

**CITY OF LEWISTON**

**CITY COUNCIL**

**MAY 17, 2005**

**EXECUTIVE SESSION HELD IN THE  
EXECUTIVE CONFERENCE ROOM AT 6:00 P.M.**

THE HONORABLE LIONEL C. GUAY, MAYOR, PRESIDING.

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

The City Council meeting was called to order by Mayor Guay at 6:15 pm in a public session.

**VOTE (157-2005)**

Motion by Councilor Connors, seconded by Councilor Jean:

To enter into executive session to discuss the annual performance evaluation of the City Administrator. Passed - Vote 7-0

Executive Session began at 6:18 pm and ended at 6:50 pm.

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

THE HONORABLE LIONEL C. GUAY, JR., MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence.

**PRESENTATION TO THE MALO FAMILY  
BUILDERS OF STS. PETER AND PAUL CHURCH**

Mayor Guay made a presentation to the Malo Family and issued a Proclamation in recognition of Louis P. Malo, contractor of the Saints Peter and Paul Church. The Church was built in 1938 and will become a Basilica on May 22, 2005. There are only 49 other churches in the United States that have the designation of a basilica.

**PRESENTATION TO THE YOUTH ADVISORY COUNCIL**

Linda Hertell, of Richardson Hollow Associates, presented a check for \$100 to the Youth Advisory Council for their fundraising efforts for the electronic message board at the high school. Ms. Hertell thanked the LYAC members for their community service work.

**PROCLAMATION FOR COMMUTE ANOTHER WAY TO WORK DAY**

Mayor Guay presented a Proclamation in support of Commute Another Way to Work Day to Marsha Bennett who was present to represent AVCOG. Commute Another Way Day will be held on June 15, 2005.

**PROCLAMATION FOR PUBLIC WORKS WEEK**

Mayor Guay presented a Proclamation declaring the week of May 16, 2005 as Public Works Week, in recognition of the numerous projects that the Public Works crew perform for the residents. Director of Public Works Paul Boudreau was present to accept the Proclamation on behalf of all public works employees.

**VOTE (158-2005)**

Motion by Councilor O'Brien, seconded by Councilor Paradis:

To dispense with the reading of the minutes of the March 9, April 5 and April 19 , 2005, meetings and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 6-0-1 (Councilor Bernier was not present in the Chambers during this vote.)

**COMMITTEE APPOINTMENTS**

Mayor Guay announced that he is making the following committee appointments this evening: Historic Preservation Review Board: John Milo, Jr. of 742 Webster Street, as a full member of the Board for a three year term, said term to expire January 10, 2006 since this position will be filling an existing vacancy and Eric Hishler of 36 Ware Street as an ex-officio advisory member of the Board.

**AUTHORIZATION FOR ACCEPTANCE OF FORFEITURE FUNDS**

**VOTE (159-2005)**

Motion by Councilor Connors, second 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 \$232.20, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Bounket Thongsopaporn, CE-04-0016, Exhibit N-32, 05-DEA-449810; \$597.00, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Bounket Thongsopaporn, CE-04-0016, Exhibit N-33, 05-DEA-449816; \$2,270.00, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Kerry Felker, CE-05-0017, Exhibit N-1, 05-DEA-449212; and \$3,501.00, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Kerry Felker, CE-05-0017, Exhibit N-2, 05-DEA-449214. 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 6-0-1 (Councilor Bernier was not present in the Chambers during this vote.)

**AUTHORIZATION FOR AGREEMENT WITH THE MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR FUNDING THE CHILDREN'S EMERGENCY RESPONSE PROGRAM**

**VOTE (160-2005)**

Motion by Councilor Connors, second by Councilor Jean:

To authorize the Chief of Police and the Deputy Chief of Police to execute an Agreement between the City of Lewiston and the Maine Department of Health and Human Services for the Children's Emergency Response Program and to authorize the City Administrator and the Finance Director to administer said funds accordingly. Passed - Vote 6-0-1 (Councilor Bernier was not present in the Chambers during this vote.)

**CONDEMNATION HEARING FOR 295-297 BATES STREET**

**VOTE (161-2005)**

Motion by Councilor O'Brien, second by Councilor Jean:

To terminate the condemnation proceedings for the property at 295-297 Bates Street and to authorize the City Administrator to enter into a consent judgment between the City of Lewiston and Mr. Carter, Mr. Welch and Mr. Emmons to require that all code violations be corrected and abated within the specified time line. Passed - Vote 6-0-1 (Councilor Bernier was not present in the Chambers during this vote.)

**CONDEMNATION HEARING FOR 299-301 BATES STREET**

**VOTE (162-2005)**

Motion by Councilor Jean, second by Councilor Mendros:

To terminate the condemnation proceedings for the property at 299 - 301 Bates Street and to authorize the City Administrator to enter into a consent judgment between the City of Lewiston and Mr. Carter, Mr. Welch and Mr. Emmons to require that all code violations be corrected and abated within the specified time line. Passed - Vote 6-0-1 (Councilor Bernier was not present in the Chambers during this vote.)

**PUBLIC HEARING ON 2006 FISCAL YEAR COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET AND CONSOLIDATED PLAN**

Mayor Guay opened the public hearing. No members of the public spoke for or against this issue. Mayor Guay then closed the hearing.

**VOTE (163-2005)**

Motion by Councilor O'Brien, second by Councilor Connors:

To adopt the Consolidated Plan and the schedule of funds for the FY 2006 CDBG budget as recommended by the Community Development Block Grant Review Committee:

**COMMUNITY DEVELOPMENT BLOCK GRANT FY2006 BUDGET**

<b><u>Public Service Activities</u></b>	<b><u>FY2006 Review Committee Recommendation</u></b>
Abused Women's Advocacy Project	\$3,847
Advocates for Children/Parent Resource Center	\$0
Advocates for Children/Healthy Families	\$2,770
African Immigrants Association	\$0
American Red Cross/Disaster Relief	\$2,056
Androscoggin Head Start/Childhood Enrichment	\$30,269
Androscoggin Home Health/Lewiston Home Care	\$6,760
Catholic Charities of Maine/Fellowship House	\$2,056
Catholic Charities of Maine/S.E.A.R.C.H.	\$2,504
Child Health Center/Big Brothers Big Sisters	\$937
Child Health Center/BBBS Mentoring Program	\$937
Child Health Center/Kid's Korner	\$1,440
Common Ties Mental Health Coalition	\$0
Community Artisans Guild	\$0
Hope Haven Emergency Shelter	\$2,056
LPD - Enhanced Neighborhood Policing	\$4,000
LA Arts	\$4,295
Literacy Volunteers	\$937
Maine Rural Workers Coalition	\$0
Multi-Purpose Center - After School Program	\$6,983
Multi-Purpose Center Summer Program	\$0
911 Education Program	\$0

Norwich House	\$0
Pathways Day Care	\$6,983
Pathways Workplace Program	\$5,191
Pathways Extended Employment	\$2,504
St. Martin de Porres Residence	\$3,624
Salvation Army	\$0
Sexual Assault Crisis Center	\$1,161
Tri-County Mental Health Services	\$0
Trinity Jubilee Center - Maternal & Child Program	\$4,295
Y.W.C.A. Intervention	\$2,056
Contingency Fund	\$0

**Economic Development****FY2006 Review Committee Recommendation**

50/50 Commercial Rehab	\$0
Downtown Improvement Program	\$99,821
LAEGC	\$0
Lewiston Time Dollar Exchange	\$0
Bates Mill	\$325,000

**Housing Rehab****FY2006 Review Committee Recommendation**

Rehab Office Administration	\$54,795
Tall Pines Complex Rehab.	\$0

**Neighborhood Improvements****FY2006 Review Committee Recommendation**

Lewiston Housing Authority - Drouin Building	\$0
Maple Street Streetscape	\$0
Public Works - Park Street Amenities	\$0
Sisters of Charity Health System - Lots To Gardens	\$0

Southern Gateway - Canal Street Improvements	\$0
Southern Gateway - Development	\$0
Heritage Initiative - Other Housing	\$400,000
LPD - Enhanced Neighborhood Policing	\$0

**Parks and Recreation**

**FY2006 Review Committee Recommendation**

Kennedy Park Rehabilitation	\$0
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**Administration & Planning**

**FY2006 Review Committee Recommendation**

C.D. Administration	\$200,000
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<b>TOTAL OF ALL PROGRAMS</b>	<b>\$1,177,277</b>
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Passed - Vote 7-0

**VOTE (164-2005)**

Motion by Councilor Connors, second by Councilor Jean:

To authorize the submission of the program budget and the Consolidated Plan to the Department of Housing and Urban Development. Passed - Vote 7-0

**PUBLIC HEARING FOR LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR THE COLISEE, 190 BIRCH STREET**

Mayor Guay opened the public hearing. No members of the public spoke for or against this issue. Mayor Guay then closed the hearing.

**VOTE (165-2005)**

Motion by Councilor O'Brien, second by Councilor Jean:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for The Colisee, 190 Birch Street. Passed - Vote 7-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR MOM & POPS PLACE, 339 LISBON STREET**

Mayor Guay opened the public hearing. No members of the public spoke for or against this issue. Mayor Guay then closed the hearing.

**VOTE (166-2005)**

Motion by Councilor Jean, second by Councilor Rousseau:

To grant a special amusement permit for dancing and entertainment to Mom & Pop's Place, 339 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE FOR A MORATORIUM  
ORDINANCE REGARDING METHADONE CLINICS**

Mayor Guay opened the public hearing. No members of the public spoke for or against this issue. Mayor Guay then closed the hearing. The City Administrator mentioned that this action is a moratorium ordinance and is temporary by nature and therefore is in effect for 180 days, if approved. Mr. Bennett stated that he and the Chief of Police have been approached by at least six methadone clinic operators that are interested in opening a facility in the area. He stated that this moratorium would allow time for the City to review the need for such a facility in the area. He said that it is his understanding the methadone clinic would treat people who have heroin and oxycontin addictions, and the police are not seeing the use of these drugs locally. Mr. Bennett said currently the zoning ordinance would currently classify a clinic of this nature as a medical facility.

**VOTE (167-2005)**

Motion by Councilor Jean, second by Councilor Mendros:

That the proposed moratorium ordinance regarding methadone clinics, to be effective May 17, 2005, receive first passage by a roll call vote. Passed - Vote 7-0

**VOTE (168-2005)**

Motion by Councilor Connors, second by Councilor Jean:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 7-0

**VOTE (169-2005)**

Motion by Councilor O'Brien, second by Councilor Jean:

That the proposed moratorium ordinance regarding methadone clinics, to be effective May 17, 2005, receive final passage by a roll call vote. Passed - Vote 7-0

**FINAL BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2006 BUDGET**

The Mayor opened the final budget public hearing to receive citizen input and communication regarding the proposed 2006 Fiscal Year municipal and education budgets. No members of the public spoke for or against any budgetary items. Mayor Guay then closed the hearing.

**APPROVAL OF AGREEMENT FOR PRIVATIZATION OF OPERATIONS AT THE SOLID WASTE AND RECYCLING FACILITY**

**VOTE (170-2005)**

Motion by Councilor Paradis, second by Councilor Jean:

To enter into an Executive Session to discuss a legal matter with the City Attorney, as pursuant to MRSA 1, Section 401. Passed - Vote 7-0

Executive Session began at 7:50pm and ended at 8:40pm. City Attorney Marty Eisenstein was in attendance. At this point, the Council then took a five minute recess.

City Administrator James Bennett outlined the various points of the Agreement with Casella, noting this is a thirty year agreement and the facility will be owned by the City and is a City asset, but will be operated by Casella. He said that Casella will also be consolidating their trucking operation. Councilor Rousseau stated that Casella has a good reputation with the Department of Environmental Protection and there are no problems with the company according to DEP. Councilor Paradis noted there are several positive and negative points regarding the agreement, such as maintaining the punch pass system and spring clean-up program, yet there are concerns such as an increase in traffic in the area of Alfred A. Plourde Parkway. He stated the City will be working with neighbors to develop solutions regarding potential concerns, and he noted there might be easy remedies such as jake brake signs and other ideas. Councilor Mendros asked if the City's growth rate was taken into account regarding increased trash and asked if the growth of the landfill could go vertical as well as horizontal, in order to save land.

**VOTE (171-2005)**

Motion by Councilor O'Brien, second by Councilor Paradis:

Be it resolved by the City Council to authorize the City Administrator to execute the Operating Services Agreement among the City of Lewiston, Casella Waste Systems, Inc. and New England Waste Services of Maine, Inc., substantially in the form presented, with those changes to the form that the Administrator determines, for operating the City's solid waste, transfer station and recycling facility, and for the sale of certain machinery and equipment, and that the City Administrator be and hereby is authorized to make, execute and deliver other such documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0



**RECOMMENDATION FROM SCHOOL COMMITTEE REGARDING  
EDUCATION BUDGET ADJUSTMENTS**

**VOTE (172-2005)**

Motion by Councilor Paradis, second by Councilor Rousseau:

To receive the recommendation from the School Committee regarding adjustments to the FY06 Education Budget and to amend the School Committee’s original recommended budget as outlined in the attached material entitled “FY 06 School Committee Recommended Budget Adjustments”:

Revenues - General Purpose Aid	(\$53,136)
Expenditures - Total School Budget	(\$53,136)
Revised School Budget	\$38,922,141
Revised Revenues	\$24,580,337
Prior Year’s Surplus	<u>\$ 446,008</u>
Revised Total Revenues	\$25,026,345

Passed - Vote 7-0

**FINAL ADJUSTMENTS TO THE 2006 FISCAL YEAR BUDGET**

**VOTE (173-2005)**

Motion by Councilor Jean, second by Councilor Mendros:

To amend the City Administrator’s original recommended budget as outlined in the attached material entitled “FY 06 City Council Budget Adjustments and Other Budget Adjustments”:

**Revenues**

Sale of Solid Waste Rights	\$290,000
Marriage Licenses	\$ 3,250
Vital Statistics and Burial Permits	\$ 36,000
Parochial School Aid	(\$50,000)

**Expenditures**

Debt Services - Principal	(\$72,430)
Debt Services - Interest	(\$55,280)
Tax Sharing - Auburn	(\$2,200)

Assessing - Wages (technical correction)	\$1,000
Donations - L/A Arts	(\$9,000)
Salary Reserve (technical correction)	(\$1,000)
Contingency	\$9,000
Debt Service Interest (savings from bond sale)	(\$23,000)
Parochial Transportation (new Hudson contract)	(\$10,000)
Contingency	(\$8,000)
Contingency (L/A Arts)	(\$9,000)
<b>Total Adjustment to Tax Levy</b>	<b>\$459,160</b>
<b>Total Adjustment including new property value</b>	<b>\$500,185</b>

Passed - Vote 7-0

**FUNDING OF PRIVATE AND PAROCHIAL SCHOOLS**

**VOTE (174-2005)**

Motion by Councilor Bernier, second by Councilor Connors:

To accept the recommendation of the Finance Director, and to establish the following allocation amounts for aid to private and parochial schools for textbook and testing services for Fiscal Year 2006:

	<u>Elementary</u>	<u>Secondary</u>
Testing	\$9.48 per student	\$4.59 per student
Textbooks	\$27.50 per student	\$44.20 per student

Passed - Vote 7-0

**APPROVAL OF MILEAGE REIMBURSEMENT RATES**

**VOTE (175-2005)**

Motion by Councilor O'Brien, second by Councilor Mendros:

To authorize the Finance Director to approve payment for mileage reimbursement at the rates and manner as budgeted for the authorized use of privately owned vehicles in the conduct of official city business for each respective position:

<u>POSITION</u>	<u>ALLOCATION</u>
Mayor	\$ 500.00
Auditor	125.00
Business Development Manager	200.00
Chief Assessor	480.00
City Clerk	300.00
Deputy Treasurer	100.00
Development Director	200.00
General Assistance Administrator	100.00
Library Director	200.00
Recreation Director	1,200.00
Tax Collector	100.00

Per-mile basis. All others not specifically mentioned above shall be reimbursed at the rate of thirty-one ~~three~~ (~~\$.31~~) (\$.33) cents per mile, excepting motorcycles which shall be reimbursed at the rate of 75% of the rate established for other vehicles, plus tolls and parking supported by receipted vouchers other than meters. Passed - Vote 7-0

**ADOPTION OF APPROPRIATION RESOLVE FOR FISCAL YEAR 2006**

**VOTE (176-2005)**

Motion by Councilor Paradis, second by Councilor Jean:

To approve the Appropriation Resolve for Fiscal Year 2006 by a roll call vote:

RESOLVED, That there is hereby appropriated for the support of the several departments of the City of Lewiston for the fiscal year, commencing the first day of July, in the year of Our Lord, Two Thousand and Five, and ending the last day of June, in the year of Our Lord, Two Thousand and Six, for the payment of the State and County Taxes, for ordinary indebtedness and expenses, for the interest on the debt, of the City of Lewiston, for the payment of lawful debts and dues from the City of Lewiston:

AGGREGATE BUDGET	\$ 79,024,175
MEANS OF FINANCING:	
General Property Tax	39,055,705

Anticipated Revenues	38,024,962
Prior Year's Surplus	1,943,508
<b>TOTAL</b>	<b>\$ 79,024,175</b>

Passed - Vote 7-0

The City Administrator said this budget represents a 7.38% reduction in taxes and the average single family home should see at least a 5% drop in taxes from the previous year.

**ADOPTION OF WATER AND SEWER RESOLVE FOR FISCAL YEAR 2006**

**VOTE (177-2005)**

Motion by Councilor Connors, second by Councilor Rousseau:

To approve the Water and Sewer Appropriation for Fiscal Year 2006 by a roll call vote:

RESOLVED, That there is hereby appropriated for the support of the Water & Sewer Divisions of the City of Lewiston for the fiscal year, commencing the first day of July, in the year of Our Lord, Two Thousand and Five and ending the last day of June, in the year of Our Lord, Two Thousand and Six:

WATER DIVISION REQUIREMENTS	\$ 3,658,038
SEWER DIVISION REQUIREMENTS	\$ 4,417,246

Passed - Vote 7-0

**AUTHORIZATION TO USE THE INTEREST FROM THE FARRAR FUND**

**VOTE (178-2005)**

Motion by Councilor O'Brien, second by Councilor Paradis:

To authorize the use of the interest from the Farrar Fund for expenses incurred in the Human Services budget, for medical and dental services. Passed - Vote 7-0

**FIRST PASSAGE OF THE FISCAL YEAR 2006 TAX RESOLVE**

**VOTE (179-2005)**

Motion by Councilor Paradis, second by Councilor Jean:

That the Tax Resolve instructing the Chief Assessor to raise \$39,055,705.00 to finance the Fiscal Year 2006 budget, have first passage at this time by a roll call vote and to schedule final passage of the Tax Resolve for the June 7 City Council meeting:

*RESOLVED*, That the Chief Assessor of the City of Lewiston, Maine be ordered to raise by assessment upon estates of residents of the City of Lewiston, and upon estates of non-resident proprietors in said City of Lewiston for the current fiscal year commencing July 1, 2005, the sum of Thirty-Nine Million Fifty -Five Thousand Seven Hundred Five Dollars for the payment of the county tax, for ordinary indebtedness and expenses, for interest on the debt of the City of Lewiston, and for the payment of lawful debts and dues of the City of Lewiston.

Appropriation Resolve		\$79,024,175
LESS:		
Estimated Revenues	\$38,024,962	
Prior Years' Surplus	1,943,508	
Total Adjustments		\$39,968,470
Net Appropriation		\$39,055,705
TAX LEVY:		\$39,055,705

Interest on Real and Personal Taxes will be charged on all taxes which shall remain unpaid after the respective due dates of September 15, 2005 and March 15, 2006, at the rate of 7.75%.

Any taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of the overpayment plus interest from the date of overpayment at the rate of 3.75%.

Passed - Vote 7-0

**CONTACT AWARD FOR FINANCIAL AUDITING SERVICES**

**VOTE (180-2005)**

Motion by Councilor Connors, second by Councilor Paradis:

To approve the recommendation from the Finance Committee that the three (3) year contract for Financial Audit Services be awarded to Runyon, Kersteen and Ouellette, of South Portland, Maine, for a fee of \$185,300.00. Passed - Vote 7-0

**REPORTS AND UPDATES**

No reports were presented at this time.

**OTHER BUSINESS**

No other business was brought forth at this time.

**VOTE (181-2005)**

Motion by Councilor O'Brien, second by Councilor Mendros:

To adjourn at 9:45P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine