

# CITY OF LEWISTON

CITY COUNCIL

JUNE 1, 2010

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

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

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

Pledge of Allegiance to the Flag.  
Moment of Silence.

### EXECUTIVE SESSION

#### **VOTE (174-2010)**

Motion by Councilor Butler, seconded by Councilor Morgan:

To enter into 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 6:04pm and ended at 6:52pm.

#### **VOTE (175-2010)**

Motion by Councilor Jean, seconded by Councilor O'Connell:

To dispense with the reading of the minutes of the meeting of May 4, 2010 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### PUBLIC COMMENT PERIOD

Stavros Mendros of 135 Hogan Road reviewed the proposal for a casino at the Bates Mill property site if the citizens approve the sale of this property at next week's election.

### **PUBLIC HEARING AND ADOPTION OF BOND ORDER FOR THE FISCAL YEAR 2011 CAPITAL IMPROVEMENT PROGRAM PROJECTS**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Rachel Desgrosseilliers, Executive Director of Museum L/A, commented on the Beech Street bridge, stating when the Museum purchased the building, they were told the City was looking to obtain the bridge for repairs. She noted the City needs the bridge for riverfront development of the Island Point project and the Museum does not want to stop the eminent domain process for the bridge. Public Services Director David Jones noted the bridge is private property and the owners have posted it with a 20 ton limit. He believes there is corrosion of the steel and the end wall abutments. Councilor Cayer stated the three property owners who use the bridge need to discuss replacement, not just the city's taxpayers. Mayor Gilbert then closed the hearing.

#### **VOTE (176-2010)**

Motion by Councilor Butler, seconded by Councilor Poulin:

To remove \$570,000 for the Beech Street bridge replacement project. Passed - Vote 6-1 (Councilor Jean opposed)

**VOTE (177-2010)**

Motion by Councilor Jean, seconded by Councilor Morgan:

To approve the Order to authorize the Bond Issue to finance the Fiscal year 2011 Capital Improvement Program projects, in the amount of \$9,373,000:

ORDERED, That \$9,373,000 be appropriated for financing the following projects in the Lewiston Capital Improvement Program:

<u>Project</u>	<u>Amount</u>
<b>GENERAL FUND:</b>	
Fire Pumper	\$450,000
Information System Upgrade	450,000
Hardware	124,235
Licensing	45,317
Microsoft Software	65,766
Website Upgrade	32,000
Energov	187,500
Bridge and Culvert Replacement	300,000
Downtown Connector	223,000
Lewiston River Side Greenway	96,000
Street Rehabilitation	1,000,000
Ash Street Improvements	393,000
<b>SEWER FUND:</b>	
Rehab Old Sewer Mains	650,000
Jepson Brook Drainage Area	1,000,000
Interceptor Inspection and Rehab	150,000
<b>WATER FUND:</b>	
Lake Auburn Water Treatment	2,462,000
Distribution Main Replace/Rehab	945,000
Transmission Main Replacement	154,000
<b>STORMWATER FUND:</b>	
Jepson Brook Drainage	1,000,000
Hart Brook Water Quality	100,000

FURTHER ORDERED, That to meet this appropriation, \$9,373,000 shall be raised by a Public Improvement Bond Issue;

FURTHER ORDERED, That the City Council instruct the Finance Director to advertise for bids for \$9,373,000 Public Improvement Bonds; to award the loan; and to employ Palmer & Dodge to

furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

FURTHER ORDERED, That the bonds shall be signed by the City Treasurer and Mayor;

FURTHER ORDERED, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

FURTHER ORDERED, That bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 6-1 (Councilor Jean opposed)

At this time, the Mayor took agenda items 5, 3 and 6 out of order and addressed them at this time.

**REQUEST FROM THE L/A VETERANS' COUNCIL TO DISCONTINUE USE OF THE VETERAN'S MEMORIAL PARK AS AN ACTIVE PARK IN THE CITY**

Joseph Paradis of a local veteran's organization stated the group is in favor and support of the Liberty Festival, but does not want to see vendors or the entertainment stage area in the park, and would like to see no scheduled commercial activity or recreation events in the park, that are not sponsored by the veterans. He noted the group would also like to have dogs banned from the park. Mr. Paradis said thousands of dollars have been spent in the park to purchase the flags and monuments. He said the group is asking that the Council not allow any vendors on the paved area and no stage on the grass area. Bert Dutil of the veteran's organization stated the City renamed the park in 2002 and only military and veterans events should be held here. He noted other options for the Liberty Festival, such as Simard-Payne Park or holding the entertainment in Courthouse Plaza and the vendors on Lisbon Street. Cathy McDonald of the Liberty Festival stated the park is beautiful and the festival committee would like the citizens to use and enjoy it. She noted there isn't another suitable location to use and they cannot relocate across the street due to the construction. She said the festival would like to partner with the veterans to educate the public of the work of the veterans, noting the purpose of the festival is a celebration of patriotism and heritage.

**VOTE (178-2010)**

Motion by Councilor Jean, seconded by Councilor Bernier:

To not permit any vendors, entertainment or commercial activity in Veterans' Memorial Park, effective July 6, 2010. Passed - Vote 5-2 (Councilors Butler and Morgan opposed)

**ORDER AUTHORIZING REIMBURSEMENT FOR EXPENSES RELATED TO TREE REPLACEMENT AT 167 FARWELL STREET**

Councilor Poulin asked the Administrator if procedures have been put into place to avoid these issues in the future and Mr. Barrett stated he has already reviewed this with the Public Works Department.

**VOTE (179-2010)**

Motion by Councilor Jean, seconded by Councilor Butler:

To approve the Order authorizing reimbursement for expenses related to tree replacement at 167 Farwell Street:

Whereas, the City trimmed trees located on 167 Farwell Street in order to allow for free passage along the sidewalk on Farwell and clear the sight line to the stop sign at Goulet and Farwell; and

Whereas, the property owners were not contacted in advance of the work and were not asked to address the problem on their own; and

Whereas, the owners have indicated that they have periodically trimmed the trees over the years to clear obstructions and would have done so in this instance if contacted; and

Whereas, the City has the legal right to trim vegetation that extends into the public right-of-way and is not required to notify the owners of the property on which the vegetation is located in advance of doing so; and

Whereas, good practice would be for the City to contact the property owners, request that they correct the problem, and only take action upon their failure to do so (barring a situation that presents a threat to public safety); and

Whereas, all who have viewed the work agree that the result is unsightly and negatively impacts the property;

Now, therefore, Be It Ordered by the City Council of the City of Lewiston that given the number of trees involved, the extent of the trimming, the unsightly result of the work, and the impact of this work on the screening previously provided, when coupled with lack of notification to the property owners of the problem, the City Administrator is hereby authorized to reimburse the owners of the property located at 167 Farwell Street for the actual cost of removing and replacing trees on their property in an amount not to exceed \$7,500.

Passed - Vote 7-0

**RESOLVE WAIVING THE PERMIT AND LICENSING FEES FOR THE GREAT FALLS FARMERS AND ARTISANS MARKET ASSOCIATION FOR THE MARKET HELD ON TUESDAYS IN KENNEDY PARK**

**VOTE (180-2010)**

Motion by Councilor Jean, seconded by Councilor O'Connell:

To approve the Resolve waiving the permit and licensing fees for the Great Falls Farmers and Artisans Market Association for the markets held on Tuesdays in Kennedy Park and on Wednesdays at the St. Mary's parking lot:

Whereas, The City desired to support a public farmer's market that provides fresh foods and other items to local residents; and

Whereas, the City will require that all vendors at the market obtain the proper permits and licenses and meet all pertinent Code regulations; and

Whereas, financial assistance in the form of fee waivers will greatly enhance the Market's ability to attract more and better vendors and enable the Association to improve the overall Market experience for shoppers;

Now, therefore, Be It Resolved by the City Council of the City of Lewiston that all City of Lewiston permit and licensing fees for merchandise sales and events associated with, and sanctioned by, the Great Falls Farmers and Artisans Market Association for its Tuesday market in Kennedy Park are hereby waived.

Passed - Vote 7-0

**PUBLIC HEARING AND APPROVAL OF THE FOURTH AMENDMENT TO THE  
WAL-MART TAX INCREMENT FINANCING AGREEMENT**

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 (181-2010)**

Motion by Councilor Jean, seconded by Councilor Cayer:

To approve the Order authorizing an amendment to the Wal-Mart Tax Increment Financing District to expand the definition of eligible project costs:

Whereas, in 2002, the City created a Tax Increment Financing District and Development program associated with the Wal-Mart distribution center; and

Whereas, a portion of the proceeds of this district were designated to support economic development efforts; and

Whereas, subsequent to creation of this district, the State expanded the definition of eligible project cost to include funding the marketing of the municipality as a business or arts location; and

Whereas, during the FY11 budget process, the City Council approved funding for LA Arts from district proceeds; and

Whereas, in order to implement this decision, the Wal-Mart Tax Increment Financing District must be amended in order to include this purpose in the Development program;

Now, therefore, Be It Ordered by the City Council of the City of Lewiston that the Wal-Mart Tax Increment Financing District and Development program are hereby amended to include the costs

of funding the marketing of the municipality as a business or arts location to include funding for LA Arts.

Be It Further Ordered that the City Administrator is hereby authorized to submit a revised Tax Increment Financing application incorporating this amendment to the State Department of Economic and Community Development as required by state statute.

Passed - Vote 7-0

**REQUEST FROM THE INDEPENDENCE DAY COMMITTEE FOR USE OF CITY SERVICES FOR THE LIBERTY FESTIVAL**

**VOTE (182-2010)**

Motion by Councilor Butler, seconded by Councilor Jean:

To approve the Resolve to establish the “Festival Zone” parameters for the July 4, 2010 Liberty Festival activities:

Whereas, the City Council has approved a cash donation and in-kind services for the Liberty Festival event for FY2011; and

Whereas, the request submitted by Liberty Festival, dated 5/25/10, is consistent with those requests submitted in prior years; and

Whereas, the City Administrator will be required to amend the parking requests outlined in the 5/25/10 letter regarding the use of parking areas given new construction in the Bates Mill 5 area;

Now, therefore, Be it Ordered By the City Council of the City of Lewiston that the Liberty Festival request is hereby approved as submitted, with the exception of parking lot areas, and the City Administrator is authorized to take all appropriate actions consistent with this approval.

Passed - Vote 7-0

**APPOINTMENT TO THE BOARD OF LIBRARY TRUSTEES**

**VOTE (183-2010)**

Motion by Councilor Jean, seconded by Councilor Bernier:

To confirm the Mayor’s nomination of Anne Kemper of 110 Pettingill Street to serve as a member of the Board of Library Trustees and to appoint Ms. Kemper as a member of the Board of Library Trustees for a three year term, said term to expire January 7, 2013. Passed - Vote 7-0

**APPOINTMENT OF THE SEALER OF WEIGHTS AND MEASURES**

**VOTE (184-2010)**

Motion by Councilor Jean, seconded by Councilor Cayer:

To approve the Resolve appointing Thomas F. Verrill as Sealer of Weights and Measures for the City of Lewiston:

Whereas, State statutes require that the municipal officers appoint a Sealer of Weights and Measures whose duties are to verify that commercial weighing and measuring devices are accurately calibrated to protect consumers; and

Whereas, Mr. Verrill has fulfilled this function for Lewiston for the past nine (9+) plus years; and

Whereas, he is certified by the State Sealer of Weights and Measures, has the appropriate equipment needed to certify gasoline pumps and scales, and has done so for nine (9) years; and

Whereas, he is also the Sealer of Weights and Measures for thirteen (13) other towns in Androscoggin and Oxford Counties and is the Sealer of Weights and Measures for the City of Auburn; and.

Whereas, he is compensated for his services through fees that are paid to the State by the companies that he services; and

Whereas, he is well qualified to provide this service;

Now, therefore, Be It Resolved by the City Council of the City of Lewiston that Mr. Thomas F. Verrill of Auburn, Maine is hereby appointed as the Sealer of Weights and Measures for the City of Lewiston

Passed - Vote 7-0

**DISCUSSION REGARDING THE CITY COUNCIL SUMMER MEETING SCHEDULE**

**VOTE (185-2010)**

Motion by Councilor Cayer, seconded by Councilor Butler:

To suspend Section 1,(a) of the Rules Governing the City Council, and to only hold one regular meeting during the month of July, said meeting to be held on Tuesday, July 13<sup>th</sup> at 7:00pm and to hold only one regular meeting during the month of August, said meeting to be held on Tuesday, August 10<sup>th</sup> at 7:00pm. Passed - Vote 7-0

**REPORTS AND UPDATES**

The Mayor provided an update to the Council regarding his recent meeting with the Congressional Delegation in Washington, DC. He noted issues discussed were jobs retention,

creation of jobs and CDBG funds.

**OTHER BUSINESS**

No other business was presented at this time.

**VOTE (186-2010)**

Motion by Councilor Morgan, second by Councilor Bernier:

To adjourn at 9:15P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine