

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for April 11, 2000 - Page 1 of 11**

I. ROLL CALL:

This meeting was called to order at 7:06 p.m. and chaired by **Tom Peters**.

Members In Attendance: Muriel Minkowsky, Rob Robbins, John Cole, Tom Peters, Lewis Zidle, and Mark Paradis.

Staff Present: Gil Arsenault, Deputy Development Director; James Fortune, Planning Coordinator; and Doreen Asselin, Administrative Secretary.

Member/Staff Absent: Dennis Mason and James Lysen, Planning Director.

II. READING OF THE MINUTES: *Draft of the Minutes from the 03/28/00 Planning Board Meeting.*

The following change was made to the minutes, by Rob Robbins.

- On Page No. 11 under VI. Other Business, A. New Business, Item No. 1, first paragraph, the sixth sentence shall now read, "Rob Robbins commented that it is very rare for a declarant to maintain veto power *after conveyance of all the subdivision lots in which the declarant holds an interest.*" There being no additional modifications, the following motion was then made.

MOTION: by **Muriel Minkowsky**, seconded by **Rob Robbins** to accept the Planning Board Meeting Minutes of March 28, 2000, as presented and modified.

VOTED: 4-0-1 (Cole).

III. CORRESPONDENCE: None presented.

IV. PUBLIC HEARINGS:

A. *A Public Hearing for the Proposed Re-Zoning for 780 Lisbon Street*

Jim Fortune read his memorandum dated April 6, 2000. The owner, Allen Marin, requested this Public Hearing to conditionally re-zone his property at 780 Lisbon Street from the Neighborhood Conservation "A" (NCA) District to the Community Business (CB) District. This was first presented to the Planning Board at the February 22, 2000 Meeting as a straight re-zoning.

Included in the Planning Board packets was the requested Conditional Re-zoning Agreement, prepared by Allen Marin and assisted by the Planning Board Staff.

The owner of the property, Allen G. Marin, was present at this meeting. He gave a presentation on his project. His property is located at the corner of Lisbon Street/Androscoggin Avenue and Thompson Street, which was shown on the map presented at the Planning Board Meeting. The building on this property is currently a multi-family dwelling consisting of four (4) units. This is currently a conforming use. Allen Marin would like to change the use of three (3) of the four (4) units from residential to a commercial/retail use for his computer service business and maintain one (1) residential unit, which is on the third floor.

This change would then make this property non-conforming to the NCA, as it is currently zoned. The single, remaining apartment unit would not be a conforming use in the CB District, which only allows multi-family. Planning Board Staff felt that the single apartment would then constitute a "one-family" dwelling, and as part of this proposal the Planning Board should also consider amending Article XI, Section 9 of the Zoning and Land Use Code to allow mixed-use structures in the CB District.

Rob Robbins expressed concern as to Item No. (B.) of the Conditional Re-Zoning Agreement on Page No. 3. He felt that the hours of operation could impact the neighborhood. Gil Arsenault agreed with

Rob Robbins and asked the Planning Board to limit of hours of operation. Rob Robbins then suggested that instead of the hours of operation being from 6:00 a.m. and 11:00 p.m., that Item No. (B.) be modified to read, "*Hours of operation shall be open to the public from 8:00 a.m. and 8:00 p.m., six (6) days per week.*"

Muriel Minkowsky was concerned with an increase in traffic. Allen Marin said that he does not anticipate any increase in traffic on Thompson Street. He said traffic may increase by one (1) vehicle per day. Gil Arsenault said that traffic will be coming in off of Thompson Street. Gil Arsenault also mentioned that this project will need to go through the development review process on the parking lot to make sure that there is adequate parking.

Gil Arsenault mentioned that this is a two- (2-) part process: 1. as an amendment to the conditional Community Business District to allow mixed-use structures and 2. as a conditional re-zoning. Gil Arsenault said that Staff supports this change to allow a mixed-use in the CB and that this should have been done some time ago. Gil Arsenault recommended that at some future meeting, that the definition of mixed-use structures be clarified. He continued to say that mixed use structures was intended to include a single dwelling unit within the definition of dwelling units and said that this should be modified down the road.

This Public Hearing was then opened to the public for comments or questions. For the record, there was no audience available at this Public Hearing, therefore, this item was then turned back to the Planning Board for the following motion.

Lewis Zidle arrived at this meeting at 7:24 p.m.

MOTION: by **Rob Robbins**, seconded by **Mark Paradis** that the Planning Board recommends to the City Council that the property located at 780-782 Lisbon Street be conditionally re-zoned from the Neighborhood Conservation "A" (NCA) District to the Community Business (CB) District subject to the Conditional Re-Zoning Agreement, with an amendment to Condition B as to the hours of operation which will now be 8:00 a.m. to 8:00 p.m. and open to the public six (6) days a week, as well that development review will be required with regard to the parking or any of the businesses to be located on the premises. Furthermore, that the Planning Board recommends the City Council amend Article 9 of the Zoning and Land Use Code to allow mixed-use structures as a permitted use in the CB District.

VOTED: 5-0-1 (Zidle).

B. A Public Hearing for the Proposed Amendments to the Shoreland Zoning Ordinance, Article XII, Section 2 of the Zoning and Land Use Code

Jim Fortune read the memorandum that he prepared and was dated for April 6, 2000. Tom Peters asked for a brief overview of this item. Gil Arsenault responded that this was housekeeping until David Hediger, the Land Use Inspector for the City of Lewiston picked up on this. This was modified and brought to the Planning Board in September of 1999. At that time, amendments were made to the Shoreland Zoning Standards. These standards were requested by a citizen. There were a number of changes made to keep consistent with the state law. There were standards, at that time, that dealt with clearing the vegetation for development. There were a number of changes made in the code, some were housekeeping issues and others were to bring the code in conformance with the state law changes. There was a mistake made. Code Enforcement moved the clearing of vegetation language. This is just taking existing language and moving it from one point to another. If you review the code and read it, it does not make sense. If you look at the section where it needs to be, it then makes sense.

This is simply just language that had existed in the wrong spot. This now needs to go back through the process.

Former Planning Board Member Denis Theriault was present from the public at this meeting and questioned Gil Arsenault if there was any change in the language. Gil Arsenault responded that it is just shifting from one (1) spot to another. This was just an oversight when everything was being manipulated to word processing.

MOTION: by **John Cole**, seconded by **Rob Robbins** that the Planning Board moves to recommend the amendment to the Shoreland Area Standards, Article XII, Section 2(r)(2) of the Zoning and Land Use Code and forward a recommendation to affect that amendment to the City Council.

VOTED: 6-0.

V. OTHER BUSINESS:

A. New Business:

1. *Review a Proposal to Conditionally Re-Zone the Property at 258 Russell Street from NCA to HB, and Possibly Schedule for a Public Hearing.*

Jim Fortune read the memorandum that he prepared and was dated for April 6, 2000.

Steve Peterson was present at this meeting and gave a presentation. Steve Peterson is the owner of Peterson's Machine Shop at 258 Russell Street. Currently this business is not in a zone that this type of business should fit into. He said that the Highway Business (HB) District is the closest district to fit in. Steve Peterson is requesting a Public Hearing to consider a conditional re-zoning of his property from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District. Currently at 258 Russell Street is a machine shop, which has been in operation since 1925, and a single-family residence. Steve Peterson is proposing to expand the machine shop, which is a non-conforming use in the NCA District. He would like to expand by 900 square feet. This expansion would be used for storage and would be an accessory use to the machine shop. Before Steve Peterson can expand, this property needs to be re-zoned to allow light industrial as a permitted use. Steve Peterson would like to conditionally re-zone the entire property so that he could lease the existing dwelling for non-residential purposes.

Since there was no public comment, this item was brought back to the Planning Board for the following motion.

MOTION: by **John Cole**, seconded by **Rob Robbins** that the Planning Board moves to schedule this item for a Public Hearing to conditionally re-zone 258 Russell Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) for Tuesday, May 9, 2000.

VOTED: 6-0.

After this motion, Tom Peters reminded the Planning Board Members to keep this item in their Planning Board packets for the meeting of May 9, 2000.

2. *No Name Pond Watershed Plan Update*

In Jim Lysen's absence, Gil Arsenault gave a brief report. Included in the Planning Board packets was the goals and objectives, which is part of the No Name Pond Watershed Management Plan. The goal, all along, has been to have this incorporated in the Comprehensive Plan. Jim Lysen is in hopes to have a draft ready for review in May 2000.

This has been driven by the grants that Jim Lysen has been working on. The Community Septic System Design has been bid out. Jim Lysen is hopeful that this will be installed in July 2000. Preliminary estimates received for this system is about \$175,000. Initially, the preliminary estimates were looked at being about \$100,000. The landowners will pay the impact fee, their connection cost, and their sewer bill only. Funding in grant funds from the state is \$85,000. The City has put aside \$50,000 a year over the years. There should be money available for other activities associated with water quality monitoring, etc. The maintenance will be handled by the City of Lewiston. There will be no additional costs to the landowners besides that listed above. There are no actions necessary. This item will be placed on the continuing agenda and scheduled again for a review at the May 23, 2000 Planning Board Meeting.

3. *Executive Session to Review and Discuss the City's Property Acquisition and Disposition Process.*

This item did not go into Executive Session and was held as a Public Hearing. Available at this meeting were former Planning Board Chair Harry Milliken and Planning Board Member Denis Theriault.

Tom Peters began this discussion by saying that at the end of Harry Milliken's term, he presented to the Board for consideration a proposal and how the Planning Board shall be dealing with the purchase and sale of real estate or other transactions for the City. Tom Peters said that the Charter says the Planning Board is to review and recommend to the City Council with regard to sale and acquisition and he said that it also says that any capital expenditures over \$100,000 that are not in the capital budget are to be reviewed also by the Planning Board for the purpose of making recommendations to the City Council. The City Council then has the ultimate say in what is spent. What is the appropriate role of the Planning Board in regards to sale and acquisition? This has been a concern for the past eight (8) years. At one time, certain items within the City were dealt with and the Planning Board was not looking at those. The City Administrator felt that there were certain exemptions by the City that it did not have to go through the same process as other developers. As of now, everything does come before the Planning Board with regards to the sale and acquisition of property. For example, the Bates Mill project has been reviewed for the past two (2) years.

This issue happens to coincide with the next item on the agenda, which is the proposed acquisition of the Pilsbury Block. Tom Peters said that the Planning Board needs to make a decision on how they are to approach sale and acquisition and what are going to be the guidelines.

Tom Peters then asked both Harry Milliken and Denis Theriault for an overview. Harry Milliken stated that there has always been confusion with the City Council understanding rules of the Planning Board. Any sale or acquisition of the City's property or property for which the City wishes to purchase other than by tax liens or closures has to get a recommendation from the Planning Board. This is stated in the code that this is made directly to the City Council. The City Council has also formed a Land Committee. Harry Milliken went on to say that he had proposed, about four (4) years ago, and it was public four (4) years previous to that, that he always brought up the fact that the City never did the proper procedure. The City is always making decisions and recommendations after City Council Meetings. Then there was confusion on what does the Planning Board do? Tom Peters also supplied, at this Planning Board Meeting, the proper procedures and it is more like what the City is looking to do. All Planning Board recommendations go to the Land Committee. The proposal that Harry Milliken had suggested was to keep the Planning

Board and to keep the Land Committee imprudent. The Planning Board after its' decision, would make a recommendation and forward it to the City Council and the Land Committee at the same time. That way the City Council would get a copy of the Planning Board recommendation. The Land Committee would also have the Planning Boards recommendation. Then they can use that to analysis their decision to make their appropriate recommendation to the City Council. The Planning Board is the recommending body that is kind of a check-and-balance. The Planning Board is a Board, not a Committee. The Planning Board's recommendation should go directly to the City Council. There are many times that some of this information does not get to the City Council. They do not get all the information. The Planning Board Members can tell Planning Board Staff what they want to review. Harry Milliken continued to say that the Planning Board gathers all the information and makes a recommendation to the City Council. The City Council is the final decider. He said that if Planning Board Staff does their job, and is up front with everybody, this will not slow the process down. The only thing that slows the process down, is when the Planning Board tables an item.

Tom Peters commented that there are two (2) issues: The public forum for being able to review sale or acquisitions respective of the Comprehensive Plan and also looking at land use cost and procedures. The Planning Board is the keeper of the plan. Harry Milliken stated that anything listed in the Lewiston Capital Improvement Plan (LCIP) that is over \$100,000 must be brought to the Planning Board. The Planning Board can make recommendations on budget issues. In discussing a major purchase, the Planning Board needs to be involved.

Tom Peters said that the Planning Board does not spend one cent of the City's tax money. It has no authority to do that. That is the City Council's role. They make the ultimate decision. Where does our role as Planners end and the City Council's role as deciding what's the right number start? Tom Peters asked to have this item clarified. Harry Milliken responded that that depends on what you are reviewing. The Planning Board is much more of a body, than just planning and land use regulation.

Denis Theriault said that this body is "non-political". "Sometimes, staff can be driven in a particular area to support what the Council is heading towards." "This does happen." The Planning Board should have the broadest powers and interpretation as they can in what the code allows them to have. There should be some fixed-base items to look at, such as costs, costs based on LCIP, CDBG, how that funding affects, etc. When you are buying a particular piece of property, you need to be aware of all of that. He continued to say that he has been a very strong supporter of the Planning Board in the check-and-balance system. The Planning Board can be looked at as additional information that you can freely offer without having to worry about political pressure. There is not any influential power from politics. The Planning Board should be able to make a good decision based for the people of the City of Lewiston.

Tom Peters said that this is a proposal to streamline the process. This process is streamlined to eliminate the Planning Board looking at the sale and acquisition of properties and letting it go to just the Land Committee and then on to the City Council. Tom Peters then asked both Denis Theriault and Harry Milliken their positions on that.

Denis Theriault said that this has been going on since 1995. That is when he said he started raising questions, such as "Why aren't we reviewing?" Up until recently, there have still been attempts to remove the Planning Board from the review process. He made reference

to a report dated October 18th entitled, "Building Acquisition/Demolition Report in Answer to Streamlining the City of Lewiston Policies and Procedures". He said that this was specifically to eliminate the Planning Board from that review process. Denis Theriault then quoted Page No. 5 of that report that says under Sub-Section D, "Recommendations to Improve Property Acquisition Administrative Deficiencies", Item No. 1 - says, "The code requirements the Planning Board review on all land building acquisitions", and Item No. 2 - "The code provisions for Planning Board for all expenditures over \$100,000 not covered in the L.C.I.P." He said that it is very clear what it is saying and that he does not support streamlining at all. He said that he does not think the people of the City of Lewiston supports this at all either. Tom Peters then commented on this issue that he did not think the Planning Board was made aware of that particular memo that was circulated at the request of a City Councilor and the Mayor. Tom Peters said that he had spoken to both the City Councilor and the Mayor and it is his understanding that this was withdrawn and that things are going to remain the same. Denis Theriault went on to say that he understood that, but that the intent still remains there to this date since 1995.

Harry Milliken said that back about four (4) years ago, when he was Chairman, it was discussed then too on the following two (2) issues: 1. the sale and acquisition, and 2. review authority of the Planning Board over City-owned property. He said that they managed to get review authority of the Planning Board over City-owned property passed through City Council. Back then the Planning Board thought that they had review authority, City Officials did not. This has never been resolved. Harry Milliken said that he has reviewed the information supplied to him by Tom Peters. The first one appeared that this is what the City is actually at and that was, basically, taking away the power of review authority from the Planning Board. The second one, is a draft made up by Harry Milliken, which was not to eliminate the Land Committee, but to share all the information to the Land Committee and everything that was given to the Planning Board in the Land Committee in the same time, same type of package, with the Land Committee knowing ahead of time when the Planning Board was going to review it, that they could come in to the Public Session, and discuss it at that same time. Tom Peters then questioned Gil Arsenault on the item presented by him on the, "Procedures for the Sale or Acquisition of Land" if that is what is proposed or if that is what it is? Gil Arsenault responded that that is what it is. This is from the policy manual and is only three (3) pages long. He referred to Item 4.b. of that document, which states, "The Planning Board recommendation is returned to the Land Committee." This is current policy. Harry Milliken responded to this item that it is current policy and that it was done behind the Planning Board's back during the time period that the Planning Board was having these meetings. This was presented to the Planning Board by Jim Lysen. Harry Milliken said that this is not the policy or the procedure. He said he still has a copy of the original procedure before this went into negotiation. Harry Milliken said that it is very clear that they do not want the Planning Board involved in this. Gil Arsenault said that the policy that he has makes it very clear that they are involved and suggested that maybe they were not looking at the same document.

Denis Theriault mentioned to Gil Arsenault that there was a time factor set on a piece of land in which things can change within five (5) to six (6) months. There was a time parameter set on that and that this comes back to the Planning Board for review. This document in question does not mention this. Gil Arsenault said that this is a procedure. A procedure does not overrule the Planning Board's procedure and authority. Harry Milliken then questioned Item 4.b. of that document (listed previously). There is no place in this document that says that the Planning Board's recommendation goes to the City Council. The law states and so does the Charter that the Planning Board's recommendation goes to the City Council. So that is why there is a compromise with the Land Committee. This is

shared information. Tom Peters said that it is his understanding that the Planning Board does make a recommendation, that the Planning Board is required to make recommendations under the Charter, and those go directly to the City Council. The Planning Board's role is to have input from or to other committees. Gil Arsenault responded that this is correct, but that he is not sure that the City Council sees this in the same way. Denis Theriault then commented that according to state law, the Planning Board shall interpret its' rules and procedure. Tom Peters then re-iterated 84 Lisbon Street as to this item coming before the Planning Board in regards to sale and acquisition. Both the Staff and the Board said to not exercise the options at this point. There were some major concerns about a number of issues. These issues were not spelled out in a memorandum form from the Chair or Planning Board Members to the City Council. When the information got to the City Council, the information the Planning Board had was to have this item tabled and not exercised for several good reasons from both the Planning Board and Planning Board Staff, but this was not really presented to the City Council. City Council went ahead and purchased the property.

Harry Milliken said that if the Planning Board is looking to streamline this, then eliminate the Land Committee. Tom Peters said that the Planning Board is looking for procedures. The purpose for this item being brought up at this meeting is: 1. what is our procedure? 2. what is the Planning Board's role and clarify it, and 3. make sure whatever procedure the Planning Board adopts - whatever is decided, does get in fact, in substance, to the City Council. What they decide, at that point, is their decision. But at least the Planning Board will have performed its function in making sure the City Council understands why the Planning Board says to do or not to do something and then they can make their own decision. What the Planning Board is now looking at is to get all the information in regards to sale and acquisition as to cost, use of the land, how it fits the Master Plan, recommendations from various departments, and then once received, the Planning Board then holds a Public Hearing. Denis Theriault commented that the Planning Board needs to make sure that all the paperwork is getting to the City Council. This has not in the past.

Tom Peters said that if an item gets into Executive Session that the information may need to be presented or conveyed to the City Council in an Executive Session also. Anything related to negotiations in which a sale price is not disclosed (assuming this is not a public information item) or anything that would put the sale in jeopardy would need to go into Executive Session. This can be conveyed from one (1) Board to another in Executive Session. Any pertinent information would need to be conveyed to the City Council in the same manner as the Planning Board. If a price is suggested by the Planning Board, this information can be contained in a sealed envelope.

Tom Peters then asked Gil Arsenault to look into this matter of how to get something conveyed from one Executive Session to another. He requested Gil Arsenault to form a Sub-Committee, which will consist of both former Planning Board Member Denis Theriault, former Planning Board Member and Chair Harry Milliken, and current Planning Board Members Mark Paradis and Muriel Minkowsky. Gil Arsenault said that usually by the time an item gets to the Planning Board, the amount has been determined by that time. Tom Peters said that all the information needs to get to the City Council in a form that has not been altered in any way. Tom Peters then requested that a meeting date be set up to discuss this procedure. This will be to develop a procedure for the Planning Board on acquisition and disposition of City property and to try to resolve this conflict. He requested that a procedure be presented to the Planning Board for the meeting to be held on June 13, 2000 as a recommendation from this Sub-Committee to look at review and adoption of this procedure.

Denis Theriault said that it is important to set up meetings with the City Council to see what their direction is and what the Planning Board's is and to come to some kind of compromise.

This discussion ended with the formation of the above Sub-Committee and with Gil Arsenault agreeing to participate as a Planning Board Staff Member to develop a procedure for the Planning Board on how it reviews sale and acquisition issues to the extent that it conflicts with the City's procedure. This may take a couple of meetings. Tom Peters would like Gil Arsenault to keep him informed of these meetings and he will plan to be free at those times as well. Then after these meetings, have this item put back on the agenda to be presented to the Planning Board as a recommendation from this Sub-Committee at the above referenced date of June 13, 2000. Then, have this adopted and incorporated as part of the Planning Board procedures. He would like to get this finished .

Former City Councilor Scott Lynch commented that he agrees that the Planning Board should review City properties. He thinks this is a jurisdictional issue. He said that the members of the Land Committee does not have the expertise in the Comprehensive Plan or on planning issues. The Land Committee serves its own purpose. He also stated that there is often a missing piece of information. He agrees that the Planning Board should review public properties and acquisition thereof and make a recommendation to the City Council. The minutes are often in black and white text and it does not tell you the real strengths of the debate that went on at the Planning Board. People get involved later in the process. He would like to also see an end to this turf war. He encourages a recommendation to the City Council that the Planning Board have jurisdiction over acquisition of public property. He said that he would be glad to speak to the City Council.

Tom Peters stepped down from the Planning Board as Chair on the following issue.

4. ***Proposed acquisition of the Pilsbury Block:***
 - a. ***Discussions concerning the proposed purchase of the Pilsbury Block for the Lewiston Public Library, and***
 - b. ***Review the proposed purchase of the Pilsbury Block and make a recommendation to the City Council.***

Jim Fortune briefly gave an overview of his memorandum dated April 6, 2000. This item is not being conducted in Executive Session.

Tom Peters stepped down from the Planning Board on behalf of the lessors. Tom Peters intended to present this item since he represents two (2) of the parties who hold leases. He then excused himself. Denis Theriault then commented on the Planning Board rules and procedures. Under the Planning Board rules and procedure, when the Chair and Vice Chair cannot do a meeting, a vote has to be taken in order for Secretary Mark Paradis to Chair this meeting. Since the Planning Board Vice Chair was not present at this meeting, the following motion was made to turn this meeting over to the Planning Board Secretary, Mark Paradis.

MOTION: by **John Cole**, seconded by **Rob Robbins** that Planning Board Secretary Mark Paradis be unanimously voted to preside as Chair on the proposed acquisition of the Pilsbury Block.

VOTED: 4-0-2 (Paradis/Peters).

Mark Paradis then requested a five-minute recess from 8:25 to 8:30 p.m.

Tom Peters was going to present the proposed purchase of the Pilsbury Block to the Planning Board on behalf of his client, Norm Rousseau. Norm Rousseau is

currently leasing the space where the library plans to expand. According to bar rules, a lawyer who holds public office shall not represent a client before an elected or appointed public body of which the lawyer is a member. Tom Peters then asked that this item be tabled so he could have an associate make a presentation to the Board at the next Planning Board Meeting scheduled for April 25, 2000. This is allowed under the bar law.

Denis Theriault said that Tom Peters may have answers to his questions. He said that he is planning to discuss past issues as to when this first originated. He is looking for that kind of information. He would like to have his questions adequately addressed. He then referenced looking for the minutes dated April 30, 1996 where the Planning Board met with City Attorney Robert S. Hark here and there were discussions as to the Pilsbury Block rules and procedures of the Planning Board, etc. There are no minutes of that meeting. There was a full board meeting publicly notified in the paper. He then asked Mark Paradis to look into this as the Acting Chair. This was a public meeting authorized by the Planning Board where Denis Theriault said he specifically made the motion himself, which was seconded by Harold Skelton. He also mentioned that he was frustrated hearing that City Attorney Robert Hark went through the press to give rules of procedure when he could have come to the Vice Chair or an Acting Chair of the Planning Board versus going through the press. This could have been common courtesy to come to the Planning Board.

John Cole suggested that the minutes of April 30, 1996, if they exist, could have an impact on this item. He was wondering why there are no minutes of that meeting and if there are, could they be looked for?

Lewis Zidle was concerned about the people in attendance giving their presentations.

Gil Arsenault said that the Planning Board Staff does have a copy of the letter that Tom Peters made reference to. The Board can table it if finds it appropriate. He does not think that it is necessary. The parties should have an opportunity to speak. If there are issues with respect to interest in the property that need to be resolved before the City can acquire this property, but he feels the Planning Board should review the merits of this acquisition and make a determination whether it is appropriate to proceed with the sale, if that could happen. He said you need a clear title, need to negotiate a price. With respect to the matter before the Planning Board, you could listen to the arguments as to the purchase, make it clear to the City Council that they need to clean up any issues as to party of interest, and speak in terms of value. The option, as I understand it, comes from 1995 indicates that with the mechanism in place potentially for the purchase of the property. He encourages the Board to move forward and discuss this matter. The Planning Board should look at and review the letter from Robert S. Hark.

Tom Peters said the letter that Gil Arsenault is making reference to he received on Monday, April 10, 2000, and in that letter Robert Hark was concerned that the Planning Board not have an Executive Session on this matter and the laws are stated. This letter had nothing to do with what had happened at this meeting. The press presented to Tom Peters another piece of paper that had been given to him

by Robert Hark which indicated the bar rules that prevents Tom Peters from speaking to the Planning Board on representing someone. If Robert Hark had

simply added a paragraph onto that letter that said that, this issue would not have happened and that Valerie Stanfill of Tom Peters' office would have presented and this is allowed in the bar law. This was presented to Tom Peters before this meeting by the press from Robert Hark.

Denis Theriault said that there is a lot of history here. He would feel more comfortable if all of everything was available at this meeting and the ability for Tom Peters to present his half along with a good discussion with the audience and everyone involved. This is proper policy. He feels Robert Hark did have the ability to make this issue available to Tom Peters. He said there was intent to stop Tom Peters from being part of this process. As a public person, Denis Theriault said he has a problem with that.

Mark Paradis entertained a motion to table this item.

Rick Speer then mentioned that Tom Peters should have known the State of Maine Bar Rules. Rick Speer said that this item was time-sensitive because Norm Rousseau is already making improvements to the space where the library wants to expand and the City of Lewiston may then have to pay him back. Norm Rousseau signed a 30-year lease on the property in January 2000. The City owes Norm Rousseau money to buy out this lease.

John Cole agreed that this item should be tabled since the Planning Board was lacking information and did not have enough information to make a recommendation to the City Council. There was no information presented to the Planning Board as to a purchase price or how the price will be arrived at. Also, John Cole said that there was no indication that this was a time-sensitive matter. The City of Lewiston has a 99-year option to buy this property at fair market value.

The City will not pay more than fair market value. The current plans are to turn an additional 10,000 square feet or more of the building into a community gathering space for the library.

Rob Robbins is in agreement with John Cole. He then asked Gil Arsenault when the option expires. Is there a date for the expiration of the offering? Does anyone know? The response to this question was that there is 95 years left.

Harry Milliken said there is no controversy as to the sale or acquisition issue of the property. The controversy is the continued lack of City Staff doing the proper procedure before the acquisition and recommendation from the Planning Board.. He said he was in agreement with John Cole in making a proper recommendation with the right information being available. He agrees that this issue should be tabled.

Rick Speer said that if this item is to be tabled he would like a special meeting to be held as soon as possible.

Lewis Zidle asked Rick Speer why renovations are already proceeding to a building that is under option? Rick Speer again said that this is a time-sensitive issue.

Denis Theriault said the City Council did not send the Planning Board a time factor in regards to this issue. If it had been time-sensitive, they would have included that

in their memorandum to the Planning Board and with the request for this in their action. Obviously, this was not included in their packet.

Scott Lynch said that he was present at this meeting to speak in favor of this purchase. If this is a time-sensitive issue, he would urge the Planning Board to schedule a special meeting as soon as possible. He personally does not feel that it is a time-sensitive issue. John Cole then responded that he does not like having "a gun held to his head". It is not appropriate for the Planning Board to make a rushed judgement to acquire this proper when it is obvious that the Planning Board is lacking information. He then made the following motion.

This item will now be placed on the agenda for the next regularly scheduled Planning Board Meeting to be held on Tuesday, April 25, 2000, in the City Council Chambers.

MOTION: by **John Cole**, seconded by **Lewis Zidle** to table the proposed purchase of the Pilsbury Block at 200-210 Lisbon Street to the next regularly scheduled Planning Board Meeting to be held on April 25, 2000.

VOTED: 5-0-1 (Peters Abstained).

After this motion was made, Gil Arsenault requested that Administration supply and furnish all specific documents and information in a timely manner as to this acquisition for the Planning Board's review.

VII. ADJOURNMENT:

The following motion was made to adjourn.

MOTION: by **John Cole**, seconded by **Rob Robbins** to adjourn this meeting at 9:00 p.m.

VOTED: 6-0.

After this motion was made Denis Theriault said that in reviewing the Comprehensive Plan, there is a three-year window of review and that should be coming up this year. He then asked, "Are there going to be special committees set up for this review, section-by-section, what has been done, what hasn't, and when is the next Comprehensive Plan Update?" Gil Arsenault responded with April 25, 2000, the next regularly scheduled Planning Board Meeting.

Before closing John Cole said he would like to ask that the City Planning Staff and the City Council furnish all information which is relevant to the City's purchase option with respect to approval or disapproval on acquisition of the Pilsbury Block, including the option itself and any details relating to the value and the price. Also, he mentioned that the Planning Board needs to see the leases. The leases are critical and the Planning Board should understand exactly what the requirements are. Tom Peters said that the memorandums of the leases are available in the Registry of Deeds.

Respectfully submitted,

Mark Paradis, Secretary

DMA:dma

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