would be to replace them with LED fixtures, reducing energy costs and annual bulb replacement expenses including the need to rent a

lift necessary to reach the fixtures; and

Whereas, the cost to upgrade the system to LED lights is estimated at \$26,920; and

Whereas, such an upgrade will pay for itself in about five years through energy and out of pocket maintenance cost savings; and

Whereas, funds to undertake this project are available from a completed capital project – Gendron Business Park Phase II;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the amount of \$26,920 is hereby transferred from the Gendron Business Park Phase II project, account number 7702-702702, for the purposes of installing LED lighting in the Lewiston Public Library.

Passed - Vote 7-0

ORDER AUTHORIZING THE TRANSFER OF \$184,500 FROM THE CITY'S 2015 TELEPHONE PROJECT TO THE FY2016 SCHOOL TELEPHONE PROJECT

VOTE (298-2015)

Motion by Councilor Cayer, seconded by Councilor Libby:

To approve the Order authorizing the transfer of \$184,500 from the City's 2105 Telephone Project to the FY2016 School Telephone Project:

Whereas, in the FY2016 LCIP, the City Council approved \$500,000 to fund a Citywide Telephone project with equal cost-sharing between the City and the School Department; and

Whereas, upon further research into the infrastructure needs to implement this project, it has been determined that the cost-sharing amounts needed adjustment; and

Whereas, given the number of switches and telephones in the school system, their apportionment of the project should increase from \$250,000 to \$434,500; and

Whereas, the City's appropriation for the project was \$250,000 and our revised apportionment is \$65,500; and

Whereas, in preparation for bidding this project, it was discovered that the Power Over Ethernet switches at Lewiston High School required for the proper operation of the proposed new telephone system have exceeded their end of live by five years and were provided by a company that no longer exists; and

Whereas, these switches must be replaced at an additional cost of \$100,000; and

Whereas, the additional \$100,000 required to complete the project at the Lewiston High School will be included in the FY2017 LCIP;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that \$184,500 from the City's Telephone Project is hereby transferred to the Lewiston School Department's Telephone Project.

Passed - Vote 7-0

RESOLVE APPROPRIATING \$6,000 IN UNANTICIPATED REVENUES FOR THE PURPOSE OF REPLACING A POLICE VEHICLE

VOTE (299-2015)

Motion by Councilor Bouchard, seconded by Councilor Libby:

To approve the Resolve appropriating \$6,000 in unanticipated Revenues for the purpose of replacing a Police Vehicle.

Whereas, a police patrol vehicle was extensively damaged in a recent accident in which the employee operating the vehicle was not at fault; and

Whereas, our insurer has determined that the cruiser is beyond repair, will pay the City \$11,475, and we anticipate recovering the City's \$1,000 deductible from the other party's insurer; and

Whereas, the proceeds from insurance recoveries are automatically appropriated toward addressing the item that was damaged and can, therefore, be used toward purchase of a replacement vehicle; and

Whereas, the damaged vehicle was scheduled to be transferred to the detective division to replace a 2004 unit with about 116,000 miles; and

Whereas, this unit still needs to be replaced; and

Whereas, the Police Department recommends that a relatively new program car be purchased for this purpose; and

Whereas, the Department anticipates that the cost of such a unit will be about \$18,000; and

Whereas, \$12,545.65 in abandoned cash from within the Department's evidence room has been recently released to the City and deposited in the City's General Fund; and

Whereas, using \$6,000 from this source in conjunction with the insurance recovery on the totaled vehicle will allow the purchase of a replacement vehicle;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

The amount of \$6,000 is hereby appropriated within the General Fund for the purpose of purchasing a replacement vehicle for the criminal investigation division of the Police Department. Passed - Vote 7-0

ORDER ACCEPTING DONATION OF THE PROPERTY AT 35 ELLIS STREET REAR

VOTE (300-2015)

Motion by Councilor Cayer, seconded by Councilor Bouchard:

To approve the Order accepting donation of the property at 35 Ellis Street Rear:

Whereas, the owners of the property at 35 Ellis Street Rear have approached the City with an offer to donate this vacant land to the City; and

Whereas, the property is crossed by No Name Stream and is largely covered by wetlands and the stream's flood plain, restricting its potential for development; and

Whereas, the property is adjacent to other City owned parcels in the immediate area; and

Whereas, ownership of the property may be beneficial to the City as future mitigation property for wetland impacts elsewhere in the area or as an element of the City's watershed management plan for the No Name Stream watershed; and

Whereas, given the parcels location and the presence of wetlands and flood plain, the property has a limited market value; and

Whereas, the Planning Board has review this offer and recommends that it be accepted;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute the required documents to accept ownership of the parcel of vacant land located at 35 Ellis Street Rear.

Passed – Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE SECOND AMENDMENT #2 TO INTERLOCAL COOPERATION AGREEMENT #2 FOR LAKE AUBURN INTAKE & WATER TREATMENT

VOTE (301-2015)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To approve the Order authorizing the City Administrator to execute the Second Amendment #2 to Interlocal Cooperation Agreement #2 for Lake Auburn Intake & Water Treatment:

Whereas, Maine Law permits municipalities to enter into interlocal cooperation agreements to make efficient use of their powers and to cooperate with other municipalities or political subdivisions on a basis of mutual advantage to provide services and facilities to the local

communities; and

Whereas, on October 3rd, 1997, the City of Lewiston and the Auburn Water District signed an Interlocal Agreement for the Lake Auburn Intake and Water Pretreatment facilities at the lake, an agreement which remains in effect and binding on both parties; and

Whereas, the parties completed a joint ultra-violet (UV) light water treatment facility in 2012 to comply with the Safe Drinking Water Act; and

Whereas, the complexity of the operation of the UV light treatment plant requires management and oversight by a Class IV Water Treatment Operator as mandated and licensed by the Maine Drinking Water Program; and

Whereas, on June 4, 2013, the City of Lewiston and the Auburn Water District signed an Interlocal Agreement Amendment #1 for hiring of a Licensed Class IV Treatment Operator/Manager to manage the UV Facility, subject to a 50/50 cost sharing arrangement with the Lewiston Water Division; and

Whereas, the Trustees of the Auburn Water District approved moving forward with the hiring of up to 2 additional Licensed Class IV operators to assist with operations of the UV Facility under the direction of the Water Treatment Manager at their October 21, 2015 meeting, subject to a 50/50 cost sharing arrangement with the Lewiston Water Division; and

Whereas, the attached proposed Amendment to the 1997 agreement has been signed by the current Auburn Water District Acting Superintendent and has been reviewed and is recommended by City of Lewiston staff; and

Whereas, the funding for the Water Treatment Plant is available in the City of Lewiston Water Utility budget;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is Authorized to execute the Second Amendment #2 to Interlocal Cooperation Agreement #2 For Lake Auburn Intake & Water Treatment.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE LEWISTON RECREATION DIVISION TO INTRODUCE NEW, SELF-SUPPORTING RECREATIONAL PROGRAMS THAT ARE CURRENTLY NOT ANTICIPATED IN THE 2016 ACTIVITIES ACCOUNT BUDGET

VOTE (302-2015)

Motion by Councilor Bouchard, seconded by Councilor Lachance:

To approve the Resolve authorizing the Lewiston Recreation Division to introduce new, self-supporting recreational programs that are currently not anticipated in the 2016 Activities Account Budget:

Whereas, the Lewiston Recreation Division would like to introduce new, self-supporting programs to expand its offerings to the community, allow the Division to remain competitive and grow, and be consistent with other Recreation Departments throughout the State of Maine; and

Whereas, investigating expanded program offerings is one effort of the Department aimed at reducing its overall impact on the City's general fund budget by increasing program revenues to offset overhead and administrative expenses; and

Whereas, in order to ensure that these new programs will be self-supporting, Division staff will survey the public to determine if there is sufficient public interest; and

Whereas, such programs will only be offered when the minimum required number of participants enroll in them and will not be offered if enrollment is inadequate to meet program costs; and

Whereas, the initial new program is anticipated to be a Ski/Snowboard program to be offered for four weeks this winter at Mt. Abram to allow families of all abilities to have the opportunity to enroll; and

Whereas, this program will only be offered if a minimum of 15 individuals sign up, at which point the program would be self-supporting and have no impact on taxpayers;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the City Administrator/Recreation Division is authorized to offer the Ski/Snowboard program at Mt. Abram as a new program and to add other new programs once the Division has determined that adequate interest exists to ensure that they are self-supporting and will not require subsidies from the taxpayer.

Passed - Vote 7-0

**ORDER TAKING POSSESSION OF TAX ACQUIRED PROPERTY AT
422 PLEASANT STREET**

VOTE (303-2015)

Motion by Councilor Cayer, seconded by Councilor Bouchard:

To approve the Order taking possession of Tax Acquired Property at 422 Pleasant Street:

Whereas, the property located at 422 Pleasant Street is a single family home that has been vacant for some time and on which the City is owed \$18,564 in back taxes and utilities; and

Whereas, the property has suffered from vandalism; however, Code has inspected it and believes it remains suitable for rehabilitation and future occupancy; and

Whereas, Bank of America has foreclosed on this property and taken ownership; however, it has not paid the City the amounts due nor has it exercised appropriate stewardship over it; and

Whereas, a tax lien has matured on this property; and

Whereas, taking possession of this property will potentially allow the City to recover at least a portion of what it is owed and to proceed to return this property to productive use;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that, based on a matured tax lien, the City take formal possession of the property located at 422 Pleasant Street.

Passed - Vote 7-0

ORDER APPROVING THE CITY'S COMMITMENT OF \$38,737 IN NEIGHBORHOOD STABILIZATION PROGRAM GRANT FUNDING TO THE REHABILITATION OF 46 LISBON STREET AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A JOINT DEVELOPMENT AGREEMENT BETWEEN THE CITY AND THE BUILDING OWNERS TO EFFECT THE SAME

VOTE (304-2015)

Motion by Councilor Cayer, seconded by Councilor Bouchard:

To approve the Order approving the City's commitment of \$38,737 in Neighborhood Stabilization Program Grant Funding to the rehabilitation of 46 Lisbon Street and authorizing the City Administrator to execute a Joint Development Agreement between the City and the building owners to effect the same:

Whereas, PoMo &Co., owners of 46 Lisbon Street, have plans to fully redevelop the building resulting in the creation of two apartments and two floors of commercial space; and

Whereas, debt on the estimated project costs of \$420,000 cannot currently be supported by market rents; and

Whereas, the City previously received approximately \$1.47 million in federal Neighborhood Stabilization Program Grant funding which was fully expended to rehabilitate six properties in Lewiston that resulted in the creation of 12 new housing units that were income restricted to renters or owners making less than 120% of the area median income; and

Whereas, \$38,737 of that grant funding has been recaptured through the sale of two of the rehabilitated properties and the city wishes to use these funds to further the goals of the Neighborhood Stabilization Program; and

Whereas, redevelopment of 46 Lisbon Street will further the goals of the Neighborhood Stabilization Program by renovating a vacant building and returning it to productive use, increasing the supply of affordable housing, increasing owner occupancy, and will save a building that without significant new investment would contribute to the deterioration of the neighborhood;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City commits \$38,757 in Neighborhood Stabilization Program funding to 46 Lisbon Street in the form of a

grant and authorizes the City Administrator to execute a JOINT DEVELOPMENT AGREEMENT [NSP FUNDS] BETWEEN CITY OF LEWISTON, MAINE AND POMO & CO. FOR THE RE-DEVELOPMENT OF 46 LISBON STREET, which details how the funds are to be invested and disbursed.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH THE ASSOCIATION OF FEDERAL, STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 1458-00, ON BEHALF OF THE LEWISTON PUBLIC WORKS UNIT

VOTE (305-2015)

Motion by Councilor Cloutier, seconded by Councilor Libby:

To approve the Order authorizing the City Administrator to Execute a Collective Bargaining Agreement with the Association of Federal, State, County and Municipal Employees (AFSCME) Local 1458-00, on behalf of the Lewiston Public Works Unit:

Whereas, the City has been working for the last sixteen months with the AFSCME negotiating team to reach agreement on a new collective bargaining agreement; and

Whereas, the negotiated agreement has been approved by the ASCME membership; and

Whereas, the terms and conditions of the proposed agreement fall within the negotiating guidelines provided by the City Council;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a collective bargaining agreement with the Association of Federal, State, County and Municipal Employees Local 1458-00 in accordance with the terms and conditions outlined on the attached memorandum from Deputy City Administrator Phil Nadeau.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE TRANSFER OF \$11, 587 FROM THE GENERAL FUND'S HEALTH INSURANCE ACCOUNT TO THE CITY CLERK'S OFFICE TO COVER ELECTION EXPENSES

VOTE (306-2015)

Motion by Councilor Libby, seconded by Councilor Cloutier:

To approve the Resolve authorizing the transfer of \$11,587 from the General Fund's Health

Insurance Account to the City Clerk's Office to cover election expenses:

Whereas, the City Clerk's election budget inadvertently did not provide funding for printing the November municipal election ballots at a cost of \$4,354; and

Whereas, in addition, that budget did not include funding for costs associated with the Mayoral Run Off Election required by City Charter in instances where no candidate received a majority of the votes, such election estimated to cost \$7,233; and

Whereas, given the relatively small size of the City Clerk's budget, these costs cannot be covered through transfers within the Department; and

Whereas, sufficient funds to cover these expenses are available within the General Fund's employee Health Insurance account;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the amount of \$11,587 is hereby transferred from the General Fund's Health Insurance Account, account number 4921-417100, to the City Clerk's election budget (41440) for the purposes of addressing anticipated shortfalls in this budget.

Passed - Vote 7-0

REPORTS AND UPDATES

The City Clerk provided an update on the logistics of the upcoming Mayoral Run-off Election.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (307-2015)

Motion by Councilor Dubois, seconded by Councilor Lachance:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458. Passed - Vote 7-0

Executive Session began at 8:12pm and ended at 8:47pm.

VOTE (308-2015)

Motion by Councilor Libby, seconded by Councilor Cayer:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (e) to discuss a legal matter. Passed - Vote 7-0

CITY COUNCIL

NOVEMBER 17, 2015

Executive Session began at 8:47pm and ended at 9:29pm.

VOTE (309-2015)

Motion by Councilor Bouchard, seconded by Councilor D'Auteuil:

To adjourn at 9:29P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine