

CITY OF LEWISTON

CITY COUNCIL

DECEMBER 11, 2001

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 PM

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Gousse, Bernier, Carignan, Jean, Samson, Bilodeau, Adams, Acting City Administrator Phil Nadeau and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

VOTE (1)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To dispense with the reading of the minutes of the October 16, 18, 22, 23, 25, 30 and November 1, 7, 13, 19, 26 and December 4, 2001, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR THE CONDITIONAL
REZONING OF THE PROPERTY AT 741-747 MAIN STREET**

Mayor Tara opened the hearing to receive public input. No members of the public spoke for or against this item. Mayor Tara then closed the hearing.

VOTE (2)

Motion by Councilor Samson, seconded by Councilor Jean:

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 741-747 Main Street, from the Highway Business (HB) District to the Urban Enterprise (UE) District, subject to a conditional agreement. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE
CONDITIONAL REZONING AGREEMENT FOR 16 WELLMAN STREET**

Mayor Tara opened the hearing to receive public input. No members of the public spoke for or against this item. Mayor Tara then closed the hearing.

VOTE (3)

Motion by Councilor Samson, seconded by Councilor Jean:

To approve final passage for the amendment to the conditional rezoning agreement, for 16 Wellman Street, to conditionally rezone the property from the Office Service (OS) District

to the Urban Enterprise (UE) District, subject to the conditions defined in the rezoning agreement. Passed - Vote 5-2 (Councilors Bernier and Bilodeau opposed.)

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE FOR THE DEFINITION OF CHILD CARE FACILITIES

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

VOTE (4)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article I “In General”, Section 22-2 “Definitions”; Article II “Licenses”, Section 22-41 “Duration of licenses; expiration date”, and Section 22-46 “Schedule of Fees” receive final passage by a roll call vote. Passed - Vote 6-1 (Councilor Gousse opposed.)

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUSINESS LICENSING ORDINANCE FOR THE DEFINITION OF SOUND TRUCK

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

VOTE (5)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article I “In General”, Section 22-2 “Definitions”; Article II “Licenses”, Section 22-28 “License for each location required”, and Section 22-46 “Schedule of Fees” receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING ACCESS INTO A DEVELOPMENT SITE

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

VOTE (6)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

That the proposed amendments to Appendix A, Article II “Definitions”, Section 2, “Definitions”, Article X. “Conditional Use”, Section 3 “Standards for Conditional Use Permits”; Article XII. “Performance Standards”, Section 18 “Improvement standards”; Article XIII “Development Review and Standards”, Section 4 “Approval criteria”, of the

City Zoning and Land Use Code, concerning access into a development site, including minimum site distance and grade of driveways on proposed streets, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of January 8, 2002 for final passage. Passed - Vote 7-0

**PUBLIC HEARING REGARDING THE ADOPTION OF A LOAN ORDER
IN AN AMOUNT NOT TO EXCEED \$16,600,000 FOR THE
PENSION OBLIGATION BONDS**

Mayor Tara opened the public hearing. No members of the public spoke for or against this issue. Mayor Tara then closed the hearing. Finance Director Richard Metivier reminded the Council this is the final action necessary for the issuance of the pension bonds, which was approved by the voters at the November election.

VOTE (7)

Motion by Councilor Adams, seconded by Councilor Carignan:

Ordered, that up to \$16,600,000 be appropriated to fund, refund, pay or create reserves for the payment of the City's unfunded pension liability with the Maine State Retirement System;

Further Ordered, that to meet this appropriation, up to \$16,600,000 shall be raised by the issue of Pension Obligation Bonds;

Further Ordered, that the City Council instruct the Finance Director to negotiate the sale of the Bonds with Roosevelt & Cross Inc. or any other qualified purchaser; to award the loan; and to employ Palmer & Dodge LLP to furnish the legal opinion for the same;

Further Ordered, that the bonds shall be signed by the City Treasurer and Mayor;

Further Ordered, that the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the Bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

Further Ordered, that Bonds hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 7-0

**PUBLIC HEARING ON A LIQUOR LICENSE FOR
ENGINE HOUSE DELI & PUB**

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

VOTE (8)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To authorize the City Clerk's Office to approve the liquor license application for Engine House Deli & Pub. Passed - Vote 7-0

PUBLIC HEARING ON A LIQUOR LICENSE FOR BANGKOK 5

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

VOTE (9)

Motion by Councilor Samson, seconded by Councilor Jean:

To authorize the City Clerk's Office to approve the liquor license application for Bangkok 5. Passed - Vote 7-0

PUBLIC HEARINGS FOR SPECIAL AMUSEMENT PERMITS

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

VOTE (10)

Motion by Councilor Bilodeau, seconded by Councilor Bernier:

To grant a Special Amusement Permit for dancing and entertainment to South End Social Club, 327 Lisbon St., Sportsman Athletic Club, 2 Bates St., Ramada, 490 Pleasant St., and United Members, 190 Bates Street. Passed - Vote 6-0-1 (Councilor Adams abstained due to a conflict of interest.)

At this time, the Council took a brief recess. Once the Council reconvened, Mayor Tara presented Christmas gifts to each Councilor. Since this is the final meeting of this Council, the Mayor presented a book to each Councilor, as was the practice established by former Council President Frank Kelly. She noted the books were geared to match their interests and plans for future endeavors. Councilor Bernier presented copies of a group caricature to each Councilor.

DISCONTINUANCE OF A PORTION OF HINES ALLEY

VOTE (11)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

That the Order vacating and discontinuing a portion of Hines Alley, be adopted. Passed - Vote 7-0

FUNDING FOR A NEW COMMUNITY CENTER

Councilor Carignan presented a new item for the Council agenda, and noted he would like this to be acted upon prior to the next agenda item (designation of funds). Councilor Carignan reminded the Council that during their February strategic planning retreat, one of the goals for the City was to improve the housing conditions for residents and to work to reinvigorate neighborhoods. He noted the Council appointed a Housing Committee of the Council and the City partnered with Sisters of Charity Health Systems and Lewiston Housing Authority to establish Neighborhood Housing Initiatives, a housing project and community center. Councilor Carignan stated this is a multi-million dollar project that involves private, non-profit and public funds. He stated the project was recently awarded a one million federal grant toward the costs of the Community Center. Councilor Carignan stated the Center project was in need of an additional \$500,000 for the program. He mentioned that during the Council's workshop last week on the proposed policy for designated and undesignated fund balances, he realized the City had a healthy bottom line in the undesignated funds account, and he would like to designate \$500,000 of these funds for the Community Center. He stated this would be a very wise investment from the City into one of the City's major problems which is adequate and affordable housing. He noted this project is located in the inner city, which is the heart and soul of the City.

Finance Director Richard Metivier stated that he was very disappointed this was not discussed during last week's workshop, and this issue is being brought up on the floor of tonight's meeting, without any background materials presented in the agenda packets for review. Mr. Metivier noted that City Administration and the Finance Department have worked very hard over the past years to building up the fund balance, which helped with the recent upgrading of the bond rating. He stated to remove one-half of a million dollars from the fund would put the City's back against the wall and would be detrimental to the City's financial situation. He also mentioned it would be poor judgement to use this large sum on one focused issue. Mr. Metivier recommended that this allocation should follow the same scrutiny as other accounts have had to follow. He informed the Council that the FY03 budget will be a difficult and challenging budget. He cited the worker's compensation self-insurance fund has a \$1.4 million deficit and health insurance costs have projected high increases already. Mr. Metivier stated that he supports improved housing, however he urged the Council not to support the recommendation to remove \$500,000 from the undesignated surplus fund for this one program.

Councilor Jean inquired about postponing this decision until the incoming Council can review the request. James Dowling, executive director of Lewiston Housing Authority, stated this is a critical project, the funds are necessary to complete this project and LHA truly appreciates the support the City has dedicated to the housing issue recently. Mayor Tara commented this project is located in the empowerment zone as part of the enterprise community designation. She stated the housing units and community center were requested by people who reside in the downtown area, and these projects are important to the revitalization of the community. Councilor Samson stated that he respects the opinion of the Finance Director regarding his cautions and concerns for using these funds, yet stated he has seen the plans and knows this area of town is in need of a major "facelift" that this project will provide, and he supports Councilor Carignan.

VOTE (12)

Motion by Councilor Carignan, seconded by Councilor Bilodeau:

ORDERED: The City Administrator shall authorize payment from the undesignated, unreserved funds of \$250,000 as a direct grant to the Lewiston Housing Authority to support the building of a Community Center at the corner of Bates Street and Birch Street.

ORDERED: The City Administrator shall make available a no interest loan of up to \$250,000 for up to 15 years from the undesignated, unreserved fund to the Lewiston Housing Authority to support the building of a Community Center at the corner of Bates and Birch Streets.

ORDERED: The City Administrator shall direct the Finance Director to oversee and accomplish these transactions consistent with established practices of due diligence and sound financial practice.

Passed - Vote 6-1 (Councilor Jean opposed.)

**NEW POLICY ON DESIGNATED AND UNDESIGNATED FUND BALANCE
AND DESIGNATION OF FUNDS FOR RESERVE ACCOUNTS**

Councilor Bernier stated that she has spoken with a few of the incoming Councilors, and they have expressed concern that the outgoing Council would be voting on these allocations, and requested that the incoming Council be allowed to vote on this item, since they will be working with the City budget for the next two years.

VOTE (13)

Motion by Councilor Bernier, seconded by Councilor Samson:

To table this item until a Council meeting in January.

Passed - Vote 6-1 (Councilor Bilodeau)

**PRESENTATION FROM ANDROSCOGGIN COUNTY JAIL ADMINISTRATOR
REGARDING FUNDING ISSUES**

Deputy Sheriff Desjardins and County Jail Administrator John Labelle made a presentation to the Council regarding the funding issues at the jail. They explained numerous problems with overcrowding and the increased population of inmates the system has experienced in the past several years. Mayor Tara noted this is just one of the many examples of issues that arise from being a service-center community.

**ADOPTION OF CDBG CITIZENS PARTICIPATION PLAN AND
PLANNING PROCESS SCHEDULE FOR FY2003**

VOTE (14)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To approve the Citizens Participation Plan and Planning Process Schedule for the FY2003 Community Development Program, as recommended by the Planning Board.

Passed - Vote 7-0

**AMENDMENT TO THE PERSONNEL POLICY REGARDING
NON-DISCRIMINATION POLICIES**

VOTE (15)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To repeal the Affirmative Action Plan in the Personnel Policy and to adopt five new Non-Discrimination Policies which are the Equal Employment Opportunity Policy, the Harassment Prevention Policy, the Equal Employment Opportunity Reporting Policy, the Investigation Policy for Management Personnel and the Policy for Responding to a Request for Accommodation by Disabled Employees, as recommended by the Personnel Board and the Human Resources Director. Passed - Vote 7-0

UPDATE OF CITY POLICY FOR ACQUISITION OR DISPOSITION OF LAND

VOTE (16)

Motion by Councilor Bilodeau, seconded by Councilor Jean:

To repeal the current Procedures for the Sale or Acquisition of Land Policy, Policy Number 38, and to adopt and establish a new Policy entitled "Procedures for the Acquisition/Purchase, Sale, Transfer or Liquidation of Land or Other Real Property", Policy Number 38. Passed - Vote 5-0-2 (Councilors Bernier and Samson were not present when the vote was taken.)

AMENDMENT TO RULES TO GOVERN THE CITY COUNCIL

Councilor Bernier stated earlier in the meeting that she has spoken with a few of the incoming Councilors, and they have expressed concern that the outgoing Council would be voting on these amendments, and requested that the incoming Council be allowed to vote on this item, since they will be working with as the Council for the next two years.

VOTE (17)

Motion by Councilor Gousse, seconded by Councilor Adams:

To postpone this issue until the first Council meeting in January. Passed - Vote 5-0-2 (Councilors Bernier and Samson were not present when this vote was taken.)

**PRESENTATION ON PROPOSED AMENDMENTS TO
THE CITY'S SOLID WASTE POLICY**

In the interest of time, this presentation was not made during this meeting, and will be done at a Council meeting in January.

AMENDMENT TO THE TRAFFIC SCHEDULE

VOTE (18)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To amend the Traffic Schedule for Section 3, Loading Zones:

Lisbon Street Even numbered side, east side, beginning at a point 95' from the southeasterly corner of Ash St. and Lisbon St. and extending southerly on Lisbon St. a distance of 98' (Restricted to Commercial Vehicles - 6:00am to 6:00pm except Sundays and Holidays) 30 Minutes - Tow Away Zone.

Passed - Vote 7-0

RATIFICATION OF AIRPORT BOARD APPROVAL FOR AN EASEMENT

VOTE (19)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To ratify the vote by the Airport Board of Directors to approve a highway easement to the City of Auburn for two parcels of land owned by the Airport, for the perpetual right to enter, construct and maintain a public way and to allow for the placement of utilities.

Passed - Vote 7-0

**REQUEST FROM THE FESTIVAL DE JOIE COMMITTEE FOR FINANCIAL
ASSISTANCE AND USE OF CITY SERVICES**

VOTE (20)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To approve the request from the Festival de Joie Committee for the use of city services for the Festival to be held August 2, 3 and 4, 2002 at the Railroad Park, Oxford Street, to include a downtown prelude on July 30, 31 and August 1, 2002, and to agree to include \$5,000.00 in the upcoming 2002-2003 fiscal year budget in support of the Prelude.

Passed - Vote 7-0

ADOPTION OF MEETING SCHEDULE FOR JANUARY 2002

VOTE (21)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To amend the Rules to Govern the City Council for the period of January 2001 to January 2002 to delete Section 6 d and Section 8 a, which define the Land Committee and it's duties. Passed - Vote 7-0

DISPOSITION OF A PORTION OF THE MARTEL SCHOOL PROPERTY

Acting City Administrator Phil Nadeau stated this item will be removed from the agenda due to the need for additional review and study.

APPOINTMENT TO BOARD OF ASSESSMENT REVIEW

VOTE (22)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To approve the nominations of Conrad Robitaille and Gerald Martel and to appoint Mr. Robitaille and Mr Martel to the Board of Assessment Review for three year terms which will expire on December 17, 2004. Passed - Vote 7-0

PROPOSED CONSERVATION EASEMENT AREA FOR GARCELON BOG

Councilor Carignan stated that he fully supports this resolution. He noted the area is located in the middle of the City and is a wonderful space that schools use to study the environment, and this area should be protected from development.

Resident Paul Cote of 512 Webster Street addressed the Council and stated he disagrees with the recommendation to tie up the area with a conservation easement. He noted in the 1960s the use of this area was part of a transportation plan, and former City Administrator Mulready stated several times that the area is needed for a connection from Russell Street to the turnpike. He encouraged the Councilors to table this until the incoming Council can review the resolution. He stated the conservation easement would limiting any future development of Main Street.

Resident Bob Kleckner of 14 Sheffield Avenue addressed the Council and stated he has served as a member of the East Side bypass committee for the past 18 months, and the committee has throughly studied and reviewed transportation options in the area. He said the group does not consider the bog area as a useable area for future transportation needs. Mr. Kleckner stated the financial costs to fill in the bog area would be too high, and the state Department of Environmental Protection would not permit the City to fill in this area. He stated the committee is supporting the resolution to set this area aside for a conservation easement.

Susan Hayward, representing Thorncraig Bird Sanctuary, Auburn resident Fred Sanborn, Bonnie Lonsbury and Sarah Strong representing Androscoggin Land Trust and resident Jan Phillips all addressed the Council in support of the conservation easement and the protection of bog area as an environmental resource for the City. They all urged protection of this area from future development. It was noted this area is a wetland area protected by federal laws already from development. Councilors Gousse, Adams and Carignan stated that since roads can not be built through the bog area due to current regulations and the land condition, it does not make any sense to consider this as a possible site for the future for development.

VOTE (23)

Motion by Councilor Jean, seconded by Councilor Carignan:

Be It Ordered by the City Council that the Council authorize the City Administrator to sign a final agreement on behalf of the City of Lewiston, which will articulate the conditions under which that area of Garcelon Bog is identified and protected as a conservation easement not subject to further development, said approval is subject to the following:

That the Garcelon Bog easement's objective is to provide open space for all citizens and to serve as a precious asset whose primary purpose is to protect an existing significant natural resource and to provide a natural forum to educate our residents on the importance of respecting our local ecosystems, and

That the final agreement is supported by all means necessary to insure that the property meets all legal requirements necessary for the transfer of the property to the Androscoggin Land Trust and to address the proper enforcement of the conservation easement, and

That the final agreement provide for a Garcelon Bog Advisory Committee, which will oversee the management of the property, and

That the City Administrator encourages the abutting landowners, around the city owned parcel in the Garcelon Bog area, to include their properties in the conservation easement, and

That prior to the City Administrator's signature on the final agreement, the public shall have an opportunity to review the final details of the proposal through the Planning Board review process. Passed - Vote 5-2 (Councilors Jean and Samson opposed)

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT FOR
TWO EMPLOYEE UNION CONTRACTS**

Human Resources Director Denis Jean stated these contracts are three year contracts to be effective July 1, 2001. They include a salary adjustment effective January 1, 2002 as well as a health insurance employee contribution effective the same date.

VOTE (24)

Motion by Councilor Samson, seconded by Councilor Jean:

To ratify the Collective Bargaining Agreement between the City of Lewiston and the Maine Association of Police, said agreement being for the period of July 1, 2001 to June 30, 2004, and to ratify the Collective Bargaining Agreement between the City of Lewiston and the Maine State Employees Association, said agreement being for the period of July 1, 2001 to June 30, 2004, and to authorize the Mayor to sign the agreements on behalf of the City of Lewiston. Passed - Vote 7-0

COMPENSATION FOR ACTING CITY ADMINISTRATOR

VOTE (25)

Motion by Councilor Bilodeau, seconded by Councilor Carignan:

To compensate Mr. Nadeau fifteen days of vacation for his position as Acting City Administrator for the period of October 19, 2001 to January 15, 2002. Passed - Vote 7-0

UPDATE FROM THE LEWISTON MILL REDEVELOPMENT CORPORATION REPRESENTATIVES

No report was presented at this time.

REPORT FROM THE SCHOOL COMMITTEE

No report was presented at this time.

OTHER BUSINESS

Councilor Carignan proposed a Resolution regarding the establishment of future tax rates and the dates when Councilors shall set the rates. Finance Director Richard Metivier stated the issue that Councilor Carignan is trying to address is an issue with the Charter that can only be changed by Referendum. He stated the budget is approved in May and the Tax Assessor recommends the tax commitment in July and needs this time between April 1 and July to prepare the material. To force the Tax Assessor to complete the work by May is not feasible and would cut the city short for levels of valuation and translate into a higher tax rate than it might otherwise be. Lewiston has one of the lowest numbers of tax abatements in Maine, which is a testament to the work and research the Assessing department does for the tax commitment. To force them to complete the work two months earlier is not allowing for accuracy and correct results. Councilor Bilodeau commented that perhaps a charter commission be established by the incoming Councilors to review this aspect of the Charter.

VOTE (26)

Motion by Councilor Carignan, second by Councilor Bilodeau:

Whereas, it is important for the City Council to have the most accurate and current financial information in order to compile the municipal budget and set the tax rate, and

Whereas, it is critical to recognize the interdependency of decisions on the mil rate and the budget, and

Whereas, it is important to budget decisions that the City Council must make with regard to intergovernmental agreements with the City of Auburn that the budget resolution occur as late in may as possible, and

Whereas, it is desirable that the Council make the decisions on the tax rate and the City budget at the same time in order for the Council to carry out its policy making obligations under the Charter,

Now, Therefore, Be It Resolved that the City Administrator is directed to plan the process of setting the budget and the mil rate to occur at the same time as late in May (last week) as allowable under the Charter.

Passed - Vote 7-0

VOTE (27)

Motion by Councilor Samson, second by Councilor Carignan:

To enter into Executive Session to discuss Labor Negotiations and Real Estate development issues, the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session began at 8:45 pm and ended at 9:00 pm.

**CONDEMNATION ORDER FOR EMINENT DOMAIN PROCEEDINGS FOR
208 LISBON STREET (PILSBURY BLOCK)**

VOTE (28)

Motion by Councilor Bilodeau, seconded by Councilor Gousse:

Whereas, the City of Lewiston, acting by and through its City Council has determined that

- A. Certain property, to wit, property consisting of all land and building(s) thereon situated and any interest in said land and building(s) of any nature whatsoever, located at the

corner of Pine and Lisbon Streets and more specifically described below (the "Property"), is needed for a public use, to wit an expansion of the adjacent Lewiston Public Library, and creation of community meeting rooms and archival space for library and other library and municipal use;

- B. The immediate taking of the Property is required by public exigency;
- C. While ownership and control of the entire land and building is needed, immediate possession of those portions of the first-floor space now occupied by commercial tenants is not absolutely required;
- D. The City of Lewiston, despite its efforts, has been unable to purchase the same at what the City Council deems a reasonable valuation; and
- E. The City Council finds and determines that the amounts set forth below in paragraph II(4) constitute just compensation for the interests taken

Now Therefore, it is therefore ORDERED, as follows:

1. That the fee simple interest in the Property, free and clear of all of the interests of any owner, including all interests in the Property, of any nature whatsoever, whether legal or equitable, including the interests of any and all tenants or persons in possession of the Property or any part thereof (other than the leasehold rights of possession of commercial tenants located on the first floor of the Property), be and hereby is taken pursuant to the said City of Lewiston's power of eminent domain as conferred in 30-A M.R.S.A. §3101, incorporating 23 M.R.S.A. Chapter 304.
2. The Property is described by metes and bounds as follows:

A certain piece or parcel of land, together with the buildings and structures thereon situated, bounded and described as follows:

Beginning at the point the intersection of the easterly line of Lisbon Street and the northerly line of Pine Street;

Thence easterly along the northerly line of Pine Street to the point of intersection of the northerly line of Pine Street and the westerly line of Park Street Alley;

Thence northerly along the westerly line of Park Street Alley to the intersection of the said westerly line of Park Street Alley with the southerly line of the premises conveyed by Pilsbury Associates to the City of Lewiston by Warranty Deed dated September 7, 1995 and recorded in the Androscoggin County Registry of Deeds in Book 3477, Page 154;

Thence westerly along the said southerly line of the premises conveyed by Pilsbury Associates to the City of Lewiston, *as follows*: (i) South 83 Degrees, 4 minutes and 20 seconds west, 41.48 feet to a point; (ii) thence North 6 degrees, 43 minutes 20 second west, ten (10) feet to the centerline of a masonry party wall; (iii) thence, South 83 Degrees, 4 minutes and 20 seconds west, along the centerline of the masonry party wall 51.02 feet to the intersection of the said southerly line of the premises conveyed

by Pilsbury Associates to the City of Lewiston with the easterly line of Lisbon Street;

Thence southerly along the easterly line of Lisbon Street to the point of beginning. Together with all those rights which were reserved by said Pilsbury Associates in the aforesaid deed to the City of Lewiston, including without limitation the rights reserved in the stairs, and any utilities, as well as any and all rights which may have inured to the property herein described under the terms of a Comprehensive Common Facilities Agreement executed at the time of the aforesaid conveyance, as well as any rights of Norman Rousseau under the terms of a certain lease as evidenced by a Memorandum of Lease recorded in said Registry in Book 4382, Page 226.

3. The names and addresses of the owner(s) of record areas follows (and if there are other owners who are not of record, the names of such owners are to the City unknown):

- A. Pilsbury Associates, c/o Richard Lecompte, 33 Lisbon Street, Lewiston, ME 04240
- B. Normand Rousseau, 4 Clearwater Avenue, Lewiston, ME 04240

The amount of damages determined to be just compensation is as follows:

- A. Pilsbury Associates: \$50,000
- B. Normand Rousseau \$95,000

It is Further Ordered, that a copy of this Order, attested by the City Clerk as a true copy, be served upon the said owners together with a check in the amount(s) set forth above as just compensation, and that a certificate attested by the City Clerk, pursuant to 23 M.R.S.A. §3024 be recorded in the Androscoggin County Registry of Deeds.

Passed - Vote 7-0

Mayor Tara noted this is the last meeting of the current Council, and she thanked everyone for their service to the City. She stated it has been an honor and a privilege to serve the residents of Lewiston and noted she has many wonderful memories. Councilor Carignan noted that his work as a Councilor has been one of the most important parts of his life and one of the highlights of his life. He stated it was a great gift to be able to serve. Councilor Bilodeau stated this has been an amazing part of her life and the feats achieved by the Council have not been accomplished alone. Councilor Gousse stated he appreciates the opportunity to serve and has a healthy respect for the municipal officials. Councilor Adams stated he has enjoyed the past two year immensely.

VOTE (29)

Motion by Councilor Carignan, second by Councilor Gousse:

To adjourn at 9:05 P.M. Passed - Vote 7-0

CITY COUNCIL

DECEMBER 11, 2001

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine