

# CITY OF LEWISTON

**CITY COUNCIL**

**MARCH 9, 2005**

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

NOTE: The meeting scheduled for Tuesday, March 8, 2005 was postponed to Wednesday, March 9, 2005 due to the snowstorm.

RENEE A. BERNIER, COUNCIL PRESIDENT, PRESIDING.

PRESENT: Councilors Mendros, Bernier, O'Brien, Jean, Connors, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence. Councilor Mendros noted the recent passing of former State Senator Georgette Berube and asked everyone to keep her family in their thoughts at this time.

### **VOTE (81-2005)**

Motion by Councilor Jean, seconded by Councilor O'Brien:

To dispense with the reading of the minutes of the September 21, 2004, and February 15, 2005 meetings and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 7-0

## **AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

### **VOTE (82-2005)**

Motion by Councilor Jean, seconded by Councilor O'Brien:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$758.40, or any portion thereof, in the case of the State of Maine vs. Joseph Pelletier, CE-05-0008 and 05-DEA-446593 Court Records; the transfer of \$650.00, or any portion thereof, in the case of the State of Maine vs. Antone Shipman, CE-05-0009 and 05-DEA-447270 Court Records; and the transfer of \$731.00, or any portion thereof, in the case of the State of Maine vs. Christopher Bly, CE-05-0011 and 05-DEA-447697 Court Records. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank. Passed - Vote 7-0

**ANNUAL APPOINTMENT OF PROXIES TO THE LEWISTON-AUBURN  
RAILROAD BOARD OF DIRECTORS**

**VOTE (83-2005)**

Motion by Councilor Jean, seconded by Councilor O'Brien:

To nominate Councilor Bernier, Paul Samson, Gerard J. B. Raymond, Richard R. Albert, Gerald P. Berube, Mark Pellerin and Gregory Mitchell (as ex-officio), as proxies to serve on the Lewiston-Auburn Railroad Board of Directors for the 2005-2006 year term.

Passed - Vote 7-0

**APPROVAL OF AGREEMENT WITH ANDROSCOGGIN VALLEY COUNCIL  
OF GOVERNMENTS FOR A HOUSEHOLD HAZARDOUS WASTE  
COLLECTION FACILITY**

**VOTE (84-2005)**

Motion by Councilor Jean, seconded by Councilor O'Brien:

To authorize the City Administrator to enter into an Agreement with the Androscoggin Valley Council of Governments for the establishment of a permanent Household Hazardous Waste Collection and Storage Facility, to be located at the Lewiston Solid Waste & Recycling Facility. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE ON AMENDMENT TO THE  
TRAFFIC AND VEHICLES ORDINANCE**

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

**VOTE (85-2005)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Section 70-25 "Procedures applicable to towing and impoundment", receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND AUTHORIZATION FOR GRANT APPLICATION AND  
ACCEPTANCE OF FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE'S  
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

**VOTE (86-2005)**

Motion by Councilor Connors, seconded by Councilor Jean:

To authorize the Chief of Police to submit a grant application to the U.S. Department of Justice's Edward Byrne Memorial Justice Assistance Grant program and, if said grant is awarded to the City, to accept the grant award from the U.S. Department of Justice, and to authorize the City Administrator and the Finance Director to administer said funds accordingly. Passed - Vote 7-0

**GRANTING OF SPECIAL AMUSEMENT PERMIT FOR DANCING AND ENTERTAINMENT FOR THE DERBY ATHLETIC ASSOCIATION**

Council President Bernier opened the public hearing. No members of the public spoke for or against this issue. Council President Bernier then closed the hearing.

**VOTE (87-2005)**

Motion by Councilor Jean, seconded by Councilor O'Brien:

To grant a special amusement permit for dancing and entertainment to the Derby Athletic Association, 40 Walnut Street. Passed - Vote 7-0

**REVIEW OF REQUESTS FOR PROPOSAL REGARDING DISPOSITION OF CITY OWNED PROPERTIES AND POTENTIAL DISPOSITION OF PROPERTIES**

The Council reviewed and discussed the staff recommendations regarding the disposition of ten parcels of city owned land. City Administrator James Bennett noted that there were thirty six parcels of city owned land in which the city invited interested parties to submit Requests for Proposals, and RFPs were received on about nineteen of the parcels. Of these, ten are being presented to Council for consideration, and the remaining nine will be presented in about thirty days. Mr. Bennett stated that in all but one case, the review committee recommended that the land be sold to the highest bidder. Councilor Bernier inquired about assurances that the bidders will perform the work on the property that they said they will do in their RFP (for example, construction of single family homes, etc.) The City Administrator stated the City did not put a revertier clause in the bid proposals and did not want to encumber the property in that manner. Councilor Bernier asked if anyone checked to see if there were any back due taxes, water liens, and so forth on any of these properties, and Mr. Bennett stated that it would be the responsibilities of the bidder to check into this for each parcel. Mr. Bennett said that the City's Assessing Department mailed letters to all abutters of each of the parcels, to grant them an opportunity to submit a bid if they were interested in doing so.

Councilors Bernier and O'Brien expressed concerns over the low bid amounts received for some of the properties. Councilor Bernier noted that the bid price for 76 Cote Street is less than half the amount of the assessed value, and feels that in some circumstances, the City is giving away the land. The City Administrator noted that many of these parcels are tax-

acquired properties and are currently not generating any revenue for the City, and the ultimate goal is to put these parcels back on the tax rolls to begin to generate real estate taxes. He said the purchase price is a bonus for this year, but the main goal is to put the properties back on the books as taxable properties. Councilor Rousseau also noted it is hard for people purchasing the land to get title insurance on property that has been tax acquired and that it is difficult to get bank financing without title insurance.

**VOTE (88-2005)**

Motion by Councilor Jean, seconded by Councilor O'Brien:

To vote on each parcel as separate items. Passed - Vote 7-0

**REQUEST FOR PROPOSALS ON CITY OWNED PROPERTY  
AT 585 COLLEGE STREET**

Councilor O'Brien stated that she feels the bid price is too low based upon the value of the property. Councilor Rousseau noted that the City cleaned up the land environmentally.

**VOTE (89-2005)**

Motion by Councilor Mendros, seconded by Councilor Connors:

To approve the staff recommendation to accept the offer by Atlantic Holdings LLC (AHL) for the purchase of property at 585 College Street in the amount of \$15,000 and to authorize the City Administrator to execute the appropriate purchase and sale agreement.

Passed - Vote 7-0

**REQUEST FOR PROPOSALS ON CITY OWNED PROPERTY  
AT 33 STILLMAN STREET**

**VOTE (90-2005)**

Motion by Councilor Paradis, seconded by Councilor Mendros:

To approve the staff recommendation to accept the offer by Mr. John Danforth for the purchase of property at 33 Stillman Street in the amount of \$17,500 and to authorize the City Administrator to execute the appropriate purchase and sale agreement.

Passed - Vote 7-0

**REQUEST FOR PROPOSALS ON CITY OWNED PROPERTY  
AT 568 OLD GREENE ROAD**

The next parcel before the Council for consideration was 568 Old Greene Road. The staff's recommended action is as follows:

To approve the staff recommendation to accept the offer by AHL (Atlantic Holdings LLC) for the purchase of property at 568 Old Greene Road in the amount of \$41,000 and to authorize the City Administrator to execute the appropriate purchase and sale agreement.

Councilor Bernier stated that she has heard from a citizen, Don Arel, with concerns regarding this property, and she invited Mr. Arel to address the Council at this time. Mr. Arel of 50 Old Farm Road, spoke to the Council and said that the RFPs stated the City was seeking the “highest and best use of the property” not looking to sell to the highest bidder. Mr. Arel said that he did not receive an abutter notice and he owns three hundred acres which abut this parcel. He said he needs this parcel of land to access the 300 acres due to limited road frontage. He said that many Lewiston residents use his land for many recreational activities such as fishing, hunting, skiing, snowmobiling and so forth, and he does not charge them. He said his bid on this parcel is \$10,000, which is all he can afford, and he noted he can not compete with the large corporations such as Atlantic Holdings. He suggested the highest and best use of the property would be to sell it to him to continue to allow area residents to use the back property for recreation.

Councilor Rousseau stated that he felt there were additional issues and questions regarding this property, especially in light of the comments from the abutter, Mr. Arel. Council President Bernier suggested that Councilor Rousseau work with city staff to review the issues regarding this property and to report back the results at the next Council meeting. The City Administrator asked that Councilors contact him or Councilor Rousseau with their specific questions regarding this issue, to ensure that the questions can be researched prior to the next meeting.

**VOTE (91-2005)**

Motion by Councilor Rousseau, seconded by Councilor Paradis:

To postpone action on the item on 568 Old Greene Road to the April 5 City Council meeting. Passed - Vote 5-2 (Councilors Connors and Mendros opposed.)

At this point, some Councilors expressed concern about statements from citizens who said they are abutters to some of these properties, and they did not receive an abutter notice from the city announcing that the city was accepting Requests for Proposal regarding possible disposition of these parcels. Staff reviewed the abutter list with Councilors.

**REQUEST FOR PROPOSALS ON CITY OWNED PROPERTY  
AT 803 SABATTUS STREET**

The next parcel before the Council for consideration was 803 Sabattus Street. The staff’s recommended action is as follows:

To approve the staff recommendation to accept the offer by Mr. John Danforth for the purchase of property at 803 Sabattus Street in the amount of \$2,100 and to authorize the City Administrator to execute the appropriate purchase and sale agreement.

Councilor Mendros stated that he felt the land should be retained by the City and could be developed into a pocket park in the future.

**VOTE (92-2005)**

Motion by Councilor Mendros, seconded by Councilor Rousseau:

To reject the offer that was received on this parcel.

Did Not Pass - Vote 2-5 (Councilors Mendros and Rousseau in favor.)

**VOTE (93-2005)**

Motion by Councilor Connors, seconded by Councilor O'Brien:

To approve the staff recommendation to accept the offer by Mr. John Danforth for the purchase of property at 803 Sabattus Street in the amount of \$2,100 and to authorize the City Administrator to execute the appropriate purchase and sale agreement.

Passed - Vote 4-3 (Councilors Mendros, Jean and Rousseau opposed.)

**REQUEST FOR PROPOSALS ON CITY OWNED PROPERTY  
AT 65 RIDEOUT AVENUE**

Councilors stated they feel this is an important organization that is doing valuable work in the community.

**VOTE (94-2005)**

Motion by Councilor O'Brien, seconded by Councilor Connors:

To approve the staff recommendation to accept the proposal from Habitat for Humanity for the property at 65 Rideout Avenue, contingent upon the organization working with the Lewiston Regional Technical Center (LRTC) to construct the house and to authorize the City Administrator to execute the deed documents necessary to transfer this property.

Passed - Vote 7-0

**REQUEST FOR PROPOSALS ON CITY OWNED PROPERTY  
AT 199 GROVE STREET**

**VOTE (95-2005)**

Motion by Councilor Connors, seconded by Councilor Paradis:

To approve the staff recommendation to accept the offer by Mr. Robert Blanchette for the purchase of property at 199 Grove Street in the amount of \$350 and to authorize the City Administrator to execute the appropriate purchase and sale agreement.

Passed - Vote 6-1 (Councilor Rousseau opposed.)

**REQUEST FOR PROPOSALS ON CITY OWNED PROPERTY  
AT 27 SUMMIT AVENUE**

Some Councilors expressed concerns that the purchase price for the property was too low.

**VOTE (96-2005)**

Motion by Councilor Connors, seconded by Councilor Jean:

To approve the staff recommendation to accept the offer by Mr. John Danforth for the purchase of property at 27 Summit Avenue in the amount of \$150 and to authorize the City Administrator to execute the appropriate purchase and sale agreement.

Passed - Vote 5-2 (Councilors Mendros and Rousseau opposed.)

**REQUEST FOR PROPOSALS ON CITY OWNED PROPERTY  
AT 76 COTE STREET**

The next parcel before the Council for consideration was 76 Cote Street. The staff's recommended action is as follows:

To approve the staff recommendation to accept the offer by Fortin Home Construction Inc. for the purchase of property at 76 Cote Street in the amount of \$125,000 and to authorize the City Administrator to execute the appropriate purchase and sale agreement.

Councilor Bernier stated that she heard from George Langlois before the meeting regarding this parcel, and she invited him to address the Council at this time. Mr. Langlois of 47 Webster Street, spoke to the Council and said that he is an abutter of the property and did not receive notification either. He said that he read about it in the newspaper and wanted to speak with all of the abutters to see if people would be willing to pool funds to jointly purchase the land, but he did not have time to do so. He said that his long term plan was to have abutters acquire enough land from this parcel to serve as a buffer to their properties and then to build single family homes on the rest of the parcel.

**VOTE (97-2005)**

Motion by Councilor Bernier, seconded by Councilor O'Brien:

To reject all bids received on this property at 76 Cote Street. Did Not Pass - Vote 3-4 (Councilors Bernier, O'Brien and Paradis in favor and Councilors Mendros, Jean, Connors and Rousseau opposed).

**VOTE (98-2005)**

Motion by Councilor Mendros, seconded by Councilor Connors:

To approve the staff recommendation to accept the offer by Fortin Home Construction Inc. for the purchase of property at 76 Cote Street in the amount of \$125,000 and to authorize the City Administrator to execute the appropriate purchase and sale agreement.

Passed - Vote 4-3 (Councilors Bernier, O'Brien and Paradis opposed)

Councilor O'Brien inquired about the size of this parcel. Purchasing Agent Norm Beauparlant stated it is fifteen acres. Council President Bernier stressed that this is fifteen acres in the middle of the City and it is an important lot. She noted the parcel is in the middle of a residential neighborhood, and she suggested allowing additional time for the abutters to respond, since there were questions about notification.

**VOTE (99-2005)**

Motion by Councilor Rousseau, seconded by Councilor O'Brien:

To reconsider action on the previous item of 76 Cote Street. Passed - Vote 5-2 (Councilors Jean and Connors opposed.)

**VOTE (100-2005)**

Motion by Councilor Bernier, seconded by Councilor O'Brien:

To reject all bids received on 76 Cote Street. Passed - Vote 4-3 (Councilors Mendros, Jean and Connors opposed.)

At this time, the City Administrator inquired from the Council what direction they would like to take regarding this parcel. The Council asked to have Councilor Rousseau work with staff regarding this issue to review various options.

**REQUEST FOR PROPOSALS ON CITY OWNED PROPERTY  
AT 58 PETTINGILL STREET**

**VOTE (101-2005)**

Motion by Councilor Mendros, seconded by Councilor Jean:

To approve the staff recommendation to accept the offer by Tim and Amy Kelly for the purchase of property at 58 Pettingill Street (rear) in the amount of \$1,550 and to authorize the City Administrator to execute the appropriate purchase and sale agreement.  
Passed - Vote 7-0

**REQUEST FOR PROPOSALS ON CITY OWNED PROPERTY  
AT 11 BRIDGE STREET**

**VOTE (102-2005)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve the staff recommendation to accept the offer by Mr. John Danforth for the purchase of property at 11 Bridge Street in the amount of \$6,100 and to authorize the City Administrator to execute the appropriate purchase and sale agreement.  
Passed - Vote 6-1 (Councilor O'Brien opposed)



**OTHER BUSINESS**

Council President Bernier noted that the School Committee will be approving their budget within the next week or two and suggested holding a workshop with the School Committee to review and discuss the education budget. She said that all Councilors will be receiving a copy of the proposed budget before the workshop. Councilor O'Brien stated that she would like to see clearly outlined in the budget how and where the School Committee is planning to spend the new state funds. Councilor Mendros noted the money received as a result of the MMA ballot initiative was to be used for tax relief, not for extra money for education.

**VOTE (103-2005)**

Motion by Councilor Rousseau, second by Councilor Mendros:

To adjourn at 7:50 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine