

# CITY OF LEWISTON

CITY COUNCIL

APRIL 6, 2010

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

Note - Meeting began at 7:35pm due to a delay in the workshops which preceded the meeting.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors Butler, Poulin, Jean, O'Connell, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo. Absent/Excused: Councilor Bernier

Pledge of Allegiance to the Flag.  
Moment of Silence.

### PRESENTATION FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Holly Lavorgna, vice president of the group, stated their DVD, Lewiston in the Eyes of Youth, is almost completed and the LYAC members would like to thank Russ Dillingham of the Sun Journal for his assistance with photographs as well as Nick Knowlton for his help with the music. She stated their youth summit is coming up soon and they have invited students from all Androscoggin County high schools to send up to ten students for the event.

### PROCLAMATION – STORIES OF FREEDOM: “WHAT YOU DO MATTERS!”

Mayor Gilbert read the proclamation he is issuing entitled Stories of Freedom which honors survivors of the Holocaust and proclaims April 11 – 18 as Days of Remembrance in Lewiston in memory of the victims and survivors of the Holocaust.

### PROCLAMATION – DONATE LIFE MONTH IN MAINE

Mayor Gilbert read the proclamation recognizing April as Donate a Life Month to promote organ, tissue, blood and bone marrow donation awareness.

### VOTE (108-2010)

Motion by Councilor Morgan, seconded by Councilor Cayer:

To dispense with the reading of the minutes of the meeting of March 16, 2010 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

### PUBLIC COMMENT PERIOD

Estelle Rubinstein thanked the Mayor and Council for the proclamation recognizing the victims and survivors of the Holocaust, noting it is very important to not forget these issues.

### RESOLVE – AUTHORIZING USE OF \$25,000 IN CDBG FUNDS TOWARD REVITALIZATION OF SUNNYSIDE PARK

**VOTE (109-2010)**

Motion by Councilor Cayer, seconded by Councilor Jean:

To approve the Resolve authorizing the use of \$25,000 in CDBG funds towards the revitalization of Sunnyside Park:

Whereas, in 2009, the CDBG Review Committee recommended and the City Council approved the set-aside of \$25,000 in the City Park Improvements budget as a matching fund for the creation of new or revitalized parks in eligible areas of the City; and

Whereas, the Sunnyside Neighborhood Associating has solicited private donations totaling over \$20,000 towards re-establishing the Park; and

Whereas, the City Council desires to improve the quality of life in Lewiston's neighborhoods through enhancements to community and recreational assets;

Now, Therefore, Be it Resolved by the City Council of the City of Lewiston that up to \$25,000 in CDBG funds are hereby made available from the City Park Improvements account towards the cost of re-establishing Sunnyside Park.

Passed - Vote 6-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO COMMIT THE CITY'S IN KIND RESOURCES, ESTIMATED TO BE APPROXIMATELY \$3,372, TO SUPPORT THE MUSEUM L-A DUATHLON TO BE HELD ON JUNE 27, 2010**

Councilor Poulin had numerous questions for the event organizers and no members of the committee were present to address his questions.

**VOTE (110-2010)**

Motion by Councilor Poulin, seconded by Councilor Morgan:

To postpone action on this item to the next Council meeting. Did Not Pass – Vote 3 – 4 (Councilors Morgan, Poulin and Bailey in favor; Councilors Butler, Jean and Cayer opposed; the Mayor voted against the motion to break the tie vote.)

**VOTE (111-2010)**

Motion by Councilor Butler, seconded by Councilor Jean:

To approve the Order Authorizing the City Administrator to Commit the City's in-Kind Resources, estimated to be approximately \$3,372, to support the Museum L/A Duathlon to be held on June 27, 2010:

Be it Ordered By the City Council of the City of Lewiston that the City Administrator is hereby authorized to commit City resources, as outlined in Museum L-A's application dated February 22, 2010, and in accordance with the in-kind costs estimated by the city, for the June 27, 2010 Duathlon.

Passed - Vote 4-3 (Councilors Butler, Jean and Cayer in favor; Councilors Morgan, Poulin and

Bailey opposed; Mayor voted in the affirmative to break the tie vote)

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL  
AMUSEMENT PERMIT FOR LITTLE JOE’S BAR AND GRILL,  
740 SABATTUS STREET**

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

**VOTE (112-2010)**

Motion by Councilor Butler, seconded by Councilor Morgan:

To grant a special amusement permit for live entertainment to Little Joe’s Bar & Grill, 740 Sabattus Street. Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE  
ANIMAL ORDINANCE PERTAINING TO THE CREATION OF AN ANIMAL  
IMPOUNDMENT FEE**

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

Councilor Jean made a motion to delete the third sentence of the proposed amendment language. No Councilors seconded the motion. Councilor Morgan made a motion to allow for payment arrangements for the fine. No Councilors seconded the motion.

**VOTE (113-2010)**

Motion by Councilor Cayer, seconded by Councilor Butler:

That the proposed amendment to the City Code of Ordinances, Chapter 14 “Animals”, Article IV “Impoundment, Redemption and Disposition of Animals”, receive final passage by a roll call vote. Passed - Vote 4-2 (Councilors Poulin and Jean opposed)

**RESOLVE ACCEPTING THE DRAFT FY2010 COMMUNITY DEVELOPMENT  
BLOCK GRANT (CDBG) ACTION PLAN BUDGET AND FY2010-2014  
CONSOLIDATED PLAN FOR CONSIDERATION**

Councilor Morgan stated the City received \$89,000 in additional federal funding than anticipated, so he would like to see the agencies that received reductions to be funded at last year’s levels. Councilor Cayer said he is in favor of flat funding these organizations. He also suggested that new organizations that are not tried and tested should receive a lower amount to allow them to prove themselves and then they could earn additional funds later, after having proved their work. Councilor Butler stated the Sexual Assault Crisis Center should receive additional funds. Administrator Barrett recommended the CDBG Committee meet again to review and re-apply the funds based upon the Council’s recommendations this evening. The question was asked why the Committee is recommending cutting long term agencies in favor of funding new organizations that have not received funds in the past. Councilor

O'Connell who serves on the Committee stated the Committee felt it was important to fund the Somali Bantu organization due to their train the trainer program for worker responsibility. She said in the Somali culture, time and appointments are not viewed as important, and Somali residents have been showing up for commitments, like doctor's appointments, hours late, and not realizing there is a problem. Councilor O'Connell stated the committee felt if this cultural training could be shared with the Somali community, it would help prepare them for the work place. It was noted the item for the high school land improvement is for sidewalk safety issues and not for cosmetic landscaping. Councilor Jean asked Mark McComas for the 2008 budget allotments for these groups. Mayor Gilbert advocated for the important work that the Head Start organization performs and noted they were cut as well.

The Mayor opened the floor for public input. Bill Underson stated his organization, Outsource Works, used to be called Faithworks and has always received funding under this program since it was established in 1999. He said funding from other sources is drying up and if the work of his organization is not worthy in the eyes of the Council, then this sends a message to all low income residents with jobs. Marty McIntire of the Sexual Assault Crisis Center said all organizations were told previously to not apply for additional funds from CDBG because the CDBG funds were going to be limited, so therefore their request was lower than they would have preferred. Estelle Rubinstein of Head Start stated she has been an advocate working for poor children in the area for forty years and that one in three children living in Lewiston are in poverty, which is the highest ratio in the state. She noted that Auburn is the second highest in the state. She said that parents of Head Start children must be working, going to school or in job training and that the Head Start family educators visits each family on a regular basis to assist with issues such as budgeting and household management. Councilor O'Connell inquired about the amount of CDBG funding Auburn provides to the program. Mrs. Rubinstein stated \$9,000. Kirsten Walters spoke in favor of two groups she manages – the Saint Mary's Nutrition Center and Lots to Gardens. She noted the funding decisions should reflect the priorities in the CDBG Consolidated Plan and she also said that several years ago the Council stated they did not want each agency to get a sense of entitlement year after year, but had the need to prove themselves each year in order to obtain funding.

### **VOTE (114-2010)**

Motion by Councilor Poulin, seconded by Councilor Butler:

To approve the Resolve accepting the FY2010 Community Development Block Grant (CDBG) Action Plan Budget and FY2010-2014 Consolidated Plan for consideration and that a public hearing will be held on May 4, 2010 at 7pm in the Lewiston City Council Chambers to discuss comments received on these documents and to approve them for submission to HUD:

Whereas, in accordance with applicable sections of 24 CFR Parts 91 and 570, the City of Lewiston, as part of its requirements to receive CDBG funding from the U.S. Department of Housing and Urban Development (HUD), must provide citizens will adequate notice and opportunity to review and comment on both its annual Action Plan budget and five-year Consolidated Plan; and

Whereas, the City is especially interested in having citizens of low and moderate-income levels, and organizations that serve the needs of this population, participate in the process, since this is the demographic group to which CDBG funds are targeted; and

Whereas, the City’s Citizen Participation Plan, adopted by the City Council on January 5, 2010, indicates that Lewiston City Council is scheduled to take action on accepting the Consolidated Plan and Action Plan no later than May 4, 2010 during a regularly scheduled City Council Meeting, which will be considered a public hearing;

Now, Therefore, be it Resolved by the City Council of the City of Lewiston that the FY2010 Community Development Block Grant (CDBG) Action Plan Budget and FY2010-2014 Consolidated Plan are hereby accepted for consideration and that a public hearing will be held on May 4, 2010 at 7 PM in the Lewiston City Council Chambers to discuss comments received on these documents and to approve them for submission to HUD.

Passed - Vote 6-0

**VOTE (115-2010)**

Motion by Councilor Poulin, seconded by Councilor Morgan:

To send the budget recommendations back to the CDBG Committee to review recommendations mentioned by the City Council and to report back their recommendations at the April 22 Council workshop. Passed – Vote 6-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE APPLICABLE FEES AND COMMIT THE CITY’S IN-KIND RESOURCES, ESTIMATED TO BE APPROXIMATELY \$205, TO SUPPORT THE L/A VETERAN’S COUNCIL INC.’S USE OF THE MEMORIAL ARMORY FOR A CEREMONY TO PRESENT LOCAL VETERANS WITH THE “MAINE SILVER STAR HONORABLE SERVICE MEDAL”**

**VOTE (116-2010)**

Motion by Councilor Jean, seconded by Councilor Poulin:

To approve the Order authorizing the City Administrator to waive applicable fees and commit the City’s in-kind resources, estimated to be approximately \$205, to support the L/A Veteran’s Council Inc.’s use of the Memorial Armory for a ceremony to present local veterans with the “Maine Silver Star Honorable Service Medal”:

Whereas, Maine Governor John E. Baldacci and Officials of the Maine National Guard and the Maine Division of Veterans Services have requested that the L/A Veterans Council sponsor an Event at the Lewiston Armory to present local veterans the “Maine Silver Star Honorable Service Medal;” and

Whereas, the L/A Veterans Council have requested that the application fee associated with use of the Armory be waived; and

Whereas, they have also requested that the City provide in-kind services in the estimated amount of \$205 for this event; and

Whereas, the purpose of this event, which will be held on April 17, 2010, is to recognize the service of local military veterans;

Now, Therefore, Be it Ordered By the City Council of the City of Lewiston that the \$30 application fee for the use of the Armory is hereby waived and the City Administrator is hereby authorized to commit City resources in the estimated amount of \$205 for this April 17<sup>th</sup> event.

Passed - Vote 6-0

**RESOLVE APPROVING THE PLACEMENT OF PINWHEELS IN THE MAIN STREET  
MEDIAN IN RECOGNITION OF CHILD ABUSE PREVENTION MONTH**

**VOTE (117-2010)**

Motion by Councilor Butler, seconded by Councilor Poulin:

To approve the Resolve authorizing the Advocates for Children organization to place blue pinwheels in the Main Street median, across from the former Peck's building, for a period not to exceed one week during the month of April:

Be it Resolved By the City Council of the City of Lewiston that Advocates for Children is hereby authorized to place blue pinwheels in the Main Street median across from the former Peck's building for a period not to exceed one week during the month of April.

Passed - Vote 6-0

**ORDER AUTHORIZING A CREDIT CARD TRANSACTION FEE OF 2.5% TO BE  
APPLIED TO CREDIT CARD TRANSACTIONS, EXCEPT FOR AUTOMATED  
PARKING GARAGE TRANSACTIONS, EFFECTIVE JULY 1, 2010**

Councilor Poulin made a motion to exempt property tax payments from those services included in the credit card payment system. No Councilors seconded the motion.

**VOTE (118-2010)**

Motion by Councilor Cayer, seconded by Councilor Morgan:

To approve the Order authorizing the City Administrator to initiate a credit card transaction fee of 2.5% to be applied to all credit card transactions, except for automated parking garage transactions, effective July 1, 2010:

Whereas, third-party credit card processors and/or National Credit Card Companies assess a credit card transaction fee of 2.5% for online and counter transactions; and

Whereas the City does not currently have a third-party credit card processor and offers only limited credit card payment options in order to avoid absorbing the 2.5% credit card transaction fee; and

Whereas, the State of Maine has authorized municipalities to institute credit card transaction fees to cover these costs; and

Whereas, the online payment option offered by the EnerGOV software and any other future

online payment systems offered through the City will require a third-party credit card processor; and

Whereas, if credit card payments are made available for all types of credit card transactions, a credit card transaction fee will be necessary for the City to recoup the cost assessed by the third party credit card processor and/or the National Credit Card Companies;

Now, Therefore, Be it Ordered By the City Council of the City of Lewiston that the City Administrator is hereby authorized to initiate a credit card transaction fee of 2.5% to be applied to all credit card transactions, except for automated parking garage transactions, effective July 1, 2010.

Passed - Vote 6-0

**RESOLVE ACCEPTING THE DONATION OF A FIREFIGHTERS MEMORIAL MONUMENT AND GRANTING PERMISSION TO LOCATE THE MEMORIAL ON CITY PROPERTY AT THE LEWISTON CENTRAL FIRE STATION**

**VOTE (119-2010)**

Motion by Councilor Morgan, seconded by Councilor Cayer:

To approve the Resolve accepting the donation of the Firefighters Memorial monument from the Lewiston Firefighters Association Local 785 and granting permission to place the memorial at the Lewiston Central Fire Station:

Whereas, the Lewiston Firefighters Association, Local 785 IAFF, wishes to donate to the City of Lewiston a Firefighters Memorial honoring Lewiston Firefighters who have died in the Line of Duty; and

Whereas, Fire Chief Paul LeClair requests permission to place the memorial on City property at Lewiston Central Fire Station near the existing Flag Pole on the Southwest Corner of the property at Bates and College Street;

Now, therefore, be it Resolved By the City Council of the City of Lewiston that the donation of a Firefighters Memorial from the Lewiston Firefighters Association Local 785 is accepted and permission is granted to place the memorial on City of Lewiston property at Lewiston Central Fire Station.

Passed - Vote 6-0

**RESOLVE ACCEPTING GRANTS AND DONATIONS FOR THE PURPOSE OF INSTALLING BATTING CAGES AT THE LEWISTON MEMORIAL ARMORY**

**VOTE (120-2010)**

Motion by Councilor Jean, seconded by Councilor Cayer:

To approve the Resolve accepting the equipment grant from Sports, Inc., Sportstrend Civic Project for batting cages and donations of additional supplies and materials from other local businesses and organizations that will allow for the installation of these cages, and to further thank the local businesses for their contribution to this project:

Whereas, Gee and Gee Sporting Goods has worked closely with the Recreation Department to seek an equipment grant from the Sports Inc, Sportstrend Civic Project that will allow for the installation of batting cages at the Memorial Armory; and

Whereas, a number of local businesses and organizations have expressed interest in donating additional supplies and materials necessary for installation of these cages; and

Whereas, this equipment will allow recreation program participants to practice softball, baseball, and lacrosse and is estimated to serve between 50 and 100 youth per day;

Now, Therefore, Be it Resolved By the City Council of the City of Lewiston that the City hereby accepts an equipment grant from the Sports Inc., Sportstrend Civic Project for batting cages and donations of additional supplies and materials from other local businesses and organizations that will allow for installation of these cages.

Be It Further Resolved that the City Council expresses its thanks and appreciation to Gee and Gee Sporting Goods, Sports, Inc, and the other local businesses and organizations that have contributed to make this project a reality.

Passed - Vote 6-0

### **REPORTS AND UPDATES**

The Mayor reminded all residents to fill out and turn in their census forms.

### **OTHER BUSINESS**

No Other Business was presented at this time.

### **EXECUTIVE SESSION**

#### **VOTE (121-2010)**

Motion by Councilor Poulin, seconded by Councilor Jean:

To enter into an executive session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions – International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458. Passed - Vote 6-0

Executive session began at 9:25pm and ended at 10:30pm.

#### **VOTE (122-2010)**

**CITY COUNCIL**

**APRIL 6, 2010**

Motion by Councilor Butler, second by Councilor Jean:

To adjourn at 10:33 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine