

CITY OF LEWISTON

CITY COUNCIL

DECEMBER 5, 2006

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

THE HONORABLE RENEE A. BERNIER, INTERIM MAYOR, PRESIDING.

PRESENT: Councilors Mendros, O'Brien, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

PRESENTATION FROM CAPTAIN LAFRANCE OF THE ANDROSCOGGIN COUNTY SHERIFF'S DEPARTMENT

Captain LaFrance thanked the Council for the City's assistance with the logistics regarding the funeral for Deputy David Rancourt who died in the line of duty in November. He said the City pulled out "all the stops" and was extremely accommodating regarding traffic flow and related issues for the large attendance at the funeral. He also thanked the police department for their assistance with coverage for calls several times over the past month. Captain LaFrance also thanked everyone who made personal donations to assist the family with the funeral expenses and said it was much appreciated.

COMMITTEE APPOINTMENT - CITIZEN REPRESENTATIVE TO THE COUNCIL'S HOUSING COMMITTEE

Interim Mayor Bernier appointed Dorothy Treadwell of 106 Bartlett St to be a citizen member of the Council's Housing Committee. Her term will be until January 2007.

Councilor Mendros questioned the Interim Mayor's authority to make appointments, noting he read the Charter which prohibits such actions. Later in the meeting, the City Administrator reviewed the Charter and stated that an Interim Mayor does have appointment powers, but the City Attorney can issue an opinion on this to confirm.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (275-2006)

Motion by Councilor Paradis, seconded by Councilor Jean:

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 13.34 percent of the proceeds from the sale of a 2003 Chevy Suburban vehicle, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Angela Sargent, CE-05-0021 and 06-DEA-471734 and the transfer of \$2,432 or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Troy

Jenkins, 06-3120. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank.
Passed - Vote 7-0

ADOPTION OF CITY COUNCIL MEETING SCHEDULE FOR JANUARY 2007

VOTE (276-2006)

Motion by Councilor Paradis, seconded by Councilor Jean:

To suspend Section 1 (a) fo the Rules Governing the City Council and to hold the regular Council meetings for January 2007 on Tuesday, January 9th and Tuesday, January 23rd.
Passed - Vote 7-0

EXTENSION OF DEADLINE FOR ACCEPTANCE OF APPLICATION FORMS FOR THE JOINT SERVICES COMMISSION

Councilor Paradis suggested the Council discuss before making appointments at the next meeting the guidelines of making appointments to this committee, such as the pros and cons of appointing people who have already serves on the original joint services commission.

VOTE (277-2006)

Motion by Councilor Paradis, seconded by Councilor Jean:

To extend the deadline for acceptance of application forms for the Joint Services Commission to Wednesday, December 13, 2006. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR REZONING OF THE PROPERTY AT 417 MONTELLO STREET FROM THE NEIGHBORHOOD CONSERVATION "A" DISTRICT TO THE HIGHWAY BUSINESS DISTRICT

Interim Mayor Bernier opened the public hearing to receive citizen input and discussion. Jeannette Vachon of 414 Montello Street spoke and would like to see the area remain residential. She noted this area is a school bus stop with a lot of neighborhood children and increased traffic would be dangerous. She is concerned about the location of the proposed exit of the commercial business and feels the location will be dangerous. Stephen Roop, property owner and developer, spoke and stated he has met with some of the neighbors to discuss their concerns. He said he has met with Mr. Gregoire who is concerned about backyard privacy if this commercial building is established. Mr. Roop said he wants to be a good neighbor. Interim Mayor Bernier then closed the hearing.

VOTE (278-2006)

Motion by Councilor Samson, seconded by Councilor Jean:

That the proposed amendment to re-zone the property at 417 Montello Street from the Neighborhood Conservation "A" District to the Highway Business District receive first

passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of December 19, 2006 for final passage. Passed - Vote 6-1 (Councilor O'Brien opposed)

SPECIAL AMUSEMENT PERMIT FOR THE RAMADA

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

VOTE (279-2006)

Motion by Councilor Samson, seconded by Councilor Jean:

To grant a special amusement permit for dancing and entertainment to The Ramada, 490 Pleasant Street. Passed - Vote 7-0

APPROVAL OF AN ORDER TO CALL FOR A SPECIAL SCHOOL CONSTRUCTION BOND REFERENDUM ELECTION

Councilor Mendros noted the School Committee voted last Monday to request the election be held no later than February 13, 2007 in order to meet construction deadlines. It was noted that city staff spoke with the School Superintendent on Friday of last week and he indicated the proposed date will be fine. Finance Director Richard Metivier also spoke with the architect at the request of the School Superintendent and the project architect concurred that a February 27 election date would not negatively impact the project construction schedule. Councilor Mendros noted that if both special elections were held on the same day, he suggested the time line for nominations papers could be limited to ten days, as allowed by the Charter.

VOTE (280-2006)

Motion by Councilor Paradis, seconded by Councilor Samson:

To approve the Order to Call for a Special School Construction Bond Referendum Election to be held on February 27, 2007:

WHEREAS, pursuant to Title 20-A M.R.S.A. §15904(1) and §15904(4), a state funded school construction project must receive a favorable referendum vote; and

WHEREAS, the Maine State Board of Education (the "State Board") has issued concept approval to the Lewiston School Department for a new elementary school project to replace the existing Pettingill Elementary School (the "Project"); and

WHEREAS, the Total Project Cost Concept Budget approved by the State Board for the Project (the "Project Budget") is \$22,059,989; and

WHEREAS, the Project Budget includes \$21,175,358, for which the City will be responsible for the local share of annual principal and interest payments included in the total cost of education appropriated pursuant to Title 20-A M.R.S.A. §15690(1), if any, plus \$764,631 which shall not qualify for state funding (including \$144,083 in land costs, \$37,800 in costs for an owner's representative to supervise construction, and \$582,748 in other costs), plus \$120,000 from an anticipated Maine High Performing Schools Grant (the "Grant"); and

WHEREAS, it is the practice of the State to require the Grant to be used to reduce the Project cost and the total amount of bonds or notes authorized to be issued for the Project, but if the actual Project costs exceed the Project Budget to permit the Grant in some circumstances to be used to cover such Project cost overruns;

NOW, THEREFORE, it be and is hereby ordered that the questions set forth below be placed on the ballot of a Special City Referendum Election of the City of Lewiston to be held on February 27, 2007 and that the City Clerk and other City officials as applicable be directed to prepare the necessary warrants, notices, ballots, sample ballots and other election materials necessary to conduct said referendum election.

**CITY OF LEWISTON REFERENDUM QUESTION
TO AUTHORIZE SCHOOL CONSTRUCTION PROJECT**

Question 1: Shall the City of Lewiston, through its school department, be authorized to construct and equip a new elementary school on the real estate described below that the City has under Option Agreement, and shall the Lewiston City Council be authorized to issue general obligation bonds and notes for school construction purposes in an amount not to exceed \$21,357,241, with the balance of project costs to be derived from a grant of up to \$120,000 from the Maine High Performing Schools Program?

The following information is provided as part of this Question 1:

A. Description of Project site. The Project will be located on approximately 24 acres on the Southeasterly side of College Street, including the following parcels that the owners have optioned to the School Department (i) land of Central Maine Golf Corp. (Tax Map 142, Lot 64) and (ii) land of Raymond E. Cote and Rachel Cote (Tax Map 143, Lot 30).

B. Responsibility for Bond Payments. The City shall be responsible for the local share of annual principal and interest payments for this school construction Project included in the total cost of education appropriated pursuant to Title 20-A M.R.S.A. §15690(1), if any, and for the annual principal and interest payments for the non-state-funded portion of this school construction Project.

C. Additional Operating Costs. The estimated amount of additional operating costs attributable to the Project is \$97,008 in each of the first two years.

D. Use of High Performance Schools Grant. The Department of Education is expected to require the City to use a Maine High Performance Schools grant of up to \$120,000 to reduce

the Project cost and the total amount of bonds or notes authorized to be issued for the Project. If total construction bids exceed estimates for the Project, the State may permit the City to use the grant for such additional costs.

For the Question
Against the Question

TREASURER’S CERTIFICATE FOR QUESTION 1

The undersigned Treasurer of the City of Lewiston hereby certifies that as of February 27, 2007:

1. The total amount of general obligation bonds of the City of Lewiston contemplated to be issued if Question 1 is approved by the voters of the City is not in excess of \$21,357,241. A portion of the debt service on these bonds will qualify for state participation. The total debt service costs of the Project will vary depending on the prevailing interest rates at the time the bonds are issued. It is estimated that the debt service on these bonds, paid over a 20-year term at an average interest rate of 4.5%, will be as follows:

Principal: \$21,357,241
Interest: \$10,091,296
Total: \$31,448,537

Furthermore, if the construction bids do not exceed the budget estimate, the grant funds of up to \$120,000 will be used to further reduce the bonded debt.

2. The total amount of general obligation bonded indebtedness of the City of Lewiston currently outstanding is \$112,619,855.

3. The total amount of general obligation bonds (including any notes in anticipation thereof) of the City of Lewiston authorized but unissued is \$36,925,749. The foregoing represents an estimate of costs associated with the financing and such estimates will change due to market conditions. The validity of the bonds and of the voters’ ratification of the bonds shall not be affected by any errors in the foregoing estimates. Notwithstanding any variance of actual debt service costs from the estimates provided herein above, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of such variance.

Richard T. Metivier
Treasurer, City of Lewiston

**CITY OF LEWISTON REFERENDUM QUESTION
TO AUTHORIZE EXPANDED GYMNASIUM FOR SCHOOL
CONSTRUCTION PROJECT**

Question 2: If the Pettingill Elementary School Project described in Question 1 is approved, shall the Lewiston City Council be authorized to issue additional general obligation bonds and notes therefore in an amount not to exceed \$582,748 to expand the capacity of the gymnasium for that Project?

For the Question
Against the Question

TREASURER’S CERTIFICATE FOR QUESTION 2

The undersigned Treasurer of the City of Lewiston hereby certifies that as of February 27,2007:

1. The total amount of general obligation bonds of the City of Lewiston contemplated to be issued if Question 2 is approved by the voters of the City is not in excess of \$582,748. Debt service on these bonds will not qualify for state participation. The total debt service costs of the Project will vary depending on the prevailing interest rates at the time the bonds are issued. It is estimated that the debt service on these bonds paid by the City of Lewiston over a 20 year term at an average annual interest rate of 4.5%, will be as follows:

Principal: \$582,748
Interest: \$275,348
Total: \$858,096

2. The total amount of general obligation bonded indebtedness of the City of Lewiston currently outstanding is \$112,619,855.

3. The total amount of general obligation bonds (including any notes in anticipation thereof) of the City of Lewiston authorized but unissued is \$36,925,749.
The foregoing represents an estimate of costs associated with the financing and such estimates will change due to market conditions. The validity of the bonds and of the voters’ ratification of the bonds shall not be affected by any errors in the foregoing estimates. Notwithstanding any variance of actual debt service costs from the estimates provided herein above, the ratification by the voters is nevertheless conclusion and the validity of the bond issue is not affected by reason of such variance.

Richard T. Metivier
Treasurer, City of Lewiston

Passed - Vote 7-0

**ORDER TO CONDUCT A SPECIAL MUNICIPAL ELECTION ON
FEBRUARY 27, 2007 TO FILL THE VACANCY FOR THE OFFICE OF MAYOR**

Councilor Rousseau recused himself from this item due to a conflict of interest. He left the dias while this item was on the floor for discussion and vote. Charles Soule of 170 Bartlett Street expressed concerns with the discussion of shortening the time for the collection of signatures to less than thirty days.

VOTE (281-2006)

Motion by Councilor Samson , seconded by Councilor Jean:

Be It Ordered by the City Council that a Special Municipal Election shall be held on Tuesday, February 27, 2007 for the Office of Mayor and that nomination papers for the Office of Mayor are due to the City Clerk's Office no later than Friday, January 5, 2007 at 4:30pm. Passed - Vote 6-0

ORDER TO ESTABLISH THE DOWNTOWN NEIGHBORHOOD TASK FORCE

VOTE (282-2006)

Motion by Councilor Jean, seconded by Councilor Mendros:

Be It Ordered by the City Council to create and establish the Downtown Neighborhood Task Force and to approve the proposed organizational structure, and duties and responsibilities of the Task Force. Passed - Vote 7-0

At this point, the Council took a five minute recess.

**APPROVAL OF A THREE MONTH EXTENSION OF THE AGREEMENT
BETWEEN THE CITY OF LEWISTON AND MID MAINE WASTE ACTION
CORPORATION**

Councilor O'Brien stated she serves on the State's Blue Ribbon Commission on Solid Waste and they are hoping to wrap up their work by January.

VOTE (283-2006)

Motion by Councilor Samson, seconded by Councilor Jean:

Be It Resolved by the City Council that the Council hereby approves a three month extension to June 30, 2007 fo the Agreement between the City of Lewiston and Mid Maine Waste Action Corporation, and to authorize the Mayor to sign the Agreement on behalf of the City Council. Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Councilor Samson asked to have the Maple Street park as an agenda item in February.
Councilor Mendros thanked Councilor O'Brien for her service in the Legislature.

VOTE (284-2006)

Motion by Councilor Samson, second by Councilor Jean:

To adjourn at 8:40 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine