

# CITY OF LEWISTON

CITY COUNCIL

MAY 6, 2014

## REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence.

### **VOTE (159-2014)**

Motion by Councilor Cayer, seconded by Councilor Christ:

To dispense with the reading of the minutes of the meetings of April 17 and 24, 2014 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### **PUBLIC COMMENT PERIOD**

Pauline Gudas, 6 Raymond Avenue, spoke in support of adding another employee in the tax office because she was against the proposal to limit the hours of operation at City Hall. She noted the current hours of 8am to 4:30pm work well for residents who need services because they can usually leave their job a few minutes early to conduct citizen business at city hall or arrive a few minutes later to work. She said the new proposed hours of 8:30am to 4pm will not be convenient to many residents who work.

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

### **VOTE (160-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

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 \$1,748.00, or any portion thereof, in the case of the State of Maine vs. Bert Johnson, CR-14-358 Court Records, the transfer of \$1,099.00, or any portion thereof, in the case of the State of Maine vs. Ibrahim Abdrahim a/k/a Abdurahim Ibrahim a/k/a Gutta Gutta, CR-14-122 Court Records, and the transfer of \$6,689.00, or any portion thereof, in the case of the State of Maine vs. Shane Hardy, CR-14-355 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account. Passed - Vote 7-0

### **APPROVAL OF ELECTION WARRANT CALLING FOR THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 10, 2014 FOR A SPECIAL MUNICIPAL CANDIDATE ELECTION AND RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR OF VOTERS ON ACTIONS NECESSARY TO CONDUCT**

**THE STATE CANDIDATE PRIMARY ELECTION TO BE HELD ON  
TUESDAY, JUNE 10, 2014**

**VOTE (161-2014)**

Motion by Councilor Libby, seconded by Councilor Cloutier:

Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, June 10, 2014 for the purposes of electing three Joint Charter Commissioners at large; and

To approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Candidate and State Candidate Primary Election to be held on Tuesday, June 10, 2014:

A. That the hours for acceptance of registrations in person only, prior to the June 10th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, May 21 through June 9, 2014.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 8:00am, 6:00pm, and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR GRIDIRON RESTAURANT,  
1567 LISBON STREET**

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

**VOTE (162-2014)**

Motion by Councilor Christ, seconded by Councilor Libby:

To grant a Special Amusement permit for live entertainment to The Gridiron Restaurant, 1567 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING AND ADOPTION OF THE RESOLVE APPROVING THE  
FEDERAL FY2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
ACTION PLAN BUDGET FOR SUBMITTAL TO THE US DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT (HUD)**

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

**VOTE (163-2014)**

Motion by Councilor Libby, seconded by Councilor Christ:

To adopt the Resolve approving the FY2014 Community Development Block Grant Action Plan Budget for submittal to the US Department of Housing and Urban Development:

Whereas, in accordance with applicable sections of 24 CFR Parts 91 and 570 and the City's Citizen Participation Plan, the City has provided citizens with adequate notice and opportunity to review and comment on its annual Action Plan budget; and

Whereas, the City Council has, on this date, conducted a public hearing and accepted public comments on the proposed Action Plan; and

Whereas, HUD requires that final local acceptance of the CDBG Action Plan budget take effect a minimum of 45 days prior to the end of this fiscal year, which occurs on June 30, 2013;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the attached schedule of funds for the Federal Fiscal Year 2014 (FY14) CDBG budget (Action Plan) is hereby adopted and City staff is hereby authorized to submit the FY2014 Action Plan to the U.S. Department of Housing and Urban Development as adopted.

Passed - Vote 7-0

**FINAL BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2015 EDUCATION BUDGET AND CONTINUATION OF THE FINAL BUDGET PUBLIC HEARING FOR THE MUNICIPAL BUDGET TO THE MAY 20 CITY COUNCIL MEETING**

**VOTE (164-2014)**

Motion by Councilor Cloutier, seconded by Councilor Lachance:

To conduct a final budget public hearing to receive citizen input and communication regarding the proposed Fiscal Year 2015 Education budget and to continue the final budget public hearing for input on the municipal budget to the May 20, 2014 City Council meeting. Passed - Vote 7-0

The Mayor opened up the floor to receive citizen comment on the Education budget. No members of the public spoke or against the budget during the hearing. The Mayor then closed the public input session.

**RESOLVE APPROVING THE FY2015 BUDGET FOR THE LEWISTON SCHOOL DEPARTMENT**

**VOTE (165-2014)**

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

To adopt the Resolve approving the FY15 budget for the Lewiston School Department:

Whereas, pursuant to the City Charter, the Lewiston School Committee prepared and approved a

FY15 budget for the Lewiston School Department that was submitted to the City Council in March; and

Whereas, subsequent to the receipt of this budget, the School Committee and the City Council have met to discuss and review it; and

Whereas, as a result of these discussions and information which has become available since the initial budget was approved, the School Committee has revised and amended the proposed budget; and

Whereas, the final budget approved by the School Committee proposes a significantly reduced property tax rate increase from its initial proposal;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the Fiscal Year 15 budget approved by the Lewiston School Committee as outlined and detailed on the eighteen attached Lewiston School Department Budget Articles is hereby adopted subject to approval of the voters of the City of Lewiston at a budget validation referendum.

**LEWISTON SCHOOL DEPARTMENT BUDGET ARTICLES**

**EXPENDITURE ARTICLES:**

1. To authorize the Lewiston School Committee to expend \$21,907,958 for Regular Instruction for the fiscal year beginning July 1, 2014 and ending June 30, 2015.
2. To authorize the Lewiston School Committee to expend \$15,398,171 for Special Education for the fiscal year beginning July 1, 2014 and ending June 30, 2015.
3. To authorize the Lewiston School Committee to expend \$2,927,142 for Career and Technical Education for the fiscal year beginning July 1, 2014 and ending June 30, 2015.
4. To authorize the Lewiston School Committee to expend \$748,175 for Other Instruction, including Summer School and Extracurricular Instruction for the fiscal year beginning July 1, 2014 and ending June 30, 2015.
5. To authorize the Lewiston School Committee to expend \$3,334,311 for Student and Staff Support for the fiscal year beginning July 1, 2014 and ending June 30, 2015.
6. To authorize the Lewiston School Committee to expend \$1,187,636 for System Administration for the fiscal year beginning July 1, 2014 and ending June 30, 2015.
7. To authorize the Lewiston School Committee to expend \$2,552,508 for School Administration for the fiscal year beginning July 1, 2014 and ending June 30, 2015.
8. To authorize the Lewiston School Committee to expend \$3,073,621 Transportation and Buses for the fiscal year beginning July 1, 2014 and ending June 30, 2015.
9. To authorize the Lewiston School Committee to expend \$5,959,606 for Facilities Maintenance for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

10. To authorize the Lewiston School Committee to expend \$3,422,905 for Debt Service and Other Commitments for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

11. To authorize the Lewiston School Committee to expend \$16,000 for All Other Expenditures for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

**REVENUE ARTICLES:**

12. To see what sum the City will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend \$59,924,770) and to see what sum the City will raise as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, §15688.

Statutory Recommendation \$18,152,708

School Committee Recommendation \$16,487,580

*Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the City must raise in order to receive the full amount of state dollars. Note: Per PL2009, Chapter 571, the amount recommended by the school committee as the required local share for the FY2014-2015 budget may be no less than 88.84% of the Title 20-A, Section 15688 amount, in order to receive the full amount of State subsidy.*

13. To appropriate the sum of \$1,033,324 for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects or non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12. *Explanation: Non-state-funded debt service is the amount of money needed to repay the annual payments on Lewiston's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the City Council.*

14. To raise and appropriate the sum of \$0 in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, section 15690.

*Explanation: The additional local funds are those locally raised funds over and above the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the City's budget for educational purposes.*

**TOTAL SCHOOL OPERATING BUDGET ARTICLE:**

15. To authorize the Lewiston School Committee to expend the sum of \$60,528,033 for the fiscal year beginning July 1, 2014 and ending June 30, 2015 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional

local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

**OTHER REVENUES**

16. To authorize the Lewiston School Committee to expend additional State, Federal and other funds received during the fiscal year 2014-2015 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated.

17. To authorize the Lewiston School Committee to accept the categories of funds listed below as provided by the Maine State Legislature.

**CATEGORY ESTIMATED AMOUNT**

Title I A Disadvantaged	\$2,255,000
Title IIA Teacher Quality	\$ 344,000
Title III ELL	\$ 130,000
Local Entitlement, Part 1 School Age and Part 2, Preschool Age	\$1,281,000
Carl D. Perkins Vocational and Applied Technology Education Act of 1990	\$ 208,000
Title I - School Improvement	\$ 595,000
21st Century Learners	\$ 119,000
Adult Basic Education	\$ 98,000
Adult Ed Civics Grant	\$ 38,000
Refugees Impact Grant	\$ 39,000
	<b>\$5,107,000</b>

**ADULT EDUCATION:**

18. To appropriate the sum of \$649,943 for adult education for the fiscal year beginning July 1, 2014, and ending June 30, 2015, and to raise the sum of \$420,862 as the local share for adult education, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

Passed – Vote 5-2 (Councilors Lachance and Dubois opposed)

**CONDEMNATION HEARING FOR THE BUILDING LOCATED AT  
111 PINE STREET**

This item was withdrawn from the agenda and will be brought forth at a future City Council meeting.

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

Councilor Dubois asked about the property reassessment schedule and how often the city reassesses properties. The Mayor asked to have a workshop in June requiring that trash cans have lids and be covered to prevent trash from blowing around.

**VOTE (166-2014)**

Motion by Councilor Libby, seconded by Councilor Dubois:

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

Session began at 7:38pm and ended at 8pm.

**VOTE (167-2014)**

Motion by Councilor Cloutier, seconded by Councilor Cayer:

To adjourn at 8:00 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine