

# CITY OF LEWISTON

CITY COUNCIL

MARCH 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, Jean, Samson, Paradis, Rousseau, Acting City Administrator Phil Nadeau, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence.

### VOTE (64-2002)

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

To dispense with the reading of the minutes of the February 19, 2002, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### APPOINTMENT OF CITY ADMINISTRATOR

Mayor Raymond stated the Council is pleased to announce their selection and appointment tonight, after reviewing over forty resumes from inside and outside of Maine. Mayor Raymond noted Mr. Bennett brings great enthusiasm to the position, and the Council looks forward to a long working relationship with Mr. Bennett.

### VOTE (65-2002)

Motion by Councilor Philippon, seconded by Councilor Jean:

To appoint James A. Bennett as the City Administrator for the City of Lewiston, effective March 25, 2002, according to the terms as defined in the employment contract.  
Passed - Vote 7-0

Mr. Bennett then stood for recognition.

### PUBLIC HEARING AND FINAL PASSAGE FOR RE-ZONING A PORTION OF 884 LISBON STREET

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

**VOTE (66-2002)**

Motion by Councilor Samson, seconded by Councilor Jean:

That the proposed amendment to re-zone the rear portion of 884 Lisbon Street from the Neighborhood Conservation "A" (NCA) District to the Community Business (CB) District, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING THE ADOPTION OF  
THE 2000 LIFE SAFETY CODE**

Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. Councilor Bernier inquired of the Fire Chief how this amendment would impact the housing issues in town. Chief Lajoie stated this amendments will address some of the current problems, and he recommends approval.

**VOTE (67-2002)**

Motion by Councilor Samson, seconded by Councilor Jean:

That the proposed amendment to the City Code of Ordinances, Chapter 38 "Fire Prevention and Protection", Article 2 "Fire Prevention Code", Section 38-26 "Codes Adopted", Subsection C and D, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of March 19, 2002 for final passage. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO  
THE TRAFFIC AND VEHICLES ORDINANCE**

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

**VOTE (68-2002)**

Motion by Councilor Samson, seconded by Councilor Philippon:

That the proposed amendment to the City Code of Ordinances, Chapter 70, "Traffic and Vehicles", Article I "In General", Section 70-2 "Definitions" receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of March 19, 2002 for final passage. Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMITS**

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

**VOTE (69-2002)**

Motion by Councilor Jean, seconded by Councilor Samson:

To grant a Special Amusement Permit for Dancing and Entertainment to Barnies Place, 1065 Sabattus Street. Passed - Vote 7-0

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

**VOTE (70-2002)**

Motion by Councilor Samson, seconded by Councilor Rousseau:

To grant a Special Amusement Permit for Dancing and Entertainment to the Carlton Club, 25 Sabattus Street. Passed - Vote 7-0

**SALARIED EMPLOYEES PAY PLAN ADJUSTMENT AND  
PROPOSED PAY INCREASE**

Councilor Rousseau stated that he recommends postponing this issue until the City Administrator is on board, which is only a few weeks from now. He stated that he would like to see changes that will best serve all employees and will help to retain jobs in the future. Councilor Bernier stated she met with the Acting City Administrator and the Human Resources Director this afternoon, and she conveyed to them the desire to suspend the current policies, to implement the pay increases as presented, and to direct the new City Administrator the task of reviewing the plan and in six months or less, make recommendations back to the Council regarding the SEPP.

**VOTE (71-2002)**

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

That effective December 31, 2001, all administrative, supervisory and professional/technical employees covered by the Salaried Employees Pay Plan receive a pay increase as follows: 3% for Levels 6 and 7; 5% for Levels 4 and 5; and 7% for Levels 2 and 3, and to suspend all the provisions of the current Salaried Employees Pay Plan until further notice. Passed - Vote 6-1 (Councilor Rousseau opposed.)

**AMENDMENT TO SALARIED EMPLOYEES PAY PLAN POLICY REGARDING  
COST OF LIVING ADJUSTMENTS**

Councilor Rousseau asked if this proposed change would mean that the quartiles that are now due would not be issued. There was great discussion about the possibility of removing the quartile adjustments and doing cost of living adjustments instead. Councilor Jean stated it was his understanding that only COLAs in the 3%, 5% or 7% amounts, according to the current pay grades, would be issued. Councilor Bernier strongly emphasized the need for a complete review of this system and the need for the Council to know if it should be retained or eliminated. She stated the Council does not have a clear and full understanding of this program. Finance Director Richard Metivier stated the COLA would occur before the quartile adjustment. Councilor Paradis stated the Council needs additional clarification on the language regarding the policy and procedure.

**VOTE (72-2002)**

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

To table the proposed amendments to the Salaried Employees Pay Plan Policy regarding cost of living adjustments, as recommended by the Human Resources Director.

Passed - Vote 7-0

**EMPLOYEE CONTRIBUTION FOR HEALTH INSURANCE COVERAGE**

**VOTE (73-2002)**

Motion by Councilor Samson, seconded by Councilor Bernier:

That effective January 1, 2002, all administrative, supervisory and professional/technical employees covered by the Salaried Employees Pay Plan shall contribute 7% of the health insurance premium costs for the coverage they receive. Passed - Vote 7-0

**AMENDMENT TO PERSONNEL POLICY REGARDING  
VACATION AND SICK LEAVE**

Councilor Rousseau asked the Human Resources Director to investigate the possibility of a two-tiered health insurance plan, similar to the two-tier vacation plan, presented in this item.

**VOTE (74-2002)**

Motion by Councilor Bernier, seconded by Councilor Samson:

To approve the amendments to the Personnel Policies regarding Sick Leave and Vacation Leave as recommended by the Personnel Board and the Human Resources Director.

Passed - Vote 7-0

**TRANSFER OF TAX-ACQUIRED PROPERTY AT 23 SAND HILL ROAD**

**VOTE (75-2002)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

That the City be authorized to convey to Lori-Ann Touchette and Raymond Fleury the tax-acquired building situated at 23 Sand Hill Road, in consideration of (i) the payment of \$2,000, and (ii) the execution by said Touchette and Fleury of an interest-free promissory note in the amount of \$3,053.82, payable in monthly installments of \$100.00 per month; and That the Treasurer be and hereby is authorized to make, execute and deliver any and all documents necessary or convenient for the accomplishment of the foregoing.

Passed - Vote 7-0

**AMENDMENT TO THE RULES TO GOVERN THE CITY COUNCIL**

**VOTE (76-2002)**

Motion by Councilor Samson, seconded by Councilor Rousseau:

To amend the Rules to Govern the City Council for the period of January 2002 to January 2004 to amend Section 6. Committees, subsections a, b and c, to allow for up to four citizens to serve on the Council committees. Passed - Vote 7-0

**AMENDMENTS TO THE TRAFFIC SCHEDULE**

**VOTE (77-2002)**

Motion by Councilor Samson, seconded by Councilor Philippon:

To adopt the proposed amendments to the Traffic Schedule for Bridge Street regarding parking prohibited in fire lanes. Passed - Vote 7-0

**VOTE (78-2002)**

Motion by Councilor Samson, seconded by Councilor Philippon:

To approve amendments to the Traffic Schedule for Middle Street, to establish a loading zone. Passed - Vote 7-0

**VOTE (79-2002)**

Motion by Councilor Samson, seconded by Councilor Philippon:

To adopt the proposed amendments to the Traffic Schedule for Hammond Street regarding parking prohibited in fire lanes. Passed - Vote 7-0

**APPROVAL OF THE ANNUAL MAINE STATE PARADE**

**VOTE (80-2002)**

Motion by Councilor Samson, seconded by Councilor Philippon:

- 1) To approve the proposed parade route for the Maine State Parade to be held on Saturday, May 4, 2002. The Parade will march from Main Street to Longley Bridge, and across the bridge into Auburn.
- 2) To accept the recommendation of the Police Chief, and to prohibit parking on the following streets, between the hours of 6:00 p.m. on Friday, May 3, 2002, and 6:00 p.m. Saturday, May 4, 2002, and to authorize the Police Department to have violators towed from the area if necessary:

Main Street - Lisbon Street to Fyre Street, both sides  
Frye Street - Main Street to College Street, both sides  
College Street - Union Street to Mountain Avenue, east side  
Campus Avenue - College Street to Central Avenue, both sides  
Vale Street - College Street to Central Avenue, both sides  
Wood Street - Sabattus Street to Campus Avenue, both sides  
Nichols Street - Sabattus Street to Campus Avenue, both sides  
Bardwell Street - Nichols Street to Campus Avenue, both sides  
Franklin Street - Sabattus Street to Campus Avenue, both sides  
Riverside Drive - entire length, both sides  
Central Avenue - Campus Avenue to Russell Street, west side

- 3) That peddlers and/or vendors be prohibited from the area in front of the spectators along the parade route, immediately prior to and during the Maine State Parade on Saturday, May 4, 2002.

Passed - Vote 7-0

**REQUEST TO HANG BANNER**

**VOTE (81-2002)**

Motion by Councilor Samson, seconded by Councilor Philippon :

To authorize the Lewiston/Auburn Community Little Theatre to hang a banner at the Lewiston pump station from March 6 - 18, 2002 to promote their upcoming production. The banner must be installed per requirements of the Public Works Department.

Passed - Vote 7-0

**TO AUTHORIZE CITY ADMINISTRATION TO APPROVE OR DENY ALL  
REQUESTS TO HANG BANNERS ON MUNICIPAL PROPERTY**

**VOTE (82-2002)**

Motion by Councilor Samson, seconded by Councilor Philippon :

To authorize the City Administrator or the Assistant City Administrator to review and approve or deny requests to hang banners on city property. Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (83-2002)**

Motion by Councilor Samson, seconded by Councilor Philippon:

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 \$320.00, or any portion thereof, in the case of State of Maine vs. Adam Francisco, Court Records 01-3411C; \$60.00, or any portion thereof, in the case of State of Maine vs. Sarah Scott, Court Records 01-3422; \$754.40, or any portion thereof, in the case of State of Maine vs. Chard Leboundzis, Court Records 01-3263; \$560.00, or any portion thereof, in the case of State of Maine vs. John Davis, Court Records 00-3527; \$331.00, or any portion thereof, in the case of State of Maine vs. B. Scardoni, Court Records 00-3425; 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 7-0

**LEGISLATIVE UPDATE**

Acting City Administrator Phil Nadeau mentioned the Taxation Committee is reviewing a proposal to restructure the excise tax program, something the City is tracking closely.

**REPORT FROM SCHOOL COMMITTEE**

Councilor Samson reported the School Committee is working on the budget preparation, and that March 13 is their final budget meeting. They are looking at a 3.7% budget increase, but no tax increase. March 27 is the joint meeting with the School Committee and the Council.

**OTHER BUSINESS**

Councilor Bernier read a Resolution to express the City's condolences to the Bates College Community and to the family of Morgan McDuffie, the Bates College student who was murdered over the weekend.

**VOTE (84-2002)**

Motion by Councilor Bernier, seconded by Councilor Paradis:

To approve the Resolution expressing the City's condolences to the Bates College Community and to the family of Morgan McDuffie, the student who was murdered over the weekend. Passed - Vote 7-0

Mayor Raymond announced his appointments of the following people to serve on the Library Building Committee: Chairperson Philip Isaacson, Norm Albert, Renee Bernier, Win Brown, Cindy Larock, Richard Metivier, Anne Niemiec, Jan Phillips, Rex Rhoades and ex-officio members Anne Dumont and Rick Speer.

Acting City Administrator Phil Nadeau announced that the City of Portland would like to host a joint Council meeting during the month of May. Additional details will follow.

**EXECUTIVE SESSION**

**VOTE (85-2002)**

Motion by Councilor Samson, seconded by Councilor Jean:

To enter into executive session to discuss Real Estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Executive Session began at 7:30 pm and ended at 8:05 pm.

**VOTE (86-2002)**

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

To adjourn at 8:06 P.M. Passed - Vote 7-0

A true record, Attest:

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Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine