

CITY OF LEWISTON

CITY COUNCIL

JUNE 21, 2016

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Christ, Cloutier, Beam and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

RESOLVE ACCEPTING A USTA (UNITED STATES TENNIS ASSOCIATION) NEW ENGLAND EQUIPMENT GRANT FOR THE PURPOSE OF SUPPORTING THE LEWISTON RECREATION YOUTH TENNIS PROGRAM FOR AGES 4-18

VOTE (155-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Resolve accepting a USTA (United State Tennis Association) New England Equipment Grant for the purpose of supporting the Lewiston Recreation Youth Tennis program for ages 4-18:

Whereas, USTA New England has awarded a grant to the Recreation Division to supply 36 red foam balls, 36 orange felt balls, 2 18' pop up nets for 36' court, and 2 sets of throw down court lines; and

Whereas, this Grant will support the instructional format for the summer youth Tennis program within the Lewiston Recreation Division Tennis Program; and

Whereas, USTA New England is dedicated to community outreach and supporting youth tennis programs and is thankful to the Recreation Division for its commitment to growing youth Tennis in Lewiston, Maine!

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the City Administrator is authorized to accept a grant from USTA New England for tennis balls, tennis nets, and tennis lines with a value of \$316.50 for equipment for instruction for the youth Tennis Program.

Be it Further Resolved that the City Council expresses its thanks and appreciation to USTA New England for its contribution.

Passed - Vote 7-0

AMENDMENTS TO THE TRAFFIC SCHEDULE REGARDING A WINTER PARKING BAN FOR A PORTION OF THE ODD NUMBERED SIDE OF BAIRD AVENUE

VOTE (156-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To adopt the proposed amendments to the Traffic Schedule for Baird Avenue to prohibit parking on a portion of the odd numbered side of the street, as outlined on the memorandum in the agenda material. Passed - Vote 7-0

RESOLVE ACCEPTING AND APPROPRIATING THE FY2016 HOMELAND SECURITY GRANT AWARD OF \$163,131.53

VOTE (157-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Resolve accepting and appropriating the FY 2016 Homeland Security Grant award of \$163,131.53:

Whereas, the City has been notified that it will be awarded \$162,131.53 in Homeland Security Grant Funding; and

Whereas, the Fire Chief has prepared a proposed list of equipment and training to be supported by these funds and which meet the requirements of this program; and

Whereas, the proposed expenditures have been presented to the City Council and the City Administrator; and

Whereas, we anticipate the Maine Emergency Management Agency will approve the proposed uses of these funds;

Now, therefore, be it Ordered By the City Council of the City of Lewiston that the FY2016 Homeland Security Grant Award is hereby accepted and appropriated in accordance with the equipment and training outlined on the attached June 13, 2016 memorandum from Fire Chief Paul LeClair to City Administrator Edward Barrett.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A JOINT DEVELOPMENT AGREEMENT WITH CENTRAL MAINE REAL ESTATE INVESTMENTS, INC. FOR THE REDEVELOPMENT OF 147 SABATTUS STREET

VOTE (158-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Order authorizing the City Administrator to execute a Joint Development Agreement with Central Maine Real Estate Investments, Inc. for the redevelopment of 147 Sabattus Street:

Whereas, the City took possession of 147 Sabattus Street, a property consisting of two buildings and ten residential units, in February 2013 due to matured tax liens; and

Whereas, after taking proposals for its sale, a single bid was received from a group that was unable to immediately take possession since the City could not provide a clear title to the property by virtue of the tax foreclosure process; and

Whereas, the City subsequently took steps to clear the title through court action which, unfortunately, was a lengthy process during which the property continued to deteriorate; and

Whereas, other potential developers expressed interest in this property, and the City once again took proposals for its sale, this time receiving no formal bids; and

Whereas, recently we were approached by Central Maine Real Estate Investments which offered \$500 to purchase the property subject to the City providing certain assistance in its redevelopment; and

Whereas, the developer has proposed renovating the complex and retaining the existing ten units, with 7 one bedroom and 3 two bedroom apartments; and

Whereas, the developer is estimating a total project cost of \$376,000 and has requested a property tax break over the first three years at 100% year one, 50% year two, and 25% year three; and

Whereas, Assessing estimates that the property would be assessed at \$230,000 after renovation with annual property taxes of \$6,334.20; and

Whereas, absent this redevelopment, the City will likely be required to demolish the buildings on this property at an estimated cost of between \$47,100- 55,900;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute Joint Development Agreement with Central Maine Real Estate Investments, Inc. for the Redevelopment of 147 Sabattus Street in a form substantially as attached hereto.

Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR CONCERT AT THE
AMPHITHEATER AT SIMARD PAYNE PARK**

Mayor Macdonald opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (159-2016)

Motion by Councilor Lajoie, seconded by Councilor Cloutier:

To conduct a public hearing on an application from the City of Lewiston for the outdoor music concert to be held at Simard Payne Park on Friday, June 24, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the City of Lewiston for the outdoor concert, contingent upon positive recommendations from the Recreation Division, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT PERMIT FOR THE LIBERTY FESTIVAL

Mayor Macdonald opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (160-2016)

Motion by Councilor Lysen, seconded by Councilor Golden:

To conduct a public hearing on an application from the Independence Day Committee for outdoor musical concerts to be held at Veteran's Memorial Park and surrounding areas on July 1, 2, 3, 4 and 5, as part of the Liberty Day Festival, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Independence Day Committee for the outdoor music concerts, contingent upon positive recommendations from the Recreation Division, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed – Vote 7-0

PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS IN CONJUNCTION WITH THE GREAT FALLS BREWFEST AT SIMARD PAYNE PARK

Mayor Macdonald opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (161-2016)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

To conduct a public hearing on an application from Baxter Brewing Company for the outdoor music concerts to be held at Simard Payne Park on Saturday, June 25, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to Baxter Brewing Company for the outdoor concerts, contingent upon positive recommendations from the Recreation Division, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS SPONSORED BY
SUN MEDIA GROUP AT SIMARD PAYNE PARK**

Mayor Macdonald opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (162-2016)

Motion by Councilor Golden, seconded by Councilor Lajoie:

To conduct a public hearing on an application from Sun Media Group for the outdoor evening concerts to be held at Simard Payne Park on July 14, August 11 and September 8, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to Sun Media Group for the outdoor concerts, contingent upon positive recommendations from the Recreation Division, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT
PERMIT FOR THE LEWISTON FARMER'S MARKET CONCERTS**

Mayor Macdonald opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (163-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To conduct a public hearing on an application for an outdoor entertainment event for the Lewiston Farmers Market concerts, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Lewiston Farmers Market Association for outdoor music concerts for the Market, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF OUTDOOR CONCERTS SPONSORED BY
L/A ARTS AT DUFRESNE PLAZA AND KENNEDY PARK**

Mayor Macdonald opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (164-2016)

Motion by Councilor Lysen, seconded by Councilor Golden:

To conduct a public hearing on an application from L/A Arts for the evening outdoor concerts to be held at Dufresne Plaza and Kennedy Park on May 27, June 24, July 29, August 26 and September 30, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to L/A Arts for the outdoor

concerts, contingent upon positive recommendations from the Recreation Division, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

Passed - Vote 7-0

ORDER APPROVING FIRST AMENDMENTS TO THE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF LEWISTON AND SZANTON MONKS PROPERTIES, LLC FOR 159-177 LISBON STREET

VOTE (165-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Order approving First Amendment to the Purchase and Sale Agreement between the City of Lewiston and Szanton Monks Properties, LLC for 159-177 Lisbon Street:

Whereas, the City Council approved the sale of 159 – 177 Lisbon Street to Szanton Monks Properties, LLC at their April 19, 2016 meeting for the amount of \$152,140; and

Whereas, at the time the Purchase and Sale Agreement was approved the Purchaser was securing site control of the property with the intent of developing a mixed use building that included 71 mixed rate apartments on the five city owned lots and two abutting parcels; and

Whereas, the original purchase price was based on the city receiving 5/7^{ths} of a \$3,000 per housing unit land purchase price; and

Whereas, a significant portion of the funding for development of the project will be derived from the sale of Low Income Housing Tax Credits (LIHTC) which are awarded annually by MaineHousing on a competitive basis; and

Whereas, post approval and execution of the Purchase and Sale Agreement MaineHousing made significant changes to the scoring process by which LIHTC are awarded which has resulted in a reduction of the number of apartments to be built from 71 to 63 units; and

Whereas, to remain competitive in their LIHTC application Szanton Monks, LLC has requested that the purchase price for 159 -177 Lisbon Street be reduced to \$135,000; and

Whereas, the reduced price is still based on the city's proportional share of \$3,000 per unit, and is also more than the Current Assessed Value of \$129,360; and

Whereas, development of this project will redevelop a blighted portion of Lisbon Street that has been vacant since an arson fire in 2006 required demolition of the structures on the site; and

Whereas, development of this project will create 41 workforce and 22 market rate apartments comprised of a mix of one, two and three bedroom units as well as new retail/restaurant space in the heart of the downtown, bringing new people, energy, and vitality to the downtown, which will spur and support other development in the area;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the terms of the attached First Amendment to Purchase and Sale Agreement with Szanton Monks Properties, LLC are hereby approved and the City Administrator is hereby authorized to execute it on behalf of the City.

Passed - Vote 6-1 (Councilor Lachance opposed)

ORDER APPROVING AN AGREEMENT FOR DEVELOPMENT ASSISTANCE AND TAX INCREMENT FINANCING WITH THE HARTLEY BLOCK, LP

VOTE (166-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Order approving an Agreement for Development Assistance and Tax Increment Financing with The Hartley Block, LP:

Whereas, The Szanton Company, doing business as The Hartley Block, LP, has been working with city staff, in consultation with the Planning Board, City Council and public, to develop a desirable redevelopment proposal for 149 -177 Lisbon Street; and

Whereas, The Szanton Company and/or affiliated entities have come to terms with the city on the acquisition of 159 – 177 Lisbon Street, and with the owner of the abutting properties located at 149 -155 Lisbon Street, resulting in a vacant 18,884 square foot redevelopment site in the heart of downtown; and

Whereas, The Hartley Block, LP is endeavoring to build a 63 unit mixed income, mixed use building on the site that will consist of 41 units of workforce housing and 22 units of market rate housing comprised of a mix of one, two and three bedroom units; as well as the development of 4,100 s.f. of retail/commercial space at street level on the Lisbon Street side of the project to be known as The Hartley Block; and

Whereas, development costs for the project are estimated to be a minimum of \$11 million; and to be financially viable The Hartley Block, LP is seeking a mixture of public and private financing; including but not limited to securing an allocation of federal Low Income Housing Tax Credits from MaineHousing; and

Whereas, The Hartley Block, LP has requested that the city create the Hartley Block Tax Increment Financing District and Development Program that will return 50% of the new taxes generated by development within the district for a period of 20 years which will be used to help offset operational expenses; provide \$325,000 of Federal HOME funds in the form of a grant which will be used to assist in construction of the project; and

Whereas, in exchange for the City support to The Hartley Block, and if other needed financing is secured, the developer has agreed to begin construction of The Hartley Block in Spring 2017 with a target completion date of June 30, 2018; to invest a minimum of \$11 million into the project; and to have an Assessed Value of at least \$3.2 million on the project once completed; and

Whereas, the details of the agreement outlined above are further articulated and detailed in the attached *Agreement for Development Assistance and Tax Increment Financing*;

Now, therefore, be it ordered by the City Council of the City of Lewiston that The *Agreement for Development Assistance and Tax Increment Financing* with The Hartley Block, LP is hereby approved in a form substantially similar to the attached and the City Administrator is hereby authorized to execute it on behalf of the City.

Passed - Vote 6-1 (Councilor Lachance opposed)

PUBLIC HEARING AND ORDER APPROVING THE ESTABLISHING OF THE HARTLEY BOCK TAX INCREMENT FINANCING DISTRICT AND PROGRAM

Mayor Macdonald opened the hearing to receive citizen input and comment. Economic Development Director Lincoln Jeffers noted the public is encouraged to offer comments on the impacts of the project and whether the district and development program will contribute to the expansion of affordable housing or the betterment of the health, welfare or safety of the residents and any claim by a party that the district or development program will be detrimental to that party's property interests for which substantial evidence is produced, and whether any adverse economic effect is outweighed by the availability of affordable housing or the betterment of resident health, welfare or safety. Elizabeth Eames, 133 Lisbon Street, stated she is thrilled this development will be mixed income with a commercial option. She applauded the developer for this combination. Nathan Szanton mentioned the TIF is for 20 years and after that time period, the full taxable revenue is one hundred percent paid to the City. The Mayor then closed the hearing.

VOTE (167-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Order approving the establishment of The Hartley Block Tax Increment Financing District and Program:

Whereas, the City Council has had several prior Orders schedule for action at their June 21st meeting in support of development of a 63 unit mixed-income, mixed use building to be built at 149 – 177 Lisbon Street to be known as The Hartley Block; and

Whereas, in order receive the required statutory approval and to give legislative force to of one of those prior scheduled Orders, the approval of the *Agreement of Development Assistance and Tax Increment Financing*, a public hearing must be held to solicit public comment regarding the establishment of the Hartley Block TIF District and Development Program at which citizens are given the opportunity to comment on whether the district and development program will contribute to the expansion of affordable housing in the community, result in the betterment of the health, welfare or safety of residents, and to provide an opportunity for any claim by a party that the district or program will be detrimental to that party's property interests and for which substantial evidence of that detriment is produced. If such claim is made the City Council shall determine whether any claimed adverse impact is outweighed by the provision of affordable

housing or other benefits of the development program; and

Whereas, the required 10 day public notice for the June 21 City Council Public hearing was published in the Sun Journal on June 9, 2016; and

Whereas, maps of the proposed district are attached and were presented at the public meeting; and

Whereas, the TIF Program will return 50% of the new taxes generated within the district for a term of 20 years to the developer, with the other 50% of new taxes generated being paid into Lewiston's General Fund. Proforma attached and presented estimate that the developer and City will each receive \$43,479 annually, and \$869,587 over the TIF term from the Development Program; and

Whereas, creation of the Hartley Block TIF District and Program are estimated to result in the City receiving \$15,799 annually in Tax sheltering benefits by reducing the amount of County Taxes that the City would have paid, and preserving the level of State Aid for Education and Revenue Sharing the City would have lost if The Hartley Block is developed without an approved TIF District or Program in place; and

Whereas, a draft of the Maine State Housing Authority Affordable Housing and Tax Increment Financing Application is attached and was included in the Council Agenda Packet which was available to the public four days before the Public Hearing. The application more thoroughly details the TIF District and Program and included all of the required attachments but for those that can only be created after the Public Hearing.

Now, therefore, be it ordered by the City Council of the City of Lewiston that *The Hartley Block Development District and Program* is hereby approved in a form substantially similar to the attached, City staff is directed to finish the application reflecting comments received at the Public Hearing, and the City Administrator is hereby authorized to submit the complete application and supporting documentation to the Maine Housing Authority for approval.

Passed - Vote 6-1 (Councilor Lachance opposed)

**ORDER APPROVING A LONG TERM PARKING LEASE WITH THE
HARTLEY BLOCK, LP**

VOTE (168-2016)

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To approve the Order approving a long term Parking Lease with The Hartley Block, LP:

Whereas, the City Council has entered into a public/private partnership with The Hartley Block, LP in which the City is providing Tax Increment Financing support and \$325,000 in HOME funds which will be used to support the construction and operational expenses of a new building at 149 – 177 Lisbon Street, to be called The Hartley Block, and within which 63 new apartments will be built; and

Whereas, a significant portion of the financing for the project will come from MaineHousing, banks, and tax credit syndicators; and

Whereas, to approve financing these entities require assurance that adequate parking for the project is will be available; and furthermore, the marketability of the housing requires adequate parking be provided; and

Whereas, The Hartley Block, LP wishes to provide that parking proximal to the building, and accordingly, desires to lease up to 63 spaces in the Centreville Garage for a term of 30 years which will begin when a Certificate of Occupancy is issued for The Hartley Block, paying the prevailing residential rate for each of the spaces, and including one paid parking space per apartment in their lease commitments to their tenants; and

Whereas, The Hartley Block, LP wants to preserve the availability of up to 28 additional spaces that their tenants may lease directly from the City in either the Centreville or Oak Street Parking Garages, and

Whereas, the lease of 63 parking spaces at the current residential rate of \$42 per month will result in \$31,752 annually in parking revenue to the City

Now, therefore, be it ordered by the City Council of the City of Lewiston that the attached Parking Lease Agreement between The Hartley Block, LP and the City, which specifies the details of the agreement outlined above, is hereby approved in a form substantially similar to the attached, and the City Administrator is authorized to execute the document on behalf of the City.

Passed - Vote 6-1 (Councilor Lachance opposed)

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN
ADDENDUM TO THE LEASE AGREEMENT FOR THE MATERIALS RECYCLING
FACILITY BETWEEN THE CITY OF LEWISTON AND CASELLA RECYCLING, LLC
– PERMITTED USES AND HOURS OF OPERATION**

VOTE (169-2016)

Motion by Councilor Bouchard, seconded by Councilor Lajoie:

To approve the Order authorizing the City Administrator to execute an addendum to the Lease Agreement for the Materials Recycling Facility between the City of Lewiston and Casella Recycling, LLC – Permitted Uses and Hours of Operation:

Whereas, Casella Recycling, LLC is requesting a change to the existing lease for their Materials Recycling Facility located at the City’s River Road facility; and

Whereas, the amendment would allow their facility to accept recyclables from New Hampshire, Vermont, a small portion of Northeast Massachusetts, and an area in Quebec within 150 miles of Lewiston; make minor adjustments to its operating hours; and allow Casella to direct materials to its Lewiston facility in instances where one of its similar facilities suffers a catastrophic breakdown; and

Whereas, approving these changes will allow Casella to slightly expand its operating hours and add a second shift offering additional employment opportunities to thirty area residents;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a third amendment to the lease agreement for materials recycling facility between the City of Lewiston and Casella Recycling, LLC addressing permitted uses and hours of operations.

Passed - Vote 5-2 (Councilors Lysen and Lachance opposed)

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
247 LINCOLN STREET**

Mayor Macdonald opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. No one was present representing the property owner. The Councilors confirmed they do not know the property owner and do not have a conflict of interest to act on this matter.

VOTE (170-2016)

Motion by Councilor Lachance, seconded by Councilor Lysen:

With regard to the property at 247 Lincoln Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action. Passed - Vote 7-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT
94 HOWE STREET**

Mayor Macdonald opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. No one was present representing the property owner. The Councilors confirmed they do not know the property owner and do not have a conflict of interest to act on this matter.

VOTE (171-2016)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

With regard to the property at 94 Howe Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action. Passed - Vote 7-0

RESOLVE AMENDING THE ADOPTED FISCAL YEAR 2017 BUDGET – LA 911

The City Administrator stated this item is no longer needed and it was withdrawn from the agenda.

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO TAKE THE NECESSARY STEPS TO DISPOSE OF 11 WALKER AVENUE

VOTE (172-2016)

Motion by Councilor Lajoie, seconded by Councilor Bouchard:

To approve the Order authorizing the City Administrator to take the necessary steps to dispose of 11 Walker Avenue:

Whereas, by virtue of matured tax liens, the City acquired 11 Walker Avenue in 2013, including a vacant single family home in need of significant renovations at the time it was acquired; and

Whereas, subsequently, bids were solicited on the property and a bid from an abutter was accepted; and

Whereas, since the property was tax acquired, the City could not offer a warranty deed and the interested party withdrew his bid;

Whereas, the City then took legal action to clear the title to improve the marketability of the property, an effort that was successful in 2015; and

Whereas, staff subsequently approached the Council about the potential use of federal HOME funds to purchase, renovate, and sell single family properties, a request instigated due to concern that the City could potentially lose federal HOME funds due to the delays associated with the St. Laurent project, where the use of HOME funds was anticipated; and

Whereas, the Council indicated its support for such an approach, and it has been used to renovate this property and prepare it for sale; and

Whereas, with renovations complete, HUD regulations allow us a 9 month period in which to sell the property to an income qualified owner; and

Whereas, given the time and income limitations associated with HOME funds, staff recommends that the property be listed with a real estate broker as authorized in the City's disposition policy: **"5.2 Real Estate Broker.** The City may contract with a real estate broker to find a buyer. This method may be most applicable to individual properties or groups of properties that the City is seeking to redevelop or develop for a specified purpose such as single family housing and/or multi-family housing renovation;" and

Whereas, the Planning Board has previously presented a positive recommendation that this property be sold;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is authorized to undertake the necessary steps to sell 11 Walker Street through listing the property with a real estate broker.

Passed - Vote 7-0

RESOLVE TAKING POSSESSION OF TAX ACQUIRED PROPERTIES AT 7 ACORN LANE, 112 SHAWMUT STREET, 11 AND 12 JACK COURT, 1047 SABATTUS STREET, 152 RANDALL ROAD, 91 CROWLEY ROAD, 8 AND 12 DOYON AVENUE AND 144 GLENVIEW AVENUE

VOTE (173-2016)

Motion by Councilor Bouchard, seconded by Councilor Lajoie:

To approve the Resolve taking possession of Tax Acquired Properties at 7 Acorn Lane, 112 Shawmut Street, 11 and 12 Jack Court, 1047 Sabattus Street, 152 Randall Road, 91 Crowley Road, 8 and 12 Doyon Avenue and 144 Glenview Avenue:

Whereas, staff has recently undertaken a review of properties on which tax liens have matured; and

Whereas, among such properties are eight vacant parcels of land; one vacant residence, and one vacant commercial building; and

Whereas, after numerous attempts to contact the owners through the normal collection and tax lien process and in accordance with City Policy #92, Properties with Matured Tax or Sewer Liens, a thirty-day matured lien demand letter was sent to property owners on February 25, 2016 in which they were informed that if amounts due the City were not paid, the City Council would consider taking possession of the property at its meeting of June 14, 2016; and

Whereas, in spite of these additional efforts, the amounts due to the City have not been paid; and

Whereas, as a result, it is appropriate for the City Council to act to take possession of these properties and consider their future use and/or disposition;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that, based on matured tax liens, the City take formal possession of the following properties: 7 Acorn Lane, 112 Shawmut Street, 11 and 12 Jack Court, 1047 Sabattus Street, 152 Randall Road, 91 Crowley Road, 8 and 12 Doyon Avenue, and 14 Glenview Avenue; and

Be it Further Ordered, that subject to a positive recommendation from the Planning Board, the properties be offered for sale through a formal sealed bid process.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE TWO COLLECTIVE BARGAINING AGREEMENTS WITH THE LEWISTON POLICE

SUPERVISORY COMMAND UNIT

VOTE (174-2016)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To approve the Order authorizing the City Administrator to Execute Two Collective Bargaining Agreements with the Lewiston Police Supervisory Command Unit:

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

Whereas, the negotiated agreements have been approved by the Command Unit membership; and

Whereas, the terms and conditions of the proposed agreements 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 two collective bargaining agreements for FY2015-16-17 and FY2018 for the Lewiston Police Supervisory Command Unit in accordance with the terms and conditions outlined on the enclosed memorandum from Deputy City Administrator Phil Nadeau.

Passed - Vote 7-0

**RESOLVE TERMINATING THE AUBURN-LEWISTON TO PORTLAND
COMMUTER BUS STUDY**

VOTE (175-2016)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To approve the Resolve terminating the Auburn-Lewiston to Portland Commuter Bus Study:

Whereas, the City of Lewiston approved a Resolve on February 5, 2013 to work in collaboration with the City of Auburn, the Portland region Metropolitan Planning Organization, the Portland Area Comprehensive Transportation System, the Lewiston-Auburn Metropolitan Planning Organization, (Greater Portland Transit District) Metro, the Androscoggin Valley Council of Governments, and the LATC (Lewiston-Auburn Transit Committee) to jointly conduct and manage a commuter study; and

Whereas, the need for fast, economical, and environmentally sound transit service between Portland, Lewiston, and Auburn shall remain as an important goal to reducing single-passenger vehicle trips and working toward developing transit service utilizing existing transit corridors; and

Whereas, Metro had accepted the responsibility to lead the study effort in early 2015 and has done everything possible to dedicated resources to the study while also managing a number of large, complex Metro projects which have resulted in study delays pushing its completion into

late Fall 2016 or early 2017; and

Whereas, the current budget environment is not optimal for expanding the transit budget by an additional \$80,000 to \$240,000 for each city; and

Whereas, on June 8, 2016, the LATC unanimously voted to authorized the Chair to communicate the Committee's approval to the Lewiston City Administrator and the Auburn City Manager seeking the authority from one or both cities to terminate all Metro, LATC, and other staff involvement in the commuter study; and

Whereas, approval of this Resolve by a vote of one or both City Councils of Auburn and Lewiston shall result in the authority for the LATC Chair to notify Metro to terminate the current commuter study;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the City Administrator shall notify the Lewiston-Auburn Transit Committee (LATC) Chair of the following:

- To communicate Metro General Manager Greg Jordan and all parties associated with the commuter study that the City of Lewiston wishes to terminate all efforts associated with the current commuter study and any ancillary effort to develop or fund a final recommendation for a commuter service between Auburn and Lewiston
- That the LATC communicate the City's gratitude for the time, effort and analysis provided by Metro General Manager Greg Jordan and his staff
- That the LATC advise Metro that any analysis for a future LATC/Metro commuter service only be pursued under the following conditions:
 - ✓ That the LATC and both Auburn and Lewiston City Councils specifically authorize any future commuter study and any associated commuter study costs on the condition that all costs be shared by equally by both cities through their general fund and that both City Councils publicly support that they will fund commuter services within two years of the publication of the study; or
 - ✓ That the Maine Turnpike Authority or other agency provide the necessary funding for the study and the service.

Passed - Vote 7-0

**RESOLVE EXTENDING THE TERM FOR LEWISTON AT-LARGE APPOINTMENT
BELINDA GERRY TO THE LEWISTON-AUBURN TRANSIT COMMITTEE**

VOTE (176-2016)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To approve the Resolve extending the term for Lewiston At-Large appointment Belinda Gerry to the Lewiston-Auburn Transit Committee:

Whereas, the City Council approved the appointment of Belinda Gerry to fill the unexpired term left vacated by Christina Berry; and

Whereas, Belinda Gerry's term is set to expire June 30, 2016; and

Whereas, the Lewiston-Auburn Transit Committee desires that any potential vacancy of the At-Large position be filled until such time as the Auburn City Council takes action to fill the position; and

Whereas, the 1998 Lewiston-Auburn Transit Committee Interlocal Agreement does not expressly state a process to fill the unexpired terms of At-Large position;

Now, therefore, be it Resolved that the City Council of the City of Lewiston that Belinda Gerry's At-Large appointment to the Lewiston-Auburn Transit Committee remain in effect until such time as the position is filled by an appointee of the Auburn City Council or, in the absence of such an appointment, the extended At-Large term shall end on June 30, 2019.

Passed - Vote 7-0

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Councilor Cloutier reported the voters approved the school budget on June 14 as well as the construction of the new elementary school.

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

The City Administrator stated the Executive Session is no longer needed and it was withdrawn from the agenda.

VOTE (177-2016)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To adjourn at 8:46P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine