

CITY COUNCIL

FEBRUARY 16, 1999

CITY OF LEWISTON

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REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Lynch, Kelly, Carignan, Albert, Samson, Bilodeau, City Administrator Robert J. Mulready, Student Representative Karen Gagnon and City Clerk Kathleen Montejo

ABSENT: Councilor Putnam is absent due to illness.

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (1)

Motion by Councilor Samson, seconded by Councilor Bilodeau:

To dispense with the reading of the minutes of the January 9, & February 2, 1999, meetings and to accept the minutes as amended and place them on file as prepared by the City Clerk.
Passed - Vote 6-0

VOTE (2)

Motion by Councilor Bilodeau, seconded by Councilor Albert:

To suspend the rules and take up items #6 & #7 at this time.
Passed - Vote 6-0

PRESERVATION OF PUBLIC RIGHTS FOR 9 PAPER STREETS

Planning Director Jim Lysen stating this action would affirm the status quo, the rights to use these ways would be maintained since some of these sections provide the only access to rear property.

VOTE (3)

Motion by Councilor Kelly, seconded by Councilor Samson:

To approve the recommendation of the Street Committee and Planning Board to preserve the public rights to Jeffrey Street, Nell Street, George Street, Border Street, Ridgewood

Street, Woodlawn Avenue, Hingham Street, Spencer Street, and the unnamed street (referred to as Mary Street Extension) between Lots 7 & 8 of the Ste. Croix Park Subdivision Plan dated January 19, 1960, for approximately the first 85 feet from Martin Drive. Passed - Vote 6-0

POLICY FOR VACATING OF PROPOSED WAYS

A motion was made by Councilor Kelly, seconded by Councilor Bilodeau to place the item on the floor for discussion and consideration.

Planning Director Jim Lysen provided the definition of a paper street as a street that is designed, most likely in a subdivision plan, but that is never built. These streets exist on paper and were usually approved by the City to be constructed, yet never were specifically built. There are both public and private rights to use and cross the section of land that is defined as the street. The Planning Board has been working with residents who are abutters of such paper streets. The Planning Division is proposing a policy to follow if residents request to have the City vacate the proposed way. Mr. Lysen stated the proposed policy is modeled after the state statutes. Members of the audience questioned how this proposed policy interacts with the Council actions regarding paper streets that were taken about a year ago. Many questions regarding the private versus public rights. Councilor Kelly stated the Council needs additional clarification on the issue, and needs a legal opinion as to what must be done and also a review of the City records to find out what has been done in the past. Councilor Bilodeau also noted the need to conform to the Comprehensive Plan.

VOTE (4)

Motion by Councilor Kelly, seconded by Councilor Samson:

To table, until a future meeting pending additional information from staff, the approval of the proposed policy for vacating of proposed ways. Passed - Vote 6-0

PUBLIC HEARING ON AN ORDINANCE AMENDMENT PERTAINING TO THE HABITUAL VIOLATOR

The ordinance amendment pertaining to the habitual violator having had first reading at the meeting of February 2nd, received its second reading at this time.

VOTE (5)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

That the ordinance amendment pertaining to the habitual offender definition receive final passage by a yea or nay vote. Passed - Vote 6-0

PUBLIC HEARING ON ORDINANCE AMENDMENTS PERTAINING TO THE PAYMENT FINE SCHEDULE AND THE "FORGIVENESS TICKET"

The ordinance amendments pertaining to the payment fine schedule and the "forgiveness ticket" having had first reading at the meeting of February 2nd, received its second reading at this time.

VOTE (6)

Motion by Councilor Bilodeau, seconded by Councilor Kelly:

That the ordinance amendments pertaining to the payment fine schedule and the "forgiveness ticket" receive final passage by a yea or nay vote. Passed - Vote 6-0

PUBLIC HEARING ON AN ORDINANCE AMENDMENT PERTAINING TO WINTER NIGHTTIME PARKING

The ordinance amendment pertaining to winter nighttime parking received its first reading at this time.

VOTE (7)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

That the ordinance amendment pertaining to winter nighttime parking ban receive first passage by a yea or nay vote. Passed - Vote 6-0

LIQUOR LICENSE APPLICATION AND SPECIAL AMUSEMENT PERMIT FOR CLUB HEAVEN

Councilor Bilodeau asked the Police Chief if the background investigations were conducted and if so, were there any issues. Chief Welch noted the Department did conduct the background checks and does not have any concerns with this application.

VOTE (8)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To authorize the City Clerk's Office to approve the liquor license application and Special Amusement Permit for Dancing and Entertainment for Club Heaven, 16-18 Park Street, pending approval from the appropriate departments.

Passed -Vote 6-0

**AMENDMENT TO THE TRAFFIC SCHEDULE TO ADD A STOP SIGN ON
DUMAIS AVENUE AT MAIN STREET**

VOTE (9)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To accept the recommendation of the Police Department and to amend the traffic schedule as follows:

SECTION 38 - STOP SIGNS

DUMAIS AVENUE 1 sign at Main Street

Passed - Vote 6-0

NO NAME POND PRESENTATION

Planning Director Jim Lysen updated the Council on work in the No Name Pond watershed. He noted a recent municipal agreement with the Town of Greene. The Pond is a four season recreational amenity for the community. There currently is no long term data regarding the water quality and he noted the grant from DEP to create a Watershed Management Plan for the area. Some of the septic systems located around the Pond are not functioning and the City recently received a grant from the DEP for \$10,000 to assist in replacing malfunctioning septic systems near the area. Mr. Lysen discussed some long term approaches to the water quality issue such as a possible community septic system or acquisition of properties similar to the Lake Auburn Watershed area.

**AUTHORIZATION FOR THE PUBLIC WORKS DEPARTMENT
TO POST CERTAIN ROADS**

VOTE (10)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

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

From 3/2/1999 to 5/1/1999:

- 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 Old Greene Road to No Name Pond Road

From 5/1/1999 to 5/1/2000: Cotton Road - From Ferry Road to Town Line

Passed - Vote 6-0

MAINE STATE PARADE

VOTE (11)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

To approve the proposed parade route for the Maine State Parade to be held on Saturday, May 22, 1999. The Parade will begin to march from the corner of Campus Avenue to College Street, proceed down College Street to Sabattus Street, turn right on Sabattus Street to Main Street, left on Main Street to Longley Bridge, and across the bridge into Auburn.

Passed - Vote 6-0

VOTE (12)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

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 21, 1999, and 6:00 p.m. Saturday, May 22, 1999, and to authorize the Police Department to have violators towed from the area if necessary.

Campus Avenue:	College Street to Central Avenue
Central Avenue:	Campus Avenue to Russell Street
College Street:	Campus Avenue to Russell Street
Mountain Avenue:	College Street to Main Street
Ware Street:	College Street to Main Street
Frye Street:	College Street to Main Street
Franklin Street:	Sabattus Street to Campus Avenue
Bardwell Street:	Sabattus Street to Campus Avenue
Nichols Street:	Sabattus Street to Campus Avenue
Wood Street:	Sabattus Street to Campus Avenue

Passed - Vote 6-0

VOTE (13)

Motion by Councilor Bilodeau, seconded by Councilor Samson:

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 22, 1999. Passed - Vote 6-0

LEGISLATIVE UPDATE

Councilor Samson and City Clerk Kathy Montejo are the City's representatives to the Legislative Policy Committee. The next meeting will be next Thursday. Issues include bills relating to tax-exempt properties and the BETR program which is a reimbursement program for businesses who pay personal property tax. The School Superintendent is also closely monitoring bills with an educational impact. Mayor Tara noted she spent the day with an area Representative following the process in Augusta.

REPORT FROM THE SCHOOL COMMITTEE

Councilor Albert stated the School Committee is in the middle of their budget reviews. He said the Technical School budget will be reviewed next week. Overall, the School is looking at a 4.82% increase, yet is hoping for additional state funding. Councilor Kelly noted there are minimal increases in books, periodicals, grounds and infrastructure. It was also mentioned the salary increases range from 4.25 - 8%. Councilor Kelly inquired about a possible review of city and school salaries over the past few budgets to review the ranges. It was noted there are several factors such as COLA, steps, contractual obligations and so forth.

OTHER BUSINESS

Mayor Tara reminded the Student Representatives they are welcome to comment on any Council items.

VOTE (14)

Motion by Councilor Kelly, second by Councilor Samson:

To adjourn at 8:35 P.M. Passed - Vote 6-0

CITY COUNCIL

FEBRUARY 16, 1999

A true record, Attest:

Kathleen M. Montejo
City Clerk
Lewiston, Maine