

CITY OF LEWISTON

CITY COUNCIL

MAY 21, 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, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (143-2002)

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

To dispense with the reading of the minutes of the May 7 and 9, 2002, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

FINAL PUBLIC HEARING FOR THE FISCAL YEAR 2003 BUDGET

Mayor Raymond opened the public hearing to receive citizen input regarding the budget.

Mark Libby, vice-president of the Public Works union, stated the union is concerned with the elimination of the positions in Public Works. He also inquired about the projected cost savings that the City will receive by transferring the turf management division from Public Works into the Recreation Department.

Laurie Sidelinger of 94 Winter Street expressed concern about the high increase in taxes due to the influx of recent immigrants to Lewiston. She stated the budget calls for spending \$52,000 for elderly services for residents, yet \$260,000 in social services and the general assistance budget, which she stated is a large increase from last year. She suggested increasing the social services amount gradually each year, rather than one large jump in one year, because it sends the message that new people can come to Lewiston and get a "free ride".

Irene Nault of 39 Irwin Street stated she is worried about the increased taxes and the lack of employment opportunities in Lewiston. She stated that no new businesses will want to come here with high taxes and people are moving out of Lewiston due to the lack of jobs here. She stated elderly residents are choosing between paying for medication or paying for food, and can not afford higher taxes.

Jan Phillips of 40 Jefferson Street addressed the Council and said she appreciates the work that the Council and staff have put into the budget and she knows it was a difficult task. She urged the Council to add back into the budget the \$1500 that was cut from the fund for

the Library books. She also requested that the proposed staff cut at the Library not occur and stated the programming will suffer in the children's room. She stated that she believes the residents are willing to pay the increase in the taxes if they know they will not lose services.

John Stass of 46 Sherbrooke Street stated that the recent influx of immigrants is a great burden on the community's social welfare programs and noted his concern is not a racial issue but a financial and budgetary issue. He stated that it appears now that the service programs are an unending support program for the new residents of Lewiston.

Mayor Raymond closed the hearing at 7:35pm.

**PUBLIC HEARING AND FINAL PASSAGE FOR REZONING OF
600-724 MAIN 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 (144-2002)

Motion by Councilor Jean, second by Councilor Philippon:

That the proposed amendment to re-zone the properties on the west side of Main Street, from 660-724 Main Street, west to the Maine Central Railroad, from the Community Business (CB) District to the Highway Business (HB) District receive final passage by a roll call vote.
Passed - Vote 7-0

**SETTLEMENT AGREEMENT WITH PILSBURY ASSOCIATES AND
NORMAND ROUSSEAU REGARDING THE PILSBURY BLOCK PROPERTIES**

City Attorney Robert Hark explained that it is in the best interest of the City to settle this issue and it will enable the Library expansion project to move forward.

VOTE (145-2002)

Motion by Councilor Philippon, second by Councilor Samson:

Be It Resolved that the City Council approves and ratifies the Settlement Agreement with respect to the pending 80B appeal in the case of Pilsbury Associates and Normand Rousseau v. the City of Lewiston, Docket No. AP-02-02.

Be It Further Resolved that the minutes of the December 11, 2001 City Council meeting be amended to insert the following paragraph in Vote Number 28, after the phrase Motion by Councilor Bilodeau, seconded by Councilor Gousse:

“That the Council adopt the proposed Order of Condemnation for the Pilsbury Block prepared by the City Attorney based on the information provided by the City Librarian and the appraisal performed for the City for the purpose determining the value of the Pilsbury

Block. Based on the appraisal, the amount of damages to be paid to Pilsbury Associates for its interest in the property shall be \$50,000.00 and the amount to be paid to Normand Rousseau for his interest shall be \$95,000.00, to wit ”.

Passed - Vote 5-1-1 (Councilor Bernier opposed and Councilor Rousseau abstained.)

ACQUISITION OF REAL ESTATE OPTION FOR 347 WEBBER AVENUE

Councilor Samson inquired about the height of the wall for the water reservoir that will be constructed on this property. He stated a constituent contacted him who was concerned the view from their property will be disrupted.

VOTE (146-2002)

Motion by Councilor O’Brien, second by Councilor Jean:

Be It Resolved that the City be and hereby is authorized to acquire from Denis Latulippe and Lorraine Latulippe a real estate option on said Latulippes’ property adjacent to the City reservoir, and to authorize the City to pay \$1,000.00 for the acquisition of the option, and to request the Planning Board for it’s advice on said acquisition. In addition, the City Administrator is authorized to execute the purchase of said property in an amount not to exceed \$40,000.00, subject to applicable City procedures. Passed - Vote 7-0

ACQUISITION OF PROPERTIES AT 195, 229 AND 233 RIVER ROAD FOR PUBLIC WORKS OPERATIONS CENTER

Public Works Director Chris Branch stated this item has been approved by the Planning Board and the City is currently waiting for DEP permits.

VOTE (147-2002)

Motion by Councilor Bernier, second by Councilor Samson:

To authorize the City Administrator to sign all documents and agreements on behalf of the City for the purchase of 195 River Road at a cost of \$170,000, 229 River Road at a cost of \$69,500 and 233 River Road at a cost of \$213,600, plus all closing costs, with the funds to purchase these properties to be allocated from the Tax Increment Financing District funds for the Walmart development project. Passed - Vote 6-0-1 (Councilor Jean absent from the Council Chambers during this vote.)

DISPOSITION OF PROPERTIES TO COASTAL ENTERPRISES FOR HOUSING REDEVELOPMENT PROJECT

Councilor Bernier stated the Housing Committee supports this project and she noted the end of June will be the starting date for the construction and renovations.

VOTE (148-2002)

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

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to execute the Real Estate Transfer Agreement, pertaining to the transfer of the properties at 29-37 Spruce Street and 192-194 Park Street to Coastal Enterprises, Inc., 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 7-0

**QUITCLAIM DEED AND EASEMENT FOR PROPERTY ABUTTING
COURTHOUSE PLAZA**

Development Director Greg Mitchell stated the land is given to the City at no cost, in exchange for issuing a use easement over the property. This additional strip of land will allow the Courthouse Plaza to be the intended size and will fit the design plans.

VOTE (149-2002)

Motion by Councilor Samson, second 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 acquire a portion of land at 64 Lisbon Street, and to execute a Quitclaim Deed, subject to approval by the City Attorney, to Atlantic National Trust, LLC, for an easement along the portion of land at 64 Lisbon Street, and to hereby accept, allow and establish this portion of land as an easement for the use of access to 64 Lisbon Street. Passed - Vote 7-0

APPROVAL OF ANDROSCOGGIN MUTUAL AID AGREEMENT

VOTE (150-2002)

Motion by Councilor Samson, second by Councilor Philippon:

To authorize the City Administrator and Fire Chief to sign all appropriate documents to allow the City to enter into the Mutual Aid Agreement with other municipalities within Androscoggin County. Passed - Vote 7-0

APPROVAL OF EMPLOYEE SEVERANCE PACKAGE

City Administrator James Bennett explained the details of the proposed package. He noted that \$30,000 is budgeted to provide career counseling, severance pay based upon longevity and the premiums for the July employee health insurance coverage. Councilors stated they supported the concept of the severance package and hope it will be beneficial to the employees who needed to be laid off during the budget reductions.

VOTE (151-2002)

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

To approve the employee severance package, as recommended by the City Administrator, for employees who will be laid off as a result of the adoption of the Fiscal Year 2003 budget. Passed - Vote 7-0

**AMENDMENTS TO PERSONNEL POLICIES FOR HOLIDAY SCHEDULE AND
NON-DISCRIMINATION POLICIES**

VOTE (152-2002)

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

To approve the amendments to the Personnel Policies regarding Holiday schedule and the Non-Discrimination policy, as recommended by the Personnel Board and the Human Resources Director. Passed - Vote 7-0

PROPOSED PLAN FOR TREE PLANTING ALONG RIVER ROAD

Councilor Paradis inquired about the future care and on-going maintenance of the trees. Public Works Director Chris Branch stated that Public Works will be responsible for overseeing the care of the trees, as is done with other trees and landscaping on City property. Councilor Bernier inquired about the costs for the trees. City Administrator Bennett stated the money will be from the development funds from the TIF development and will not be taken from the city budgeted funds for landscape development in other parts of the City.

VOTE (153-2002)

Motion by Councilor Philippon, second by Councilor Samson:

To endorse and support the concept of a proposed plan for tree plantings in order to provide a natural buffer along a portion of River Road that was recently rezoned for a development project, and to authorize the City Administrator to move forward with the project in conjunction with the Public Works Department. Passed - Vote 7-0

ADOPTION OF MEETING SCHEDULE FOR JULY AND AUGUST

VOTE (154-2002)

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

To suspend Section 1,(a) of the Rules Governing the City Council and to hold only one regular meeting during the months of July and August, said meetings to be held on Tuesday, July 16th and Tuesday, August 20th, and to suspend Section 14, (a) of the Rules Governing the City Council and to hold the June workshop on June 25th, the July workshop on July 16th and to cancel the August workshop. Passed - Vote 7-0

AUTHORIZATION FOR TRANSFER OF FORFEITURE FUNDS

VOTE (155-2002)

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

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 \$1,320.00, or any portion thereof, in the case of State of Maine vs. Ly Ha, Docket No. CR-02-276. 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

SETTING REGISTRAR'S HOURS FOR THE PRIMARY ELECTION

VOTE (156-2002)

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

To approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the State Primary Election and Special Municipal Election to be held on Tuesday, June 11, 2002:

A. That the hours for acceptance of registrations in person only, prior to the June 11th Election, as required by M.R.S.A. Title 21-A, Sec. 122, 6A(2), be set at 8:00 A.M. to 4:30 P.M., May 29 through June 10, 2002; and additional hours of 8:00 A.M. to 11:00AM Saturday, June 8, 2002.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with M.R.S.A., Title 21-A, Sec. 122, Subsection 7B, except the day prior to the election when they shall be recorded in accordance with Subsection 7A.

C. Pursuant to Title 21A, Sec. 759(7), absentee ballots will be processed at the central polling place at 7:00 A.M., 2:00, 4:00, 6:00, 7:00, & 8:00 P.M., if necessary.

Passed - Vote 7-0

APPROVAL OF WARRANT TO CALL SPECIAL MUNICIPAL ELECTION

VOTE (157-2002)

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

Be It Ordered by the City Council that an Election Warrant is issued for a Special Municipal Election for Ward Three shall be held on Tuesday, June 11, 2002 for one School Committee member. Passed - Vote 7-0

APPOINTMENT OF ELECTION WARDENS AND WARD CLERKS

VOTE (158-2002)

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

To appoint the following registered voters of Lewiston as the Election Warden and Ward Clerk for the respective voting wards: Ward One, Precinct One Warden Mildred M. Whittingham and Ward Clerk Dora Girouard; Ward One, Precinct Two Warden Diane T. Grandmaison and Ward Clerk Gail D. Allen; Ward Two, Precincts One and Two Warden Anna R. Gosselin and Ward Clerk Claire Gagne; Ward Three, Precinct One Warden Jeanne Lessard and Ward Clerk Pauline Danforth; Ward Three, Precinct Two Warden Simonne Nadeau and Ward Clerk Gracia Eisman; Ward Four, Precinct One Warden Jacqueline Labrecque and Ward Clerk Annette D. Berube; Ward Four, Precinct Two Warden Theresa Landry and Ward Clerk Patricia J. Belanger; Ward Five, Precinct One Warden Alvira Caron and Ward Clerk Alice Gagnon; Ward Five, Precinct Two Warden Lorraine Samson and Ward Clerk Lucy Bisson; Ward Six, Precinct One Warden Joan St. Hilaire and Ward Clerk Sue Turcotte; Ward Six, Precinct Two Warden Bertrand A. Dutil and Ward Clerk Irene Thibodeau; Ward Seven, Precincts One and Two Warden Joan Malenfant and Ward Clerk Therese Lajoie; and Central Voting Warden Joyce Ruby and Ward Clerk Gerald Martel. Passed - Vote 7-0

APPOINTMENT OF ELECTION CLERKS

VOTE (159-2002)

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

To approve the list of election clerks from the Democratic and Republican parties as nominated by the respective parties and presented by the City Clerk. Passed - Vote 7-0

LEGISLATIVE UPDATE

No report was presented at this time.

REPORT FROM THE SCHOOL COMMITTEE

Councilor Samson was unable to attend the School Committee meeting due to a scheduling conflict with another municipal meeting.

OTHER BUSINESS

Councilor Bernier expressed her concern about the proposed cut of \$1500 for Library books. The City Administrator mentioned this was identified during the previous budget workshop when the Council discussed the two percent cut to all supplies for all

departments. Councilor Bernier stated that this Council values education and the Library is a public resource for education and she will like to explore having this amount added back into the budget.

VOTE (160-2002)

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

To adjourn at 8:45 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine