

# CITY OF LEWISTON

**CITY COUNCIL**

**SEPTEMBER 17, 2002**

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

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

PRESENT: Councilors Philippon, Bernier, O'Brien, Jean, Mason, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.  
Moment of Silence.

### **OATH OF OFFICE CEREMONY FOR COUNCILOR-ELECT MASON**

City Clerk Kathleen Montejo administered the Oath of Office to Councilor-elect Marc L. Mason, swearing him in as the new City Councilor for Ward Five.

### **UPDATE FROM YOUTH ADVISORY COUNCIL**

Tarrah Bowen, president of the Youth Advisory Council, updated the Council regarding the recent activities of the Youth Advisory Council, and noted their orientation training session was held in August for the members of YAC, and stated their first meeting was held on September 9 and they discussed the issue of noise pollution within the City. She also mentioned the YAC members participated in the Remembrance Services for the September 11, 2001 tragedy and will be helping with a Rebuilding America project in November.

### **VOTE (268-2002)**

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

To dispense with the reading of the minutes of the August 20 and September 3, 2002, 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 AMENDMENT TO THE ADMINISTRATIVE CODE REGARDING PUBLIC NOTICE**

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

### **VOTE (269-2002)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

That the proposed amendment to the City Code of Ordinances, Chapter 2 "Administration", Article II "City Council", Section 2-33 "Public Notice", receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE TO ESTABLISH THE  
GARCELON BOG ADVISORY COMMITTEE**

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

**VOTE (270-2002)**

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

That the proposed amendment to the City Code of Ordinances, Chapter 2 "Administration", Article IV "Boards, Commissions, Committees and Bureaus", Division 7. "Garcelon Bog Advisory Committee", receive final passage by a roll call vote.  
Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE  
AMENDMENTS CONCERNING DEVELOPMENT WITHIN  
NO NAME POND WATERSHED**

Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing. City Planner Jim Lysen stated that about 200 notices were mailed to residents in the No Name Pond area, before the Planning Board public hearing. He noted this proposed amendment creates stricter private sewerage standards and that all future development shall comply with the performance standards. Mr. Lysen did recommend an amendment to the proposal, to change the number of inches regarding subsurface absorption for private sewage disposal systems from 36 inches to 24 inches.

**VOTE (271-2002)**

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

To amend the proposed Land Use Code amendment for Section 20, subsection g3a, to change the depth regarding the subsurface absorption amount from 36 inches to 24 inches.  
Passed - Vote 7-0

**VOTE (272-2002)**

Motion by Councilor Philippon, seconded by Councilor Rousseau:

That the proposed amendment to Appendix A, Article XI "District Regulations", Section 20, "No Name Pond" and Article XII "Performance Standards", Section 21 "Stormwater management", of the City Zoning and Land Use Code, concerning development within the No Name Pond Watershed, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of October 1, 2002 for final passage.  
Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR  
ENTERTAINMENT EVENT**

The Council conducted a public hearing on an application for an outdoor music concert to be held at Railroad Park on Saturday, September 28, 2002 from 10:00am to 7:00pm. Mayor Raymond opened the public hearing. No members of the public spoke for or against this issue. Mayor Raymond then closed the hearing.

**VOTE (273-2002)**

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

To authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to James Carignan, of The Bates Leadership Academy, for an outdoor music concert on Saturday, September 28, 2002 from 10:00am to 7:00pm, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

Passed - Vote 7-0

**ACCEPTANCE OF A NATIONAL GRANT FOR THE BATES MILL  
COMPANY PAPERS**

Library Director Rick Speer stated this grant will be used to hire an archivist for one year to work on the papers from the Bates Manufacturing Company and he stated this will not be an on-going staff position, but is a one year position which will be covered by the grant.

**VOTE (274-2002)**

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

ORDERED, to accept the grant award of \$37,352 from the National Historical Publications and Records Commission for the Bates Manufacturing Company Records Processing Project and to transfer \$15,000 from the Library Building window weatherization and lead paint abatement capital budget accounts into the Bates Manufacturing Company Records Processing Project account, to be used as matching funds for the grant award.

Passed - Vote 7-0

**WEST VIEW BLUFFS DEVELOPMENT DISTRICT**

Councilor Paradis thanked the city staff and the residents in the subdivision for working together to develop a solution that is acceptable to all parties involved.

**VOTE (275-2002)**

Motion by Councilor Rousseau, seconded by Councilor Mason:

To adopt the Order to create and establish the West View Bluffs Development District; to authorize the City Attorney to sign the Consent Order on behalf of the Municipal Officers

and to adopt the Order that West View Drive, with the boundaries and measurements of the same, as laid out and reported by the Subdivision Plans, be hereby accepted, allowed and established as a public easement or public way for the use of the City of Lewiston.

Passed - Vote 7-0

**HIGH SCHOOL TRAFFIC SIGNAL RECOMMENDATIONS**

City Administrator Jim Bennett stated the traffic study identified the placement of a traffic signal on East Avenue as a major factor that will help to improve the traffic congestion at the high school. The School Committee voted to support the recommendations from the traffic study and asked the Council to endorse this proposal and to provide the funding of \$100,000 for the project. The light will be located on a public street and not on school property. Mr. Bennett identified funding sources for third-quarters of the total cost and said the remaining amount will need to be identified at a later date, since this is an unbudgeted project.

Councilor Bernier suggested partnering with the School on this issue and requesting that the School Department fund the remaining \$30,000. She also stated that the School Committee needs to evaluate the policy of allowing any and all students the opportunity to bring vehicles to school.

Jason Whitney, a senior at Lewiston High School, addressed the Council and spoke in favor of the traffic light, yet asked that the School Department not pay for any portion of it, stating the students are told on a regular basis that the school has budget issues and he is afraid a teaching position will be cut to pay for the light. Mr. Whitney also stated he disagrees with the proposal to limit the number of students who can bring cars to school, since other transportation is not provided.

Councilor Rousseau stated the traffic light will not solve the entire problem and the school may want to explore additional and alternate routes exiting the property. Councilor Mason concurred and stated he does not believe a traffic light will solve the problem at all and the traffic will be backed-up anyway. Mr. Bennett stated the light will be synchronized to allow for traffic to flow as best as possible and stated a professional traffic engineer is designing the system. Councilor Paradis said he is opposed to having the school pay for any portion of this, noting the issue has been a city problem for over 20 years and the school has requested a light for many years and the city was ignoring the problem. Councilor O'Brien stated she feels it is appropriate for the school to pay for a portion of the light, since the students and parents will be the ones that are benefitting the most from the traffic light.

**VOTE (276-2002)**

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

To authorize the City Administrator to contract with Gorrill Palmer Engineering for the design work for a traffic signal at the intersection of East Avenue and Malo Street at the

south entrance to Lewiston High School, and to Order the transfer of \$74,781 in available funds from the 1998 and 1999 completed bond issue projects to the High School Traffic Light project account. Passed - Vote 7-0

**VOTE (277-2002)**

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

To partner with the School Department regarding this project and to request the School Department to fund the remaining amount of approximately \$30,000 for the traffic signal on East Avenue, to request the School Committee to review the policy regarding which students can bring vehicles to the high school and to develop a policy regarding the safe operation of vehicles while on the school property as well as while leaving the school grounds and finally to direct the City Administrator to follow up on this project with the School Superintendent. Passed - Vote 5-1-1 (Councilor Paradis opposed, Councilor Mason abstained.)

**REQUEST FOR PROPOSALS FOR CITY ATTORNEY**

Councilor Rousseau inquired about the possibility of having an in-house attorney on city staff. Mr. Bennett stated this new staff position would actually cost more money than contracting with a law firm for services. In addition to an annual salary, an on-staff attorney would require office space, equipment, office supplies and most likely one clerical staff position for staff support.

The City Administrator recommended that the Mayor and Council President meet to determine if they would like to appoint a committee of Councilors to review the RFPs submitted and the committee would make a recommendation to the Council regarding an appointment.

**VOTE (278-2002)**

Motion by Councilor Philippon, seconded by Councilor Paradis:

To direct the City Administrator and Finance Director to issue a Request for Proposal for the services of City Attorney. Passed - Vote 7-0

**TRAFFIC SCHEDULE AMENDMENTS FOR ASH STREET**

**VOTE (279-2002)**

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

To approve amendments to the traffic schedule for Ash Street to establish a loading zone. Passed - Vote 7-0

**DELEGATES TO NATIONAL LEAGUE OF CITIES**

**VOTE (280-2002)**

Motion by Councilor Rousseau, seconded by Councilor Paradis:

To appoint Councilor Bernier to serve as the City's delegate to the National League of Cities Annual Meeting in December 2002. Passed - Vote 7-0

**VOTE (281-2002)**

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

To appoint Councilor Rousseau to serve as the City's alternate delegate to the National League of Cities Annual Meeting in December 2002. Passed - Vote 7-0.

**DELEGATES TO MAINE MUNICIPAL ASSOCIATION**

**VOTE (282-2002)**

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

To appoint City Clerk Kathleen Montejo to serve as the City's delegate to the Maine Municipal Association Annual Meeting in October 2002 and to select City Administrator Jim Bennett to serve as the alternate delegate. Passed - Vote 7-0

**APPOINTMENT OF HOUSING AUTHORITY TRUSTEE**

**VOTE (283-2002)**

Motion by Councilor Philippon, seconded by Councilor Bernier:

To confirm the Mayor's nomination of Marc Pellerin of 22 Pond Ridge Road and to appoint Mr. Pellerin as a member of the Board of Trustees of the Lewiston Housing Authority for a five year term, said term to expire September 17, 2007. Passed - Vote 7-0

**COUNCIL COMMITTEE APPOINTMENTS**

The Council discussed the committee openings that have been created due to the resignation of Councilor Samson. Councilor Bernier stated there are already several Councilors serving on the Council's housing committee, and there is no need to add an additional Councilor. Councilor O'Brien stated that Councilor Samson was not serving as the Council's representative to the Empower Lewiston Board, that she is now serving in that role. Councilor Philippon expressed interest in serving as the Council's representative to the MMA LPC committee, but requested additional information such as meeting dates and so forth, before he could make a commitment.

**LEGISLATIVE UPDATE**

No report was presented this meeting. It was noted the upcoming Council workshop next week will address the MMA tax reform proposal.

**REPORT FROM SCHOOL COMMITTEE**

Councilor Bernier asked the City Administrator to comment on the recent issues at the high school regarding the reported fights between the Somalian students and the American students. Mr. Bennett stated there were two fights that occurred last week, and neither fight actually happened on school property. He stated the police department handled the situations very well and the school liaison officer is following up on these events. Mr. Bennett asked that residents be mindful of stories they hear regarding the new Somali immigrants to Lewiston and that each story and community rumor has been follow up with and investigated and none of them have been found to be true. He cautioned everyone to not believe all of the stories that they hear and encouraged residents to contact City Administration for clarification and confirmation of various issues.

**OTHER BUSINESS**

Mr. Bennett reminded the Council about Tuesday's workshop with MMA regarding their tax reform initiative. The other workshop topics will be the Bates Mill presentation and discussion of procedures for the City Administrator's performance evaluation. He informed the Council that the September 21 workshop with the School Committee has been postponed. Mr. Bennett mentioned the Police Chief will be making the announcement next week of the new Deputy Chief. The City Administrator also said the Council will be receiving a draft copy of the department goals and objectives in their weekly packet and that the anti-nepotism management plans are being finalized with the impacted positions.

Councilor Bernier stated the meeting with Governor's Office this morning was very productive and the City representatives relayed the fact that the immigrant issue is a state and federal issue as well as a local issue. The City Administrator stated they requested assistance from the state regarding funding a new position which will work with new immigrants regarding language issues, transportation issues and employment issues.

Resident Norm L'Heureux of Libby Avenue addressed the Council regarding his concerns that people are parking in handicapped parking spaces who do not have handicapped plates or a placard in their vehicle. He stated the handicapped spaces on College Avenue in front of the Bate College chapel are continuously filled with cars with out of state plates that are not handicapped plates. The Mayor asked the City Administrator to look into it and get back to Mr. L'Heureux.

**VOTE (284-2002)**

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

To adjourn at 9:00 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine