

**CITY OF LEWISTON**

**CITY COUNCIL**

**OCTOBER 19, 2004**

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

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

PRESENT: Councilors Bernier, O'Brien, Jean, Connors, Paradis, Rousseau, Assistant City Administrator Gregory Mitchell, and City Clerk Kathleen Montejo. Councilor Mendros was absent/excused from this meeting.

Pledge of Allegiance to the Flag.

Moment of Silence.

**LEWISTON YOUTH ADVISORY COUNCIL PRESENTATION**

A representative from the group showed the Council the new Public Service Announcement they created for cable television which urges voters to educate themselves about Question Number 1 - the "tax cap" question.

**STREET ACCEPTANCE FOR A PORTION OF WATER'S EDGE DRIVE AND APPROVAL OF AN EASEMENT FOR A MAINTENANCE ACCESS ROAD OFF OF WATER'S EDGE DRIVE**

**VOTE (344-2004)**

Motion by Councilor Jean, seconded by Councilor Connors:

ORDERED, That a portion of Water's Edge Drive, with the boundaries and measurements of the same, as laid out and reported by the legal description, be hereby accepted, allowed and established as a public street or public way for the use of the City of Lewiston; that an easement for a maintenance access road off of Water's Edge Drive be approved and that the temporary turnaround on Water's Edge Drive be discontinued.

Passed - Vote 6-0

**CANCELLATION OF THE NOVEMBER 2, 2004 CITY COUNCIL MEETING DUE TO A CONFLICT WITH ELECTION DAY**

**VOTE (345-2004)**

Motion by Councilor Jean, seconded by Councilor Connors:

To suspend Section 1,(a) of the Rules Governing the City Council and to hold one regular meeting during the month of November on November 16, 2004.

Passed - Vote 6-0

**APPROVAL OF A CONSENT AGREEMENT FOR A SPECIAL AMUSEMENT PERMIT FOR ROCK 'N ROBINS, 855 LISBON STREET**

The consent agreement was finalized by the City's Attorney yesterday, and copies were distributed to the City Council and Mr. Berube. Mr. Berube requested that since he only received his copy yesterday, and has not had time to review it with his attorney, that action on this item be postponed to the next Council meeting. The Police Chief said that he did not have any concerns with this request for a continuance. He noted that the past two weeks at the business have been calm and quiet, and have not created any problems for the officers. He reminded Council that under the City Code, city staff has the ability to suspend a special amusement license if there are any concerns regarding public safety, and the Chief said they will implement this if there are any problems between now and the next Council meeting. Councilors concurred with Mr. Berube's request.

**VOTE (346-2004)**

Motion by Councilor Connors, seconded by Councilor Paradis:

To postpone action on this item until the next City Council meeting. Passed - Vote 4-2 (Councilors Bernier and O'Brien opposed)

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

School Superintendent Leon Levesque and Building Committee member Jan Phillips addressed the Council and outlined the need for the new elementary school. They described the community input process over the past few months that have led up to the referendum.

**VOTE (347-2004)**

Motion by Councilor Connors, seconded by Councilor Paradis:

To approve the Order to Call for a Special School Construction Bond Referendum Election and to approve the Municipal Warrant calling for the Special Municipal Election on December 7, 2004:

**LEWISTON CITY COUNCIL  
ORDER TO CALL SCHOOL CONSTRUCTION  
BOND REFERENDUM**

(To be used to have two referendum questions presented to voters)

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 Farwell Elementary School (the "Project"); and

WHEREAS, Total Project Cost Concept Budget approved by the State Board for the Project (the "Project Budget") is \$11,440,749; and

WHEREAS, the Project Budget includes \$10,721,062, the debt service on which shall qualify for purposes of state/local allocation subsidy, plus \$599,687, the debt service on which shall not qualify for purposes of state/local allocation subsidy (including \$33,500 in land costs and \$566,187 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 amount of bonds issued, the debt service on which shall qualify for purposes of state/local allocation subsidy, and thereby to reduce the total Project cost, 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 December 7, 2004 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 demolish the existing Farwell Elementary School on Farwell Street and to construct and equip a new elementary school on that site and on an adjoining parcel of land (City Tax Map 147, Lot 6 ) that the City has under Option Agreement, and shall the Lewiston City Council be authorized to issue general obligation bonds and notes for that purpose in an amount not to exceed \$10,754,562, with the balance of project costs to be derived from a grant of up to \$120,000 from the Maine High Performing Schools Program?

- A. The entire additional operating costs of the project during its first two years shall be borne by revenues raised by the City.
- B. The estimated amount of additional operating costs attributable to the project is \$39,225 in each of the first two years.
- C. The City shall be responsible for the local share of debt service allocation on up to \$10,721,062 of bonds issued pursuant to Question 1 to be calculated in accordance with State law, and the City shall be responsible for all the debt service on \$33,500 of the bonds issued pursuant to Question 1. See TREASURER'S CERTIFICATE FOR QUESTION 1 below for Treasurer's estimate of the state and local shares of the debt service authorized by Question 1.

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 December 7, 2004:

- 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 \$10,754,562. Assuming that the City each year raises the amount required by the State to qualify for state education subsidies, it is estimated that the debt service on these bonds, paid over a 20 year term at an average interest rate of 4.75%, will be as follows:

	State of Maine Debt Service Responsibility	City of Lewiston Debt Service Responsibility	Total Debt Service
Principal	\$10,721,062	\$33,500	\$10,754,562
Interest	\$ 5,347,130	\$16,708	\$ 5,363,838
Totals	\$ 16,068,192	\$50,208	\$16,118,400

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 and the State’s share thereof.

- 2. The total amount of general obligation bonded indebtedness of the City of Lewiston currently outstanding is \$ 90,992,602.
- 3. The total amount of general obligation bonds (including any notes in anticipation thereof) of the City of Lewiston authorized but unissued is \$ 21,050,000.

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 hereinabove, the ratification by the voters is nevertheless conclusion and the validity of the bond issue is not affected by reason of such variance.

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Richard T. Metivier  
Treasurer, City of Lewiston

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

Question 2: If the Farwell 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 \$566,187 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 December 7, 2004:

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 \$566,187. Debt service on these bonds will not qualify for state participation. It is estimated that the debt service on these bonds will be paid by the City of Lewiston over a 20 year term at an average annual interest rate of 4.75%, as follows:

Principal: \$566,187	Interest: \$282,386	Total: \$848,573
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2. The total amount of general obligation bonded indebtedness of the City of Lewiston currently outstanding is \$90,992,602.
3. The total amount of general obligation bonds (including any notes in anticipation thereof) of the City of Lewiston authorized but unissued is \$21,050,000.

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 hereinabove, the ratification by the voters is nevertheless conclusion and the validity of the bond issue is not affected by reason of such variance.

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Richard T. Metivier  
Treasurer, City of Lewiston

Passed - Vote 6-0

**APPROVAL OF TRANSFER OF PROPERTY BETWEEN THE  
AUBURN-LEWISTON MUNICIPAL AIRPORT AND  
MAURICE ROUNDY & JANE THEBERGE**

**VOTE (348-2004)**

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

To approve the transfer of property between the Auburn-Lewiston Municipal Airport and Maurice Roundy & Jane Theberge, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.  
Passed - Vote 6-0

**APPROVAL FOR THE PLACEMENT OF A PLAQUE IN COURTHOUSE PLAZA  
TO HONOR THE FOUNDERS OF THE WARD BROTHERS STORE**

The Mayor announced that Peter Ward, grandson of the store's founder, called earlier today to say that he is not able to attend this Council meeting due to work issues in Massachusetts, and he asked to have this meeting postponed to a future Council meeting which he can attend to make his presentation.

**VOTE (349-2004)**

Motion by Councilor Rousseau, seconded by Councilor Jean:

To postpone action on this item to a future Council meeting. Passed - Vote 6-0

**REPORTS & UPDATES**

No reports and updates were offered at this time.

**OTHER BUSINESS**

No other business was brought forward at this time.

**VOTE (350-2004)**

Motion by Councilor Rousseau, second by Councilor Connors:

To adjourn at 6:35 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine