

**CITY OF LEWISTON**

**CITY COUNCIL**

**FEBRUARY 5, 2002**

**REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00PM**

THE HONORABLE LAURIER T. RAYMOND, JR., MAYOR, PRESIDING.

PRESENT: Councilors Philippon, Bernier, O'Brien, Samson, Paradis, Rousseau, Acting City Administrator Phil Nadeau, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence.

**VOTE (38-2002)**

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

To dispense with the reading of the minutes of the January 22, 2002, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

**PUBLIC HEARING ON A \$2,750,000 BOND ISSUE FOR  
PUBLIC INFRASTRUCTURE IMPROVEMENTS ASSOCIATED WITH  
THE WALMART DISTRIBUTION FACILITY**

Mayor Raymond opened the public hearing to receive citizen input and comment. No members of the public commented on this issue at this time. Mayor Raymond then closed the hearing.

**VOTE (39-2002)**

Motion by Councilor Samson, seconded by Councilor Philippon:

Ordered, that \$2,750,000 be appropriated to finance public infrastructure improvements including the relocation of the City's sand and gravel pit; property acquisition; water and sewer line relocation; road extension and construction of Sand and Salt Storage facilities associated with the Wal-Mart Distribution Facility;

Further Ordered, that to meet this appropriation, \$2,750,000 shall be raised by a Public Improvement Bond Issue;

Further Ordered, that the City Council instruct the Finance Director to advertise for bids for \$2,750,000 Public Investment Bonds; to award the loan; and to employ Palmer & Dodge to furnish the legal opinion for the same; provided that in the alternative the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

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 issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 6-0

**PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMITS**

Mayor Raymond opened the public hearing to receive citizen input and comment. No members of the public commented on this issue at this time. Mayor Raymond then closed the hearing.

**VOTE (40-2002)**

Motion by Councilor Samson, seconded by Councilor Bernier:

To grant a Special Amusement Permit for Dancing and Entertainment to Lewiston Lodge of Elks, #371, 1675 Lisbon Street. Passed - Vote 6-0

**VOTE (41-2002)**

Motion by Councilor Paradis, seconded by Councilor Bernier:

To grant a Special Amusement Permit for Dancing and Entertainment to Club Cairo, 39 Chestnut Street. Passed - Vote 6-0

Councilor Jean arrived at this time.

**PROPOSED CITY POLICY ON DESIGNATED AND UNDESIGNATED  
FUND BALANCES**

Finance Director Richard Metivier explained this issue was presented to the previous Council during their December 11, 2001 meeting, and the item was postponed to allow the new Council the opportunity to review and approve the proposed policy. Mr. Metivier explained the need for this new policy. Councilor Bernier stated that she did not have a chance to review this proposal in depth, and noted that sections have been changed since the draft was presented to the previous Council. She requested for this issue to be discussed in a future workshop so the details can be reviewed more in depth.

**VOTE (42-2002)**

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

To table to a workshop for review a new City Policy: Designated and Undesignated Fund Balance Policy. Passed - Vote 6-1 (Councilor Philippon opposed)

**MDOT MUNICIPAL/STATE PROJECT AGREEMENTS**

**VOTE (43-2002)**

Motion by Councilor Samson, seconded by Councilor Jean:

To authorize the Acting City Administrator to enter into a Municipal/State Project Agreement with the Maine Department of Transportation for the proposed improvements to the portion of Lincoln Street that is located between Main Street and Cedar Street.

Passed - Vote 7-0

**VOTE (44-2002)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

To authorize the Acting City Administrator to enter into a Municipal/State Project Agreement with the Maine Department of Transportation for the proposed improvements to the portion of Cedar Street that is located between South Bridge and Lisbon Street.

Passed - Vote 7-0

Councilor O'Brien inquired about the costs associated with this project. Public Works Director Chris Branch stated that the project is included in the LCIP and those projects are reviewed and funded individually by Council.

**VOTE (45-2002)**

Motion by Councilor Samson, seconded by Councilor Jean:

To authorize the Acting City Administrator to enter into a Municipal/State Project Agreement with the Maine Department of Transportation for the proposed widening and improvements to Sabattus Street. Passed - Vote 7-0

**PERSONNEL POLICY AMENDMENTS**

Councilor O'Brien asked how many employees this new proposed amendment would affect. Human Resources Director Denis Jean stated that these changes would impact the 95 non-unionized employees. Councilor Rousseau stated that he felt this issue should be postponed until the discussions are completed regarding the salaried employees pay plan changes, since these amendments involve benefits for the SEPP employees.

**VOTE (46-2002)**

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

To table the amendments to the Personnel Policies, regarding Sick Leave and Vacation Leave as recommended by the Personnel Board and the Human Resources Director, until the salaried employees pay plan issues are settled. Passed - Vote 6-1 (Councilor Philippon opposed)

**AUTHORIZATION TO JOIN THE MAINE MUNICIPAL HEALTH TRUST**

Finance Director Richard Metivier stated that this vote is necessary even though the City is already a member of the MMEHT. The MMEHT is changing their organizational structure under federal and state law, and member communities need to take another vote to re-enter the program.

**VOTE (47-2002)**

Motion by Councilor Samson, seconded by Councilor Jean:

BE IT RESOLVED by the City Council of the City of Lewiston, as follows:

That the City of Lewiston, join with other participating municipal and quasi-municipal employers in a Multiple Employer Welfare Arrangement for the provision of employee health benefits, as authorized by 24-A M.R.S.A §6601 et seq., said Arrangement to be known as the “Maine Municipal Employees Health Trust” (Health Trust); and for that purpose and in consideration of the mutual covenants and agreements among the participating employers, to authorize the Acting City Administrator to enter into a Participation Agreement on behalf of the City and take whatever other actions may be necessary. The authority granted herein shall remain until revoked.

Passed - Vote 7-0

**REPRESENTATIVE TO THE YOUTH ADVISORY COUNCIL**

Councilors nominated Councilor Philippon to serve as the Council representative to the Youth Advisory Council. Councilor Philippon declined the nomination. After additional discussion regarding the role and duties of this position, Councilor Philippon stated he would accept the nomination by his fellow Councilors.

**VOTE (48-2002)**

Motion by Councilor Samson, seconded by Councilor Rousseau:

To appoint Councilor Philippon to serve as the Council’s representative to the Youth Advisory Council. Passed - Vote 6-0-1 (Councilor Philippon abstained)

**WARRANT FOR UNLICENSED DOG OWNERS**

**VOTE (49-2002)**

Motion by Councilor Samson, seconded by Councilor O’Brien:

To accept and sign the warrant for prosecuting of unlicensed dog owners/keepers, as required by Maine Revised Statutes Annotated, Title 7, Section 3943. Passed - Vote 6-0

**ANNUAL POSTING OF ROADS**

**VOTE (50-2002)**

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

To authorize the Public Works Department to post the following roads prohibiting vehicles having a gross weight of over 23,000 pounds.

From March 1, 2002 to May 1, 2002:

- Ferry Road - From Cottage Road to River Road
- River Road - From Ferry Road to Solid Waste Facility
- Dyer Road - From Lisbon Road to Ferry Road
- Pinewoods Road - From Ferry Road to Town Line
- Gayton Road - From Lisbon Road to Town Line
- Webster Road - From Old Lisbon Road to Crowley Road
- Merrill Road - From College Road to Main Street
- Sleeper Road - From Merrill Road to Town Line
- Randall Road - From Sunrise Lane to Grove Street
- Grove Street - From Randall Road to Town Line
- Old Greene Road - From North Temple Street to Town Line
- No Name Pond Road - From Old Greene Road to Town Line
- Pond Road - From Cherrywood Drive to No Name Pond Road

Passed - Vote 6-0

**TRAFFIC SCHEDULE AMENDMENT**

Councilor Paradis asked if Mr. Leonas of the City Cab Company was notified of this amendment. Councilor Paradis stated that when the plans for the LePage Bakeries expansion were presented to the Planning Board, Mr. Leonas expressed some concerns regarding the limited parking for the taxi cabs, since his business is located across the street from the Bakery facility. Development Director Greg Mitchell stated that Mr. Leonas was not directly notified of this amendment, yet noted that the proposed loading zone is what was included in the expansion plans that were approved by the Planning Board. The Council's action to approve the traffic schedule amendment is the formal designation of the loading zone as it was presented to the Planning Board.

**VOTE (51-2002)**

Motion by Councilor Paradis, seconded by Councilor Samson:

To approve amendments to the Traffic Schedule for Lisbon Street to establish an additional loading zone. Passed - Vote 7-0

**LEGISLATIVE UPDATE**

Acting City Administrator Phil Nadeau informed the Council that the 1% Tax Cap petitions were not certified by the State due to errors with signatures and the lack of the appropriate amount of verified signatures. He stated the Local Option Sales Tax issue is still being worked on and proposed by the urban center communities. Councilor O'Brien stated the State Legislature will be reviewing the different tax issues regarding municipal impact.

**REPORT FROM SCHOOL COMMITTEE**

Councilor Samson stated the School Committee members are touring the school buildings. There is a shortage of classroom space and projected large student enrollments in the future. He noted the School Committee begins budget deliberations tomorrow night.

**DISCUSSION REGARDING CITY ADMINISTRATOR SELECTION PROCESS**

Mayor Raymond announced that the resumes for City Administrator have been reviewed by Council President Bernier, Human Resources Director Denis Jean and himself. He stated an executive session will be held soon to review and discuss the potential candidates with the full Council.

**OTHER BUSINESS**

Councilor Bernier suggested having Councilors offer a brief update at workshops regarding the activities of the committees that they serve on as Councilors. She stated that a monthly report on any committee activity would be beneficial for the full Council.

Public Works Director Chris Branch inquired about the annual salary adjustment for non-union employees. He noted this issue was tabled at the December 28, 2001 Council meeting and employees were told this issue would appear on a January meeting agenda, and employees have not received any information on this issue. He stated there are approximately 30 employees in the audience who are seeking information as well. Mr. Branch said the City has already settled four union contracts, with an average raise of 12%, and he is wondering when the Council will finalize the salary adjustments for the non-union employees. He reminded the Council that it has been 18 months since the employees received any sort of salary adjustment, such as an annual cost of living increase.

Acting City Administrator Phil Nadeau stated that there are a few issues regarding this topic that various City Councilors have discussed with him and the Council will be entering into executive session to review this issue since the full Council has not discussed this issue yet. He stated the Council is unable to bring forward a formal recommendation this evening. Councilor Bernier stated that the current Council has not seen the proposal that was presented to the previous Council. Councilor O'Brien stated the Council does not have enough information to discuss this issue yet. Councilor Jean inquired about the salary survey conducted two years ago. Human Resources Director Denis Jean stated the study

was done by an outside consultant in 2000, and he compared Lewiston salaries with seven or eight of the largest municipalities in Maine. From the study, about 50 employees received a salary adjustment and about 50 did not receive any change in their salary amounts because the study determined their present salary was in line with market conditions for that position. Councilor Philippon noted the adjustments from the study were not a raise, but just to bring salaries in line with other towns, to be competitive.

Councilor Rousseau stated that he has read the study and there was a 5.82% increase to the pay structure to implement the findings. He noted that six months ago the employees impacted received the second half of their adjustment. He reminded the Council that the study also recommended that future pay raises be tied to merit pay for work performance, not just an annual COLA adjustment, and the City has not implemented the merit based pay system yet. He does not agree with an across the board adjustment for non-union employees, but an individualized increase based upon work performance. He also noted the high increase in health insurance. He presented a chart showing the personnel expenses for the past few years and noted this budget item increases greatly each year, and the City can not afford to do this anymore. He also reminded the Council of the high cost of benefits.

Councilor Philippon stated the Council needs to treat the salaried employees fairly and the union employees have already received adjustments, so this issue should be settled soon. Councilor Bernier noted the labor union employees were over due for increases to their pay scales. She informed the Council that the Police Department was in danger of losing up to nine officers at one time, who were thinking of working for other towns that pay a much higher salary for police officers - towns such as Lisbon and Brunswick. She noted the need to retain the public safety employees. In addition, she stated the clerical employees needed to receive an adjustment because the proposed pay scales for the new Walmart Distribution facility were higher than the city wages, and the City did not want to see good employees leave for better pay elsewhere. Councilor Rousseau reminded the Council the study for non-union employees recommended pay for performance and pay based upon length of time with the City, experience, etc. Councilors O'Brien and Paradis stated they need to review what actions were taken by the previous Council and need to look at where we need to go in the future.

Several employees addressed the Council at this time. Marcel Lauze from the Water Division informed the Council that the water division should be viewed as an aspect of public safety as well, those who are charged with keeping the public drinking water safe and protected. He reminded the Council of the need to be fair with all employees. Kevin Gagne from the Water Division reminded the Council that most employees at Public Works are also Lewiston residents, and they have seen their taxes increase yet their salaries have not increased to allow them to pay the higher taxes, so they feel they are getting hit double. He asked Council to treat all employees fairly. Matt Dillingham of the Engineering Division reminded Council to think of the engineering and technical employees who work to implement the various projects that Council approves. Chief Welch addressed the Council and stated that the police department is no more important than other departments - all employees offer a service and contribute to the functions of the

City. He stated there were many flaws that were identified in the study and never corrected, numerous appeals were submitted and denied or never heard, employees were told that all of the problems would be corrected in Phase 2, yet were not told when that will be. He stated that the non-union employees were told to wait until the union contracts were settled, then the SEPP would be settled based upon the union contract results, for consistency purposes. He noted there are police chiefs around the state with ten or less officers in their departments that are making a higher salary than he is. He asked the Council not to balance the City's budget on the backs of the employees who do the work and are the back bone of the City. Rick Burnham from the Water and Sewer Divisions stated he echos the comments from the previous speakers and reminded Council that the SEPP adjustments have always flowed with the union findings. Public Works Director Chris Branch stated he just can't keep losing good employees to other towns that pay better for the same position and urged Council to equalize with SEPP what was agreed to with the unions. It was noted that the SEPP employees will pay a health insurance match and the proposed 6% salary increase for January 2002 is similar to receiving a 3% COLA in July 2001, which is a standard adjustment and that SEPP employees are not seeking anything more than what has been done before.

**EXECUTIVE SESSION**

**VOTE (52-2002)**

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

To enter into executive session to discuss pending litigation with Legal Counsel, Labor Contract Negotiations, Personnel Matter to discuss compensation of a group of public employees on the grounds that there is a reasonable expectation that the discussion may cause damage to the reputation or the individuals right to privacy would be violated.

Passed - Vote 7-0

Executive Session began at 8:40 pm and ended at 10:23 pm.

Mayor Raymond appointed Councilors Philippon, Bernier and Rousseau to a special committee of the Council which will work with City Administration regarding discussions for the salaried employees pay plan changes.

**VOTE (53-2002)**

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

To adjourn at 10:24 P.M. Passed - Vote 7-0

A true record, Attest:

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Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine