

CITY OF LEWISTON

CITY COUNCIL

JULY 20, 2004

**EXECUTIVE SESSION HELD IN THE
EXECUTIVE CONFERENCE ROOM AT 6:30 P.M.**

THE HONORABLE LIONEL C. GUAY, MAYOR, PRESIDING.

PRESENT: Councilors Mendros, O'Brien, Jean, Connors, Paradis, Rousseau, Assistant City Administrator Phil Nadeau, and City Clerk Kathleen Montejo.

The City Council meeting was called to order by Mayor Guay at 6:35 pm in a public session.

VOTE (247-2004)

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

To enter into executive session to review an application submitted under M.R.S.A., Title 36, section 841 (2). Passed - Vote 5-0

Executive Session began at 6:35 pm and ended at 7:05pm. Councilor Rousseau arrived at 6:45pm.

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

THE HONORABLE LIONEL C. GUAY, JR., MAYOR, PRESIDING.

PRESENT: Councilors Mendros, Bernier, O'Brien, Jean, Connors, Paradis, Rousseau, Assistant City Administrator Phil Nadeau, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

PRESENTATION BY L/A TRAILS

Steve Myers of L/A Trails made a presentation to the City Council regarding the non-profit organization. He stated the group is an advocate for maintenance of non-motorized trails in the City, which are bike lanes, sidewalks and nature trails. He mentioned the organization's work with Thorncrag Bird Sanctuary, Franklin Pasture and the Riverside Trail, and discussed upcoming programs such as the L/A Bridge Fun Run in September and a lunchtime walking program.

VOTE (248-2004)

Motion by Councilor Jean, seconded by Councilor Connors:

To dispense with the reading of the minutes of the March 2, 16, April 20, May 18 and June 15, 2004, meetings and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 6-0

Councilor Connors asked about the Traffic Schedule amendment on the Consent Agenda regarding stop signs at Gina and Judy Streets. He noted that Gina and Judy Streets do not intersect, yet Gina and Judith Street intersect. The item was removed from the agenda and will be reviewed by the Police Department and brought back for the next Council meeting.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (249-2004)

Motion by Councilor Jean , second by Councilor Mendros:

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 \$1,737.00, or any portion thereof, in the case of the State of Maine vs. Lucille Calhoun, CR-04-477 Court Records; the transfer of \$700.00, or any portion thereof, in the case of the State of Maine vs. Edith Ortiz-Cintron, CC-04-0023 and 04-DEA-437390 Court Records; and the transfer of the following, or any portion thereof, in the case of the State of Maine vs. Justin Canney, CD-03-0016:

04-DEA-436790	\$ 4,151.00
04-DEA-436801	\$ 8,830.80
04-DEA-436805	\$13,345.00
04-DEA-436808	\$ 6,494.00
04-DEA-436809	\$ 560.00
04-DEA-436815	\$ 3,600.00
04-DEA-436820	\$14,378.60
04-DEA-436825	\$ 2,102.80
04-DEA-436827	\$ 229.71
04-DEA-436830	\$ 420.00
04-DEA-436974	Twenty percent of the proceeds from the sale of a 1998 Nissan Maxima
04-DEA-436990	Fourteen percent of the proceeds from the sale of a 1996 Chevy Tahoe
04-DEA-437191	Fourteen percent of the proceeds from the sale of a 2004 Honda TRX450R4 ATV
04-DEA-437252	Thirteen percent of the proceeds from the sale of a 2002 Big Dog Pitbull Texas Chopper Motorcycle

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 6-0

TRAFFIC SCHEDULE AMENDMENTS

VOTE (250-2004)

Motion by Councilor Jean , second by Councilor Mendros:

To adopt the proposed amendment to the Traffic Schedule to regulate parking on a portion of Lincoln Street:

Section 4 - Parking Restricted - No Parking Anytime - Hazardous or Congested Places

LINCOLN STREET

Eastern side, even numbered side, of Lincoln Street starting at a point on the northeast corner of the intersection of Lincoln Street and Locust Street and extending northerly to a point on Lincoln Street for a distance of 367'.

Section 9 - Parking Prohibited - All Times - Fire Lanes

LINCOLN STREET

~~Even numbered side, east side beginning at the northeast corner of Lincoln Street and Locust Street extending northerly on Lincoln Street a distance of 160'.~~

Passed - Vote 6-0

**REQUEST FOR USE OF CITY SERVICES FROM GREAT FALLS
BALLOON FESTIVAL**

VOTE (251-2004)

Motion by Councilor Jean , second by Councilor Mendros:

To approve the request for the use of city services for the Great Falls Balloon Festival:

ROAD CLOSURES AND POSTINGS:

Friday, August 20, 5:00pm - Sunday, August 22, 7:00pm

Establishment of a one lane wide walking lane on the Longley Bridge (eastbound) to facilitate pedestrian movement between Festival activity areas in Auburn and Lewiston and for use by Festival logistical vehicles such as golf carts.

Friday, August 20, 5:00pm - Sunday, August 22, 7:00pm

Posted closure of Oxford Street from Cross Street to Chestnut Street, and posted closure of Beech Street, to facilitate safe pedestrian movement and access for festival logistical vehicles.

Sunday, August 22, 11:30am - 12:30pm

Posted closure of Canal Street from Main Street to Chestnut Street for canal rubber duck race. Posted closure of one northbound lane of the Canal Bridge on Main Street for rubber duck race logistical set up.

OTHER REQUESTS:

Wednesday, August 18, 8:00am - Monday, August 23, 7:00pm

Permission to use Bates Mill Parking Lot B for a carnival which will open Thursday night and run through Sunday night, logistical arrangements shall be coordinated with the Bates Mill Complex Property Manager.

Friday, August 20, 5:00pm - Sunday, August 22, 6:00pm

Permission for the Police to ticket and tow away vehicles not in conformance with posted parking bans.

Permission for the Great Falls Balloon Festival, Inc. to control all food and product vendors on Main Street between Middle Street and Longley Memorial Bridge, on Canal Street from Main Street to Chestnut Street, on Chestnut Street from Canal Street to Oxford Street, and along Lisbon Street from Chestnut to Main Street, Lincoln Street from Main to Cedar Streets, Oxford Street from Cross Street to Cedar Street, North Street, Water Street, and the adjacent area between Cross Canal #1 and the Androscoggin River.

Permission for the Great Falls Balloon Festival to use Veterans Memorial Park, the former Libby parking lot, Railroad Park and Railroad Park North (along Water Street) from midnight, Monday, August 16 to 12:00pm Monday, August 23 for Festival activities and to control use, access and security in the area, pending completion of all appropriate forms with the City Recreation & Parks Department.

SECURITY:

The Lewiston Police Department is asked to be responsible for traffic control, security and crowd control in Lewiston activity areas. A briefing will be held with the Police Department liaison to organize staffing and manpower requirements.

TRASH REMOVAL:

The Great Falls Balloon Festival, Inc. is working with Richard Morin of Public Works to supply a 50 yard dumpster at Railroad Park to handle trash. The City of Lewiston has picked up the tipping fees for the past two years and we are again requesting this assistance. Volunteers will be used to collect and bag trash. Volunteers will help to keep Festival areas clean on an ongoing basis and clean up after the Festival.

LICENSES:

The Festival will supply license information for food booths to the City Clerk and Health Inspector. Fees for the food booths operated by non-profit organizations shall be waived by the City. Licensing fees for a carnival operated by a non-profit organization shall be waived by the City.

USE OF PUBLIC WORKS PERSONNEL:

Permission for Public Works personnel to erect (together with Auburn Public Works personnel) food booths in Auburn and Lewiston, and to provide assistance during the festival.

PARKING

Use of the Bates Mill parking lots, the Chestnut Street parking garage and the Canal Street parking garage for festival and volunteer parking. There will be a bus stop area at Lincoln and Beech Street. Designated handicapped parking spots will be along Lincoln Street near the Festival entrance. All parking areas will meet requirements set forth by the City Council in response to the parking survey issued by Assistant City Administrator Phil Nadeau entitled "Utilization of City Parking Areas by Non-Profits as Fundraising Activities", and meetings will be held with the Bates Mill Complex Manager and a Public Works representative to confirm usage regulations, guidelines and procedures.

Passed - Vote 6-0

**COMPLIMENTARY MAINEIACS HOCKEY TICKETS TO AREA
TOWN OFFICIALS**

VOTE (252-2004)

Motion by Councilor Jean, second by Councilor Mendros:

To authorize staff to grant complimentary Maineiacs hockey tickets for one home game to municipal officials in each of the towns in Androscoggin County and to county officials of Androscoggin County. Passed - Vote 6-0

BALLOT FOR 2005 MMA EXECUTIVE COMMITTEE AND OFFICERS

VOTE (253-2004)

Motion by Councilor Jean, second by Councilor Mendros:

To approve the slate of nominates as presented on the Maine Municipal Association Ballot for Election of the 2005 Executive Committee and Officers. Passed - Vote 6-0

REQUEST FOR ABATEMENT OF PROPERTY TAXES

VOTE (254-2004)

Motion by Councilor Jean, second by Councilor Paradis:

To deny an abatement of property taxes for Case Number 2004-2; said application submitted under M.R.S.A., Title 36, section 841(2). Passed - Vote 5-1 (Councilor Mendros opposed)

ANNUAL APPOINTMENTS TO LEWISTON YOUTH ADVISORY COUNCIL

VOTE (255-2004)

Motion by Councilor Jean , second by Councilor Rousseau:

To appoint the following local youth to the Lewiston Youth Advisory Council for a one year term, said term to begin July 2004 and end June 2005: Allyson Beaucage, Jenni Golletti, Jonathan Isacco, Katie Lauze, Ashley Morgan, Hossain Naji, Sarah Peters, Ryan Reed, Kelin Sevit and Rachel Spilecki. Passed - Vote 6-0

At this time, the Mayor presented certificates of appointment to each of the members of the Youth Advisory Council and the Council congratulated the new members.

Councilor Bernier arrived at this time.

APPOINTMENT OF COUNCIL REPRESENTATIVE TO LYAC

VOTE (256-2004)

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

To nominate and appoint Councilor Rousseau to serve as the Council's representative to the Lewiston Youth Advisory Council. Passed - Vote 7-0

ADOPTION OF FISCAL YEAR 2005 TAX RESOLVE

VOTE (257-2004)

Motion by Councilor Jean, second by Councilor Connors:

That the Tax Resolve instructing the Chief Assessor to raise \$39,943,255.00 to finance the Fiscal Year 2005 budget, have final passage at this time by a roll call vote:

RESOLVED, That the Chief Assessor of the City of Lewiston, Maine be ordered to raise by assessment upon estates of residents of the City of Lewiston, and upon estates of non-resident proprietors in said City of Lewiston for the current fiscal year commencing July 1, 2004, the sum of Thirty-Nine Million Nine Hundred Forty -Three Thousand Two Hundred Fifty-Five Dollars for the payment of the county tax, for ordinary indebtedness and expenses, for interest on the debt of the City of Lewiston, and for the payment of lawful debts and dues of the City of Lewiston.

A summary of the \$75,723,016 Appropriation Resolve, passed by the City Council on May 18, 2004, is on file in the City Clerk's Office.

Appropriation Resolve		\$75,723,016
LESS:		
Estimated Revenues	\$33,885,966	
Prior Years' Surplus	1,893,795	
Total Adjustments		\$35,779,761
Net Appropriation		\$39,943,255
TAX LEVY:		\$39,943,255

Interest on Real and Personal Taxes will be charged on all taxes which shall remain unpaid after the respective due dates of September 15, 2004 and March 15, 2005, at the rate of 6.5%.

Any taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of the overpayment plus interest from the date of overpayment at the rate of 2.5%.
 Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR CODE AMENDMENT FOR MOBILE HOME PARKS

Mayor Guay opened the public hearing to receive citizen input and comments. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (258-2004)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article I "In General", Section 22-2 "Definitions" receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of August 10, 2004 for final passage. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS FOR OFF-STREET PARKING

Mayor Guay opened the public hearing to receive citizen input and comments. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Gil Arsenault, Director of Planning and Code Enforcement, made a brief presentation to Council providing some background regarding this item.

VOTE (259-2004)

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

That the proposed amendment to Appendix A, Article II "Definitions", Section 2, "Definitions", of the City Zoning and Land Use Code, to amend the definition of "accessory use or structure", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of August 10, 2004 for final passage.

Passed - Vote 7-0

LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR CARRIAGE HOUSE PLUS, 1119 LISBON STREET

Mayor Guay opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item at this time. Mayor Guay then closed the hearing. Councilor Rousseau asked the Fire Chief about the list of regulations from the Fire Department that must be completed prior to the final approval of the license. The Chief stated they are working with the applicant who is working to address the items on the list, noting the items need to be completed before the building can be occupied, and saying these are necessary for safety in an assembly hall. Roger Paradis, manager of the Carriage House, addressed the Council and stated that time is of the essence and they are moving forward, and request that the Council approve the license tonight, pending final approval from the fire department, rather than waiting until the August Council meeting.

VOTE (260-2004)

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

To authorize the City Clerk's Office to approve the applications for a liquor license and special amusement permit for dancing and entertainment for the Carriage House Plus d/b/a Jacob Shaines Cards & Gifts, Inc., 1119 Lisbon Street, pending final approval of the fire department. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR DERBY ATHLETIC ASSOCIATION, 40 WALNUT STREET

Mayor Guay opened the public hearing for citizen input and comment. At this time, Councilor Paradis expressed concern with the location of this business in proximity to residential establishments, and was concerned with noise and loud music disrupting the residents. Theresa Temple, 170 Pine Street and manager of the Derby Club, addressed the Council and stated the entertainment will be located on the commercial side of the property, not the residential side. She also noted the Del's Bar is located across the street and they have music all the time, and there are no issues with the neighbors. Mayor Guay then closed the hearing. Assistant City Administrator Phi Nadeau spoke to Ms. Temple and informed her the Council has taken an aggressive position with special amusement permits

in the past, and has been forced to take extreme action on occasion and revoked permits when the business fails to comply with regulations. He suggested that the club be a good neighbor and work with the neighborhood when issues arise.

VOTE (261-2004)

Motion by Councilor Jean , second by Councilor Paradis:

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

**OUTDOOR ENTERTAINMENT PERMIT FOR GREAT FALLS
BALLOON FESTIVAL**

Mayor Guay opened the public hearing to receive citizen input and comment. Jim Wilkins of the Great Falls Balloon Festival stated that he was available to answer any questions the Council may have regarding their application. Mayor Guay then closed the hearing. No Councilors had questions for Mr. Wilkins.

VOTE (262-2004)

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

To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, 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 Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Railroad Park on August 20-22, 2004, 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

OUTDOOR ENTERTAINMENT PERMIT FOR MUSIC IN THE PARK SERIES

Mayor Guay opened the public hearing to receive citizen input and comment. Sherry Donahue of L/A Arts stated that approximately 100-150 people attended each performance last summer, and she was available to answer any questions the Council may have regarding their application. Mayor Guay then closed the hearing. No Councilors had questions for Ms. Donahue.

VOTE (263-2004)

Motion by Councilor Connors, second by Councilor Jean:

To conduct a public hearing on an application from L/A Arts for the noon-time outdoor concerts to be held at Courthouse Plaza on Thursdays during the months of July and August, 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 noon-time outdoor concerts, contingent upon positive recommendations from the Recreation Department, 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

**CONDEMNATION HEARING FOR BUILDING LOCATED AT
323 LISBON STREET**

Mayor Guay stated the Council will conduct a hearing to determine if the building located at 323 Lisbon Street meets the dangerous building statutes as defined in Title 17, sec. 2851 et al. Councilor Rousseau announced that he will be recusing himself from this item. At this time, the Mayor invited the City's attorney, David Bertoni, to address the Council. Mr. Bertoni stated this is the first of two properties that will be reviewed tonight by the Council, both properties are owned by the same owner, and said that both properties are unsafe, unsanitary and dangerous buildings in their current state. Mr. Bertoni reviewed many documents with the Council and reviewed such items as the notice that was served on the owner, the listing of building violations and related background material such as photographs of the conditions of the building. Eric Cousens, city Land Use Inspector, addressed Council and described the condition of the building and noted that a back porch may fall off of the building due to rot, there is exposed siding and the underneath appears to be rotting, there is unsecured wiring and so forth. Mr. Cousens reviewed photographs of the property with the Council.

VOTE (264-2004)

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

To enter into the Record the exhibits presented by the City Attorney which are Exhibits 1-3, 4-5, 6, 7-39 and 44. Passed - Vote 6-0-1 (Councilor Rousseau abstained).

At this time, the Mayor invited the property owner, Mr. Paradis, to address the Council. The property owner's attorney, Steven Beale, addressed the Council on Mr. Paradis' behalf. Mr. Beale stated that Mr. Paradis is president of Building Resources which owns the property, and he has owned it for several years, stating it was a retail business and a restaurant in the past. He said that the City's Code Enforcement Department asked Mr. Paradis to do repairs to the inside and outside of the building and said that after negotiations, a consent order via the court was issued on July 17, 2003. He noted the Development office was working to improve the appearance and safety of buildings in the area. Mr. Beale mentioned the building's structure is solid, noting the building is level, the walls are level, there is heavy sheetrock and no buckling of the plaster. He said the building most recently was a rooming house, yet is not presently occupied. He said that Mr. Paradis is working to fix up the other building (299-305 Lisbon St) first, and has "moth-balled" this building (323 Lisbon St) and will fix up after the other building is done. He said the power was turned off intentionally in this building, as a safety measure, and he agrees the porch needs to be removed. Mr. Beale stated the building has a historical facade with interesting detail and design, and said there is no reason to tear it down, noting it is a possible use for small retail.

Councilor Jean asked Mr. Paradis how much has changed in the building since the time he took ownership to now. Mr. Paradis stated that the minute he took control of the building, he added fire rated doors and closed it up. Gil Arsenault, Director of Planning and Code Enforcement, stated that the staff has made an effort all along to work with Mr. Paradis, citing a document from November 12, 2002 and noted that Mr. Paradis made no effort to communicate with the City. Mr. Beale stated that Mr. Paradis has been in communication with staff, yet has disagreed with their assessments of the work completed.

Councilor Paradis stated that many years have gone by and nothing has been done with the building. He mentioned the November 12, 2002 letter and noted that nothing has been done, and said that in July 2004, the building is still empty and it does not look any better than it did five years ago. Councilor Paradis said he hoped to see a complete plan this evening with a timetable, financing and so forth, saying the applicant knew about this for months and years. He said that he sees nothing worthwhile to hold on to, saying the building has been gone for years without anything being done. Councilor Bernier inquired about the applicant's financial means to get the work done at this time. Mr. Beale stated that Mr. Paradis can do the relevant work needed in the face of the condemnation order. Councilor Bernier also asked why it took so long to get working on the project. Mr. Beale explained that Mr. Paradis has been working with city staff, with the Historical Commission and has applied for the low interest loan program. He tried to hire a contractor to do the work, but could not find one available. Councilor Bernier noted that Mr. Paradis obtained the building in 1997-98, he boarded it up and did nothing to it, then received a notice from the city in 2002 regarding code violations that must be repaired, and nothing has been done to correct the problems and no plans are presented to fix the problems. Mr. Paradis said that he started to have work done on the building, and noted the Historical Commission preferred to have wood on the building rather than other material.

Councilor Bernier inquired about the time frame that Mr. Paradis would need to bring the building up to Code. Mr. Beale stated that Mr. Paradis needs to talk with staff to see what compliance with Code means, stating the list from staff is about appearance issues and pertains to the building being occupied. Councilor Bernier asked what Mr. Paradis' plans are for the building, and Mr. Beale stated there is no expressed business plan now, stating that Mr. Paradis has recently been in the hospital and out of state.

The City's Attorney, David Bertoni, stated in closing that there is a court order in this case, which was agreed to by both parties/sides, and currently that order is not being followed, and the owner has no concrete plan of action. He reminded Council of the concerns presented regarding fire safety, sanitation and health issues, saying that condemnation proceedings are done as a last resort, but the last resort should have been the court decree, yet it was not followed, saying that promises and pledges of commitment have not been followed. Mr. Bertoni said that nothing has been presented to Council to address the violations, and the Order has a thirty day period to have the building repaired or demolished.

Mr. Beale mentioned that the contempt of court issue regarding the court decree is an issue for the court to decide, not the Council. He said that the issues present are not significant issues such as life safety issues to require the building to be torn down, saying that aesthetic

and beauty issues, if the building is an eyesore, is not a reason to condemn a building. He said that life threatening conditions are not present in the building, saying the porch and outside stairs will be removed, but the building itself is not unsafe. Councilor Mendros asked staff if the building is a threat, and Mr. Arsenault said yes, the building is a threat due to lack of maintenance, saying there has been no maintenance and the many pigeons living in the building. Mr. Arsenault mentioned the missing siding, saying the building is deteriorating as we speak, and the porch could collapse. Mr. Bertoni said that this information is not coming at the last minute to the owner, but has been on going for the past two to three years, citing that no plans were presented after numerous requests for information.

No other members of the public wished to speak, and the Mayor closed the hearing.

VOTE (265-2004)

Motion by Councilor Connors, second by Councilor Paradis:

To accept the Findings of Fact regarding the building at 323 Lisbon Street to be a dangerous building as defined by state statutes, to adopt the Order of Condemnation and to order the corrective action for the property owner which establishes the time frame in which the corrective action must be completed, and to authorize the City Administrator to take necessary actions to implement the corrective action as determined by the Municipal Officers, should the property owner fail to comply with the Council abatement order:

Order of Condemnation

Pursuant to 17 MRSA section 2851

I. Whereas, the Municipal Officers of the City of Lewiston, after receiving testimony and other evidence from City officials and other interested parties, have:

A. Determined that the owner and all parties-in-interest of record claiming an interest in the premises at 323 Lisbon Street, Lewiston, Maine, have received notice of these proceedings in accordance with the requirements of 17 MRSA section 2851. Said premises are more particularly described as a certain parcel of land, with the buildings thereon, bounded and described as follows:

Beginning at a point on the westerly line of Lisbon Street, three hundred and twenty-five (325) feet southerly from Chestnut Street at the northeasterly corner of a certain lot or parcel of land conveyed by the Franklin Company to Henry Hines by deed of No. 1002, dated April 12, 1893; thence running northerly by said westerly line of said Lisbon Street, twenty-five (25) feet; thence westerly at right angles one hundred (100) feet to a passageway; thence southerly by the easterly line of said passageway twenty-five (25) feet to said land so conveyed to said Henry Hines; thence easterly by the northerly line of said land so conveyed to Henry Hines, one hundred (100) feet to said westerly line of said Lisbon Street and the point of beginning;

- B. Determined that a true and correct copy of the notice of these proceedings was filed with the Androscoggin Registry of Deeds in accordance with the requirements of 17 MRSA section 2851, *et seq.*, in Book 5947, Pages 314-330;
- C. Made the following findings with respect to the building on the premises at 323 Lisbon Street (the "Building"):
1. The Building is unsafe, having:
 - a. a dangerously deteriorated and unstable rear stairway and porches, denying the upper floors their necessary second means of egress;
 - b. damaged and deteriorated interior walls;
 - c. internal water damage;
 - d. damaged and deteriorated floors on all three stories;
 - e. an outdated electrical service and fixtures;
 - f. inadequate plumbing fixtures;
 - g. lack of landings and handrails on the internal stairs leading to the second and third stories;
 - h. deteriorated, hanging trim and siding, exposing the structure to the elements; and
 - i. a furnace lacking necessary vertical and horizontal fire barriers;
 2. The Building is unsanitary, lacking adequate plumbing fixtures for human occupancy, and having an accumulation of dead pigeons and feces on the rear porches and in the crawl space below the roof; and
 3. The owner of the Building has no intent to rehabilitate the Building and to bring it into compliance with applicable property maintenance code(s) in the absence of this Order of Condemnation, having heretofore failed to maintain the property in compliance with applicable codes, and to comply with the Maine District Court's July 25, 2003, Consent Order;
- D. Determined, based upon the foregoing findings, that the Building is a dangerous building or structure as defined in 17 MRSA section 2851.

II. Now, Therefore, It Is Hereby Ordered by the Municipal Officers of the City of Lewiston that the owner of the Building, Builders Resource Development Corporation, shall abate the dangerous conditions of the Building in accordance with the City's Building, Life Safety, and Property Maintenance codes, or demolish the Building, by no later than August 20, 2004.

This Order may be appealed to the Superior Court as provided under Rule 80B of the Maine Rules of Civil Procedure.

In the event that the dangerous condition of the building has not been abated on or before August 20, 2004, and no timely appeal has been filed, the Municipal Officers hereby direct the City Administrator to take such actions as he deems necessary, which may include demolition of the Building, to abate the dangerous condition of the Building at City expense, and to recover all expenses, including attorneys' fees, as provided under 17 MRSA section 2853.

III. It Is Further Ordered that the City Clerk shall cause a copy of this Order to be recorded in the Androscoggin County Registry of Deeds, and shall cause attested copies of this Order to be served on the owner of the premises and all of the parties-in-interest as provided in 17 MRSA section 2851.

Passed - Vote 5-1-1 (Councilor Mendros opposed and Councilor Rousseau abstained.)

**CONDEMNATION HEARING FOR BUILDINGS LOCATED AT
299 - 305 LISBON STREET**

Mayor Guay stated the Council will conduct a hearing to determine if the buildings located at 299-305 Lisbon Street meets the dangerous building statutes as defined in Title 17, sec. 2851 et all. Councilor Rousseau announced that he will be recusing himself from this item. At this time, the Mayor invited the City's attorney, David Bertoni, to address the Council. Mr. Bertoni reviewed the background for this property and reviewed various documents with the Council. Eric Cousens, the City's Land Use Inspector outlined the conditions of the building and the issues related to the property, citing fire safety issues, sanitation and health issues. He noted there is an infiltration of water into the building. It was noted there has been a significant decline in the condition of the building since 2002. Gil Arseneault, Director of Planning and Code Enforcement, said the building is in a pronounced state of decay and is open and accessible today. He noted on May 18, there was water infiltration in the electrical panel and the power had to be turned off. He also mentioned an accumulation of trash.

VOTE (266-2004)

Motion by Councilor Connors, second by Councilor Paradis:

To enter into the Record the exhibits presented by the City Attorney which are Exhibits 1-25. Passed - Vote 6-0-1 (Councilor Rousseau abstained.)

Mr. Beale, an attorney representing property owner Mr. Paradis, explained that Mr. Paradis received a facade enhancement grant from the city to repair the exterior of the building. Mr. Paradis submitted his grant application in the summer/fall of 2003 and he started to look for a contractor. He said the building was resurfaced in a composite material which is expensive, at a cost of \$60,000. He also applied for a low interest rehabilitation loan from

the city as well. Mr. Paradis said the rook leaks, but it has been patched for now but does need to be replaced. Mr. Beale said that the building was used as a production facility for a company Mr. Paradis owns called TRP Industries, which was a manufacturer of fire retardant rugs. Mr. Paradis said it is an extremely solid building with significant floor joists, and the facade is attractive now and the building can be rehabilitated.

Councilor Paradis said that it is clear that Mr. Paradis has some plan for the building, more so than the previous one discussed. He suggested continuing this hearing to allow the applicant time to present his plan and related paperwork regarding the future development plans of the building, and if any new development is planned such as a store or apartments or another use. Councilor Paradis said there are no plans on the table now, but it sounds as though the owner has plans for the future of the building, and he would like to see these along with the financial plans to address the code violations and safety conditions.

VOTE (267-2004)

Motion by Councilor Paradis, second by Councilor Mendros:

To continue this hearing to the City Council meeting of September 7, 2004, and to request the building owner provide the City with the financial records and copies of the bills pertaining to the renovation work for the building.

Passed - Vote 5-1-1 (Councilor Jean opposed and Councilor Rousseau abstained.)

At this time, the Council took a fifteen minute recess.

AMENDMENTS TO PURCHASING POLICY

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

To approve the proposed amendments to the Purchasing Policy, Policy Manual Number 46, as recommended by the Finance Director and the Finance Committee

Councilors discussed the proposed changes and had questions regarding the new purchasing cards. Some Councilors felt it would be best to evaluate the progress of the program after one year.

VOTE (268-2004)

Motion by Councilor Connors, second by Councilor Bernier:

To amend the main motion to include the following: To put the Policy into effect for one year and to have the Policy reviewed and evaluated by the City Council at the end of one year.

Passed - Vote 4-3 (Councilors Connors, Paradis, Rousseau and Jean in favor; Councilors Mendros, Bernier and O'Brien opposed)

Vote on main motion, as amended:

VOTE (269-2004)

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

To approve the proposed amendments to the Purchasing Policy, Policy Manual Number 46, as recommended by the Finance Director and the Finance Committee, and to have the Policy be in effect for one year, at which time it shall be reviewed and evaluated by the City Council. Passed - Vote 5-2 (Councilors Mendros and Bernier opposed.)

SUPPORT OF CONSOLIDATION OF PSAP FACILITIES

Motion by Councilor Connors, second by Councilor Jean:

To endorse the proposal of the Public Utilities Commission to have one PSAP (Public Service Answering Point) location in Androscoggin County and to request that the Lewiston/Auburn 911 Operations Center be designated as the site for Androscoggin County, and to submit the recommendations to the Public Utilities Commission and to the Lewiston Legislative Delegation.

The Councilors discussed the PSAPs with E911 Director Andrew D'Eramo and discussed such issues as cost, expenses and so forth. It was noted that many questions and issues need to be discussed with the County Commissioners before the Council takes a position, due to unknown costs and other factors. It was decided that Assistant City Administrator Phil Nadeau will work with Mr. D'Eramo and meet with the County Commissioners.

After discussion, Councilors Connors and Jean withdrew their motion in light of the discussion.

CREATION OF TASK FORCE FOR PALESKY TAX CAP ISSUE

The Council was asked to discuss a suggestion to create a Task Force regarding the Palesky Tax Cap issue, of which said group shall consist of seven to nine members with at least one position to be held by a pro-Palesky tax cap supporter, and to appoint the members at the August City Council meeting. Due to the late hour of the meeting, it was suggested this item be addressed at the next Council meeting.

VOTE (270-2004)

Motion by Councilor Bernier, second by Councilor Rousseau:

To postpone this item to the August 10 City Council meeting.

Passed - Vote 4-3 (Councilors Connors, Mendros and Bernier opposed.)

**APPOINTMENT OF COUNCIL REPRESENTATIVE FOR INTERVIEW
COMMITTEE FOR THE NEW PUBLIC WORKS DIRECTOR**

VOTE (271-2004)

Motion by Councilor Mendros, second by Councilor Bernier:

To nominate and appoint Councilor Rousseau to serve as the Council's representative for the hiring process for the next Public Works Director. Passed - Vote 7-0

**DISCUSSION OF POLLING PLACE LOCATIONS AND PROPOSED
REDISTRICTING BOUNDARIES**

The Mayor announced that due to the late hour of the meeting, this item will be discussed at a later date.

REPORTS AND UPDATES

No reports were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

VOTE (272-2004)

Motion by Councilor Jean, second by Councilor Paradis:

To adjourn at 11:35 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine