

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 4, 2005

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, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo. Absent/Excused: Councilor Connors

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (299-2005)

Motion by Councilor Jean, seconded by Councilor Rousseau:

To dispense with the reading of the minutes of the September 20, 2005, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 5-0-1 (Councilor Paradis abstained.)

Councilor Jean asked to have items 4, 5 and 6 removed from the Consent Agenda and to be considered separately.

**APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY
BOARD OF TRUSTEES**

VOTE (300-2005)

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

To confirm the Mayor's nomination of Diantha J. Sargent of 262 Meadowview Park and to appoint Ms. Sargent as a member of the Board of Trustees of the Lewiston Housing Authority for a five year term, said term to expire October 7, 2010 and to confirm the Mayor's nomination of Renee Bernier of 1220 Sabattus Street and to appoint Ms. Bernier as a member of the Board of Trustees of the Lewiston Housing Authority for a five year term, said term to expire September 17, 2010. Passed - Vote 6-0

**APPROVAL OF ELECTION WARRANT AND SETTING VOTER
REGISTRATION HOURS**

VOTE (301-2005)

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

Be It Ordered by the City Council that the Election Warrant be issued for the Municipal Election to be held on Tuesday, November 8, 2005 for Mayor, seven City Council ward positions, one School Committee at large seat and seven School Committee positions, and

To approve the following recommendation from the City Clerk/Registrar of Voters on actions necessary to conduct the Municipal Candidate and State Referendum Election to be held on Tuesday, Nov. 8, 2005:

- A. That the hours for acceptance of registrations in person only, prior to the Nov. 8th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, Oct. 18 through Nov. 7, 2005; and additional hours of 9:00am to 12 noon on Saturday, Nov. 5, 2005.
- 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, expect the day prior to the election when they shall be recorded in accordance with subsec. 7A.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 7:00am, 12:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 6-0

APPROVAL OF NAMES OF PRIVATE WAYS OFF OF ALMOND AVENUE

VOTE (302-2005)

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

To approve the request to formally name the private right of ways off of Almond Avenue as "Arbor Lane", "Foliage Lane", and "Seasons Lane". Passed - Vote 6-0

APPLICATION FOR ABATEMENT OF PROPERTY TAXES FOR APPLICATION SUBMITTED UNDER TITLE 36, SECTION 841 (2)

Councilor Jean stated that he had several questions regarding the application and for the applicants. The City Administrator suggested that the Council postpone action on this item to the next Council meeting so the applicants can be notified to attend and the Council will meet with them in an executive session as is required per Maine state statutes.

VOTE (303-2005)

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

To postpone action on this item to the next Council meeting. Passed - Vote 6-0

AMENDMENTS TO THE GENERAL ASSISTANCE POLICY

Councilors Jean, Mendros and Rousseau had questions regarding the proposed maximum amounts allowed for eligibility and also discussed the housing costs regarding the current range for local rental properties.

VOTE (304-2005)

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

That the maximum amounts allowed for general assistance and the maximum amounts allowed for food and housing, in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended in accordance with HUD guidelines and the current Thrifty Food Plan, and that the maximum amounts allowed for cremation services, for persons eligible to receive assistance, also be amended. Passed - Vote 4-2 (Councilors Mendros and Jean opposed)

AMENDMENT TO THE AUBURN-LEWISTON LEAD HAZARD CONTROL GRANT - RENTAL AGREEMENT

Councilor Bernier expressed concerns that Auburn amended the agreement without notifying Lewiston. Councilor Jean suggested amending Lewiston's guidelines to match Auburn's revised guidelines. Councilors Rousseau and O'Brien both encouraged the Council to move forward with the recommendation from the Council's subcommittee on Housing, which is to allow a five percent increase in the monthly rental rates.

VOTE (305-2005)

Motion by Councilor Jean, seconded by Councilor Mendros:

To have the Lewiston guidelines reflect the policy of the Auburn guidelines and to change the number of years from three to two.

Did not pass - Vote 1-5 (Councilor Jean in favor, others opposed)

Councilor Mendros noted that since the recommendation to increase the rates is due to the current heating costs, that an amendment be added to ensure that the increase is only applicable to units that offer heat with the monthly unit rent.

VOTE (306-2005)

Motion by Councilor Mendros, seconded by Councilor Rousseau:

To add an amendment to the Guidelines that this adjustment only be applied to units with heat included in the rent. Passed - Vote 5-1 (Councilor Bernier opposed)

VOTE (307-2005)

Motion by Councilor Bernier, seconded by Councilor Paradis:

To approve an amendment to the Auburn-Lewiston Lead Hazard Control Grant - Rental Agreement Guidelines to allow for an increase of five (5) percent of the current monthly rent or an increase to the October 2005 Fair Market Rent, whichever is lower, and that this only applied to units with heat included in the rent. Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE
AMENDMENTS CONCERNING PERMITTED SIGNS**

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

VOTE (308-2005)

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed amendment to Appendix A, Article XII "Performance Standards", Section 16, "Signs", of the City Zoning and Land Use Code, concerning requirements for signs, receive final passage by a roll call vote. Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE FOR AN EXTENSION OF THE
MORATORIUM ORDINANCE REGARDING METHADONE CLINICS**

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

VOTE (309-2005)

Motion by Councilor Jean, seconded by Councilor Mendros:

That the current Moratorium Ordinance regarding methadone clinics, set to expire on November 13, 2005, be extended for an additional 180 days, said Ordinance extension to receive final passage by a roll call vote. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE
STREETS AND SIDEWALKS ORDINANCE REGARDING TRAFFIC IMPACT
FEES FOR OUTER LISBON STREET**

Mayor Guay opened the public hearing. Allen Austin, associate pastor of the Vineyard Church, asked if there has been any consideration of non-profit organizations regarding the application of the fees, noting the church is currently undergoing a large capital building campaign to expand their facility. He also noted that the time of their peak traffic movement, during Sunday morning services, should be taken into consideration when the fees are applied, noting that traffic on Sunday mornings will not be as busy as during the weekdays. Mayor Guay then closed the hearing.

Councilors also discussed adding in an amendment regarding the application of the fee regarding development that is occurring prior to the establishment of this ordinance.

VOTE (310-2005)

Motion by Councilor Bernier, seconded by Councilor Paradis:

To add into the ordinance the following section: 9) Construction or implementation of interim measures to address increased transportation capacity needs or demands created by new development during the period prior to construction of permanent improvements.

Passed - Vote 6-0

VOTE (311-2005)

Motion by Councilor Paradis, seconded by Councilor Jean:

That the proposed amendments to the City Code of Ordinances, Chapter 66 "Streets and Sidewalks", Article VI "Outer Lisbon Street Traffic Impact Fee", receive final passage by a roll call vote. Passed - Vote 5-1 (Councilor Mendros opposed)

PUBLIC HEARING AND APPROVAL OF RESOLUTION FOR THE SALE OF THE CABLE SYSTEM AND THE TRANSFER OF CABLE TELEVISION FRANCHISE AGREEMENT FROM ADELPHIA COMMUNICATIONS CORPORATION TO TIME WARNER CABLE LLC

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Assistant City Administrator Phil Nadeau made a presentation to Council regarding the transfer of the franchise agreement and it's impact on Lewiston.

VOTE (312-2005)

Motion by Councilor Jean, seconded by Councilor Paradis:

To conduct a public hearing to receive citizen input on the Resolution and to approve the Resolution for the Sale of the Cable System and the Transfer of the Cable Television Franchise Agreement from Adelpia Communications Corporation to Time Warner Cable LLC. Passed - Vote 6-0

GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR FRIEND'S LODGE

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

VOTE (313-2005)

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

To grant a Special Amusement Permit for Dancing & Entertainment to Friend's Lodge, 2 Crowley Road. Passed - Vote 6-0

**EASEMENT DEED FOR A PORTION OF THE PROPERTY LOCATED AT
142 MAIN STREET, THE FORMER EMPIRE THEATER SITE**

VOTE (314-2005)

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

Be It Ordered, that the City Council shall authorize the City Administrator to sign all documents and agreements on behalf of the City to grant maintenance and utility easements on a portion of city owned land at 142 Main Street, the property of the former Empire Theater building, and to execute an Easement Deed in substantial form as presented, with Solo Properties, LLC, for an easement along that portion of land at 142 Main Street, and to hereby grant, allow and establish this portion of land as an easement to Solo Properties, LLC, 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 6-0

**RESOLUTION TO SUPPORT STATE BOND ISSUE QUESTION FOUR ON THE
NOVEMBER 8, 2005 REFERENDUM BALLOT**

Roger Philippon, Assistant Dean at the University of Southern Maine's Lewiston-Auburn branch, thanked the Council for their consideration of support of this Resolution and noted if the state bond passes, the College will be able to expand their local services.

VOTE (315-2005)

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve the Resolution supporting State Bond Issue Question Four on the November 8, 2005 Referendum ballot.

WHEREAS, on November 8, 2005, Maine voters will be asked to approve Ballot Question #4, a \$20,000,000 bond issue to stimulate economic growth and job creation through investments in the Maine economy, and

WHEREAS, passage of Question #4 will provide \$2,000,000 for the expansion of the University of Southern Maine's Lewiston-Auburn College, including the creation of the Educational Change Center, which will serve as the central public resource for counseling and outreach services to address the ambitious goals of the *College for ME-Androscoggin* campaign, and

WHEREAS, passage of Question #4 will allow the University of Southern Maine's Lewiston-Auburn College to expand instructional spaces and to address, in innovative and collaborative ways, the barriers to higher education, and

WHEREAS, in addition to support and advising services, the Educational Change Center will conduct research on the barriers to higher education and the strategies that have the most impact on addressing those barriers, and

WHEREAS, a college-educated workforce is essential to the regional economy, and the percentage of working age adults in Androscoggin County with a college degree is well below the national and New England averages, the College for ME-Androscoggin campaign aims to *double the number of college graduates in this county over the next ten years*, and

WHEREAS, passage of Question #4 will be a wise investment in opportunities to improve the attractiveness of this region as a place to learn, to work, and to live;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lewiston, Maine, that the Lewiston City Council does hereby support passage of Question #4, and furthermore encourages the citizens of our municipality and our state to vote "Yes" on Question #4 on November 8, 2005.

Passed - Vote 6-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

The City Administrator said that an interview committee will be created to conduct interviews for the Fire Chief position, and he suggested that one Councilor serve on the committee. Assistant City Administrator Phil Nadeau announced that the Kennedy Park Master Plan Process is moving along well and information will be posted on the City's website soon. Councilor Bernier asked the City Administrator to provide an overview of the current issue with the contract with a private company to handle waste management issues for the City. Mr. Bennett stated the State is concerned from an environmental stand-point that additional out of state trash might be brought into Maine and disposed of at the Lewiston solid waste facility. He noted that currently out of state trash is brought into Maine and disposed of at other facilities in Maine by the same company that runs landfill operations for other towns. No new out of state waste will be brought into Maine however.

Councilor Bernier requested a workshop on this issue.

Charles Soule of Bartlett Street addressed the Council and expressed concerns about the computer glitches with the Medicaid program and was concerned that local residents may be without needed prescriptions due to the Medicaid problem. He suggested that the City create a fund to pay for the prescriptions if residents can not offer to pay. The City Administrator stated that all municipalities in Maine run a general assistance program which provides financial assistance to residents who can not afford basic living expenses such as heat, food and medical supplies, and if any residents find themselves unavailable to purchase prescriptions due to the Medicaid issue, they would be able to apply for assistance from the City.

VOTE (316-2005)

Motion by Councilor Mendros, second by Councilor Bernier:

To adjourn at 8:40 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine