

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 5, 2010

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

PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH

The Mayor read a Proclamation proclaiming October as Domestic Violence Awareness Month and urged anyone who is aware of a domestic violence situation to report it and to seek help for the victim.

VOTE (279-2010)

Motion by Councilor Morgan, seconded by Councilor Cayer:

To dispense with the reading of the minutes of the meeting of August 10, 2010 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period. The Mayor announced the new Municipal Volunteer program that was started recently to match up citizens interested in helping out the city with work that needs to be done in different departments. He encouraged all interested citizens to contact the City for additional information. He noted the recently held Dempsey Challenge utilized 900 volunteers and raised over one million dollars. The Mayor said that Councilor Jean served as a volunteer for the event.

**PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR MIDTOWN
ATHLETIC CLUB, 43 WALNUT STREET**

Mayor Gilbert opened the public hearing for citizen input and comment. No members of the public spoke for or against this issue. Mayor Gilbert then closed the hearing. Councilor O'Connell thanked the business owner for their improvements over the past year, noting she has not heard any issues or concerns regarding this location.

VOTE (280-2010)

Motion by Councilor Butler, seconded by Councilor Morgan:

To grant a special amusement permit for live entertainment to the Midtown Athletic Club, 43 Walnut Street. Passed - Vote 7-0

**PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR SCHEMENGEES
BAR & GRILL, 551 LINCOLN STREET**

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

VOTE (281-2010)

Motion by Councilor Jean, seconded by Councilor Morgan:

To grant a special amusement permit for live entertainment to Schemengees Bar & Grill, 551 Lincoln Street. Passed - Vote 7-0

At this time, the Mayor took agenda item number 6 out of order and addressed it at this time.

**ORDER AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM FOR THE PURPOSE OF FUNDING AN
ENERGY AUDIT OF THE YWCA BUILDING**

Pauline Gudas of 6 Raymond Avenue noted the YWCA is important to the City, but it is the City's obligation to manage their money well, just as it is the YWCA's obligation to do the same. She noted the organization got into financial problems on their own, and now only six weeks into their fundraising campaign, they are asking for a handout from the City. She said she has not heard if they are asking other towns for financial assistance. Ms. Gudas noted that many non-profits do not receive money from the City and she questioned why the YWCA should. She said the organization is asking for \$10,000 for an energy audit, but their actual request to the City is for \$250,000 in financial assistance. She noted these funds would come from the CBDG account and these funds could be used to help families in the CDBG target zone instead. Ms. Gudas pointed out that \$10,000 would allow for 20 CDBG families to receive a \$500 energy audit of their home, and \$250,000 would allow 20 families in the CDBG zone to have \$5,000 energy upgrades to their homes. She said that other non-profits are in a financial situation due to the economy and they are not coming to the City to bail them out. She urged the Council to spend the money on families who could use the assistance.

Martha Baxter of 22 Buttonwood Lane introduced herself as a board member of the YWCA and said there is great community work going on at the YWCA such as children's swimming lessons to social clubs for seniors. She noted the organization provides essential services and she supports the request before the Council. She said the board would keep working on fundraising and would reach out to area towns. Ms. Baxter said the board worked to keep up with the mortgage, but due to the economy and increased costs such as oil and insurances, the board could not keep up with it.

Councilor Poulin asked if there are any other city programs that could provide funding for the organization. The City Administrator mentioned the CDBG Rehab Loan program. Councilor Morgan noted the YWCA benefits thousands of people each year, plus would be available for future generations.

VOTE (282-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

To approve the Order authorizing the transfer of funds within the Community Development Block Grant Program for the purpose of funding an energy audit of the YWCA building:

WHEREAS, earlier this year, the YWCA Board decided to close their facility due to financial issues compounded by the mortgage on the building and its high energy costs; and

WHEREAS, in response to that announcement, members of the community proposed that the YWCA undertake a capital campaign to address the organization's financial needs; and

WHEREAS, to date, this campaign has received donations and pledges in excess of \$400,000 toward a goal of \$1,000,000; and

WHEREAS, the YWCA provides important services to the population of our region including low and moderate income residents of Lewiston; and

WHEREAS, it is in the best interests of the City of Lewiston to assist the YWCA in addressing the high energy costs associated with their current building; and

WHEREAS, in order to do so, a comprehensive energy audit is necessary to identify energy and utility saving projects, estimate their costs, and project the savings that will result from them; and

WHEREAS, once such an audit has been completed, the YWCA will be able to develop a specific plan and budget for addressing this issue;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the Finance Director is hereby authorized to transfer an amount not to exceed \$10,000 from currently funded Community Development Downtown Infrastructure projects to fund a comprehensive energy and utility audit of the YWCA's property located on East Avenue in Lewiston.

Be it Further Ordered that the City Administrator and/or his designee work closely with the staff of the YWCA in the process of completing such an audit and report the results back to the City Council to include the proposed projects, their estimated costs, and the savings that will result from their implementation.

Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN ADOPTION OF THE
PROPERTY ASSESSED CLEAN ENERGY ORDINANCE**

Mayor Gilbert opened the public hearing for citizen input and comment. Bruce Damon of 22 Buttonwood Lane and chairperson of the Energy Committee, spoke in favor of the ordinance. He noted Maine has one of the oldest and least efficient housing stocks in the county and the loan program would provide up to \$15,000 in a low interest loan to increase the energy efficiency of homes. He said this program does not have any income requirements and is open to anyone. Mayor Gilbert then closed the hearing.

VOTE (283-2010)

Motion by Councilor Jean, seconded by Councilor Cayer:

That the proposed new ordinance, Chapter 60 “Property Assessed Clean Energy”, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE AMENDMENTS
CONCERNING IN-LAW APARTMENT STANDARDS**

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

VOTE (284-2010)

Motion by Councilor Jean, seconded by Councilor Poulin:

That the proposed amendment to Appendix A, Article XII “Performance Standards”, Section 11, “In Law Apartment Standards”, of the City Zoning and Land Use Code, concerning elimination of the prohibition against separate side entrances, receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting.
Passed - Vote 7-0

ADOPTION OF A NEW CITY POLICY REGARDING MAILBOX REPLACEMENT

VOTE (285-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

To establish and adopt a Mailbox Replacement Policy, Policy Manual Number 86, as recommended by the City Administrator. Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT
WITH THE EFFICIENCY MAINE TRUST FOR THE PROPERTY ASSESSED CLEAN
ENERGY (PACE) PROGRAM**

VOTE (286-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

To approve the Order authorizing the City Administrator to execute a contract with the Efficiency Maine Trust for the Property Assessed Clean Energy (PACE) Program:

WHEREAS, the 124th Maine Legislature enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties financed by funds awarded to the Efficiency Maine Trust under the

Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the City of Lewiston wishes to establish a PACE program; and

WHEREAS, the City also desires to enter into a contract with the Efficiency Maine Trust to administer the City's PACE program;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a contract with the Efficiency Maine Trust for the purpose of allowing the Trust to administer the City's Property Assessed Clean Energy Program, such contract to be in a form substantially the same as presented.

Passed - Vote 7-0

ORDER AUTHORIZING CHANGE ORDER #6 TO THE CONTRACT WITH LEDGEWOOD CONSTRUCTION ON THE LINCOLN STREET PARKING GARAGE

Councilor Jean said the City is being "nickel and dimed" on this project and the contract should have had this included in the original proposal. Mike Paradis, Director of Buildings, explained the process of constructing the garage, noting it is up to the fabricator to design the connectors. He said the City did this exact process with two other parking garages that were built and saved money, noting this work needs to be done at the end of the project to save money. Councilor Bernier said there have been \$55,000 in change orders already on this project and she requested to see the last six years worth of all changes orders on all projects put out to bid. Councilor Cayer noted that \$200,000 had been budgeted for change orders for this project and it is common in new construction to have 5 – 10% of the total project in change orders. Mr. Paradis noted this project is currently under budget. The City Administrator said that change orders are a fact of life in construction projects, due to unforeseen conditions, requests from the owner for changes and so forth. Bruce Damon of 22 Buttonwood Lane said that as a contractor, he sees change orders on just about every project and they are common in construction projects.

VOTE (287-2010)

Motion by Councilor Butler, seconded by Councilor Morgan:

To approve the Order authorizing Change Order #6 to the contract with LedgeWood Construction on the Lincoln Street parking garage in the Amount of \$10,305 to allow for the preparation and painting of all structural T C Bolts within the Lincoln Street parking garage:

WHEREAS, The Finance Committee at its meeting of September 27, 2010 considered the recommendation from the Purchasing Agent to authorize Change Order #6 to the contract with LedgeWood Construction on the Lincoln Street Parking Garage; and

WHEREAS, The Finance Committee, by a vote of 5-0, has forwarded Change Order #6 to the City Council for its action; and

WHEREAS, Not painting the T C Bolts as proposed would likely cause ongoing maintenance

issues;

Now, therefore, be It Order by the City Council of the City of Lewiston that Change Order #6 to the contract with Ledgewood Construction on the Lincoln Street Parking Garage is hereby authorized in the amount of \$10,305 to allow for the preparation and painting of all structural T C Bolts within the Lincoln Street Parking Garage.

Passed - Vote 4-3 (Councilors Poulin, Jean and Bernier opposed)

ADOPTION OF MEETING SCHEDULE FOR THE MONTH OF NOVEMBER

VOTE (288-2010)

Motion by Councilor Jean, seconded by Councilor Morgan:

To suspend Section 1 (a) of the Rules Governing the City Council and to hold the regular meetings during the month of November on Tuesday, November 9 and Tuesday, November 23.

Passed - Vote 7-0

**RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR OF VOTERS ON
ACTIONS NECESSARY TO CONDUCT THE STATE CANDIDATE AND
REFERENDUM ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010**

VOTE (289-2010)

Motion by Councilor Butler, seconded by Councilor Bernier:

A. That the hours for acceptance of registrations in person only, prior to the November 2nd election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, October 13 through November 1, 2010; and additional hours of 9:00am to 12 noon on Saturday, October 30, 2010.

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.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 7:00am, 4:00pm, 7:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Councilor Morgan said he has heard from several people who have asked if the Council will be taking a position on the Oxford casino issue on the November ballot. The Mayor said the voters in June overwhelmingly supported the development of a Lewiston casino and he will not support

one in Oxford.

VOTE (290-2010)

Motion by Councilor Cayer, second by Councilor Morgan:

To direct city staff to prepare a Resolve for the next Council meeting to oppose the Oxford County casino question on the November ballot.

Passed - Vote 4-2-1 (Councilors O'Connell and Butler opposed, Councilor Bernier abstained)

VOTE (291-2010)

Motion by Councilor Jean, second by Councilor Butler:

To adjourn at 9:00 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine