

# CITY OF LEWISTON

CITY COUNCIL

MAY 4, 1999

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

THE HONORABLE KAILEIGH A. TARA, MAYOR, PRESIDING.

PRESENT: Councilors Lynch, Kelly, Albert, Samson, Bilodeau, Putnam, City Administrator Robert J. Mulready, Student Representatives Karen Gagnon & Johanna Mathieu and City Clerk Kathleen Montejo

ABSENT: Councilor Carignan

Pledge of Allegiance to the Flag.

Moment of Silence.

The Presentation of the Alfred A. Plourde Memorial Scholarship Award was made to Sarah Grube by City Council President Frank Kelly and the widow of Alfred Plourde, Mrs. Janice Plourde.

### APPOINTMENTS TO BOARDS AND COMMITTEES

#### **VOTE (1)**

Motion by Councilor Albert, seconded by Councilor Bilodeau:

To confirm the Mayor's appointment of Thomas Palman, to complete an unexpired term on the Lewiston Housing Authority Board of Commissioners, said term to expire 10/7/2000.

To confirm the Mayor's appointment of Joseph Lavigne, to complete an unexpired term on the Board of Library Trustees, said term to expire 1/2/2002.

To confirm the Mayor's appointment of Larry Raymond, Jr., to complete an unexpired term on the Board of Library Trustees, said term to expire 1/3/2001.

To confirm the City Administrator's appointment of Andrew Choate, to complete an unexpired term on the Board of Assessment Review, said term to expire 12/17/2000.

Passed - Vote 6-0

#### **VOTE (2)**

Motion by Councilor Kelly, seconded by Councilor Bilodeau:

To dispense with the reading of the minutes of the April 8,14,15,20 and 22, 1999, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

**PRESENTATION OF PROPOSED BUDGET ALTERNATIVES**

The City Administrator reviewed with the City Council various budget alternatives, mostly pertaining to potential additional state funding for General Purpose Aid to Education. These alternatives also included the additional funding requested from various organizations such as the Liberty Festival, FFA and the Music Society. Mr. Mulready reviewed three different budget scenarios and their impacts on the mill rate.

**FY2000 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
AMENDMENTS TO PROGRAM BUDGET**

A motion was made by Councilor Kelly and seconded by Councilor Samson to reinstate the full funding request for the Androscoggin Home Health Agency. Motion carries forward from previous meeting.

Due to recent discussions, Councilor Kelly offered to withdraw his motion, yet Councilor Samson did not withdraw his second. Councilor Samson stated he feels strongly about the need for increased funding for this program and does not want to withdraw this motion.

**VOTE (3)**

Motion by Councilor Lynch, seconded by Councilor Kelly,

To table this item indefinitely. Passed - Vote 5-1  
Councilor Samson opposed.

**VOTE (4)**

Motion by Councilor Albert, seconded by Councilor Bilodeau,

To accept the recommendation of the City Administrator that the CDBG Budget be amended as follows:

- 1) Downtown Improvements - Reallocate \$90,000 to the "Neighborhood Improvements" category to Public Works - Bates, Middle and Park Streets Improvements. This change would leave \$60,000 in the Downtown Improvement Program, and will

keep investment in the downtown.

2) Lewiston-Auburn Economic Growth Council (LAEGC) - reallocate \$25,000 to Bates Mill Redevelopment. This change would leave \$25,000 to LAEGC and \$376,698 in the Bates Mill Redevelopment Project. This change in funding to LAEGC will not adversely impact recapitalization of loan program funding. Also, the increase in funding to the mill will be consistent with the Butts Financial Report/CDBG investment in the Bates Mill.

3) Recommended increased funding of \$2,000 to three agencies: Abused Women's Advocacy Program (AWAP), Androscoggin Home Health, and Trinity Episcopal Church Meals Program. In order to meet the requirements of HUD and to ensure that the Public Service Agency cap is not exceeded, the funding allocations would remain the same as presented at the April 20 meeting. In December of 1999 staff will compare the amount of actual program income with the projected program income. If projections and actuals are within the cap each of the programs will receive an additional \$1,000. Staff would repeat its review in April, 2000. Again, if projected and actual program income continue to stay within the cap and another \$1,000 will be allocated to each program.  
Passed - Vote 6-0

**ADOPTION OF PROGRAM**

**VOTE (5)**

Motion by Councilor Albert, seconded by Councilor Bilodeau:

To approve the 1999-2000 final statement of Community Development objectives and the following use of funds:

**PUBLIC SERVICE ACTIVITIES**

A.W.A.P.	\$ 7,000
Advocates for Children/Parent Resource Center	2,000
Advocates for Children/Healthy Families	2,000
American Red Cross Disaster Relief	4,000
Androscoggin Head Start/Childhood Enrichment	66,878
Androscoggin Home Health/Lewiston Home Care	16,000
Big Brothers/Big Sisters	2,000
Big Brothers/Big Sisters Mentoring Program	2,000
Catholic Charities of Maine/Fellowship House	4,000
Catholic Charities of Maine/S.E.A.R.C.H.	5,100
Center for Community Dental Health	0
Child Health Center/Kid's Korner	2,625
Common Ties Mental Health Coalition	1,200
Hope Haven Emergency Shelter	4,000
LA Arts	9,000
Lewiston Auburn Transit Committee (LATC)	1,547
Literacy Volunteers	1,500

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MPC After School Program	12,977
MPC Summer Program	2,500
Norwich House	10,500
Pathways Day Care	14,000
Pathways Workplace	14,000
Sexual Assault Crisis Center	1,250
St. Martin de Porres Residence	7,500
Tri-County Family Services	3,000
Trinity Episcopal Church Meals Program	8,000
Y.W.C.A. Intervention	4,000

**SUBTOTAL** **\$ 208,577**

**ECONOMIC DEVELOPMENT**

50/50 Commercial Rehab Program	50,000
Downtown Improvement Program	60,000
LAEGC	25,000
Bates Mill Redevelopment	376,698
Pathways Extended Employment	10,000

**SUBTOTAL** **\$611,698**

**HOUSING REHAB**

Code Enforcement	70,712
Rehab Office	62,000

**SUBTOTAL** **\$132,712**

**NEIGHBORHOOD IMPROVEMENTS/PUBLIC WORKS**

Acquisition/Demolition	\$50,000
Enhanced Neighborhood Policing (LPD)	8,000
K-9 Units (LPD)	6,590
Downtown Street Rehab (LPW)	0
Sidewalk Rehab/Handicap Ramp (LPW)	0
Lisbon St. Walkway/Park St. Esplanade (LPW)	0
Lisbon Street Walkway/Main & Ash St. (LPW)	0
Bates, Middle & Park St. Sidewalk Imp. (LPW)	100,000

**SUBTOTAL** **\$ 74,590**

**PARKS AND RECREATION**

Teen Drop-In Program	15,000
Kennedy Park Playground Equipment Installation	0

**SUBTOTAL** **\$ 15,000**

**ADMINISTRATION & PLANNING**

C.D. Administration	\$219,673
No Name Pond Watershed Management Plan	3,750

**SUBTOTAL** **\$223,423**

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**TOTAL OF ALL PROGRAMS** **\$1,266,000**

**SOURCE OF FUNDS**

**FY00 Allocation** **\$1,266,000**

**FY99 Program Income Estimate** **200,500**

**FY00 Program Income Estimate** **254,000**

**TOTAL** **\$1,720,500**

Passed - Vote 6-0

**AUTHORIZATION TO SUBMIT PROGRAM**

**VOTE (6)**

Motion by Councilor Albert, seconded by Councilor Bilodeau:

To authorize submission of the 1999-2000 Final Statement of Community Development Objectives and Projected Use of Funds, including all understanding and assurances contained therein, for the City's allocation under the Housing and Community Development Act of 1974, as amended, and to direct and designate Robert J. Mulready, City Administrator, as the authorized representative of the City to act in connection with the submission of the Final Statement, and to provide such additional information as may be required.

Passed - Vote 6-0

**FY1999 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**VOTE (7)**

Motion by Councilor Albert, seconded by Councilor Bilodeau:

To approve the requested amendment to the FY99 CBDG budget which is to reduce the Community Development Administrative budget by \$15,000 and to reduce the Rehab Administrative budget by \$15,000 in order to account for the reduction in total HUD funding. Passed - Vote 6-0

**DIAMOND PHOENIX TAX INCREMENT FINANCING DISTRICT**

**VOTE (8)**

Motion by Councilor Lynch, seconded by Councilor Bilodeau:

To continue the public hearing on establishing a tax increment financing district for Diamond Phoenix and the

Lewiston Development Corporation to the June 1, 1999 City Council meeting. Passed -Vote 6-0

**PUBLIC HEARING PERTAINING TO THE CONDITIONAL REZONING OF 120 RUSSELL STREET**

The amendment pertaining to the conditional rezoning of 138-144 Howe Street received its first reading at this time. Councilor Samson inquired from Dr. Chicoine about the possibility of operating a bar at this location, since it would now be a permitted use. Councilor Samson expressed concern about this due to the proximity of the daycare center nearby. Dr. Chicoine stated he has no intention of operating a bar nor did he request that this be

**VOTE (9)**

Motion by Councilor Bilodeau, seconded by Councilor Kelly:

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone 120 Russell Street from Neighborhood Conservation "A" (NCA) District to Office Residential (OR) District subject to a conditional agreement. Passed - Vote 6-0

**VOTE (10)**

Motion by Councilor Bilodeau, seconded by Councilor Lynch:

That section 7(c) of the Rules Governing the City Council be suspended to allow for a second reading at this time. Passed - Vote 6-0

The amendment pertaining to the conditional rezoning of 120 Russell Street received its second reading at this time.

**VOTE (11)**

Motion by Councilor Lynch, seconded by Councilor Kelly:

That the amendment to the Zoning and Land Use Code and Map to conditionally rezone 120 Russell Street from Neighborhood Conservation "A" (NCA) District to Office Residential (OR) District subject to a conditional agreement receive final passage by a roll call vote. Passed - Vote 6-0

**304 BATES STREET PROPERTY**

Councilor Bilodeau reported the Land Committee voted to support the sale of this property in December, before the Lewiston Housing Authority expressed interest in the property. Councilor Kelly spoke in favor of the transfer of this property to the Housing Authority and read a report from the Housing Authority Director which outlined the need for

the property and their intended use of the property. Councilor Putnam and other Councilors questioned the request to waive payment of the back taxes, approximately \$31,000. There was much discussion on the Housing Authority's ability to pay these back taxes. Several Councilors noted the need to improve this area of the City and feel this would be an excellent way to begin this process.

**VOTE (12)**

Motion by Councilor Bilodeau, seconded by Councilor Kelly:

That the City Council action regarding 304 Bates Street (December 15, 1998 Council meeting) be rescinded in light of the proposal brought forward by the Lewiston Housing Authority. (Note: Only the reference to 304 Bates Street would be removed from the original motion, the remainder of the motion will still be in effect.) Passed - Vote 5-1 Councilor Putnam opposed.

**VOTE (13)**

Motion by Councilor Bilodeau, seconded by Councilor Samson:

That title to the property at 304 Bates Street acquired by the City through the tax lien process be transferred to the Lewiston Housing Authority for the purpose to use as a Community Service Center. Passed - Vote 5-1 Councilor Putnam opposed.

**TRANSFER TO MAYOR'S TRAVEL ACCOUNT**

Councilor Samson expressed concern regarding the cost of the travel. Several Councilors stated the travel accounts need to be reviewed to accurately reflect the amount of travel currently being done by city representatives, it was noted the travel account figures have not been increased in several years. Several Councilors noted the important need to market Lewiston on the national level, this has been done in the past and the City has seen the benefits such as funding for Franklin Pasture, Bates Mill and the Downeast Magazine coverage.

**VOTE (14)**

Motion by Councilor Albert, second by Councilor Putnam:

ORDERED, that upon recommendation of the City Administrator and the Finance Director, this City Council hereby approves a transfer of \$1,200.00 from the City's Tax Sharing Budget, account 49610-4049000, to the Mayor's travel budget, account 41210-402300. Passed - Vote 5-1 Councilor Samson opposed.

**YEAR 2000 (Y2K) PROJECT UPDATE**

Finance Director Dick Metivier updated the Council on the status of the year 2000 computer readiness issue. Mr. Metivier reported the City has a committee actively pursuing this issue and has been working with a consulting firm to advise on various aspects of the project. He stated the report addresses the mission critical services and outlines the issues dealing with each of the various services. He reported the City is continuing to make headway into becoming compliant and having contingency plans in place in accordance with the time lines established.

**REQUEST TO USE KENNEDY PARK**

**VOTE (15)**

Motion by Councilor Lynch, second by Councilor Bilodeau:

To authorize the Full Gospel Tabernacle to use Kennedy Park from July 8-19, 1999, for the third annual tent meeting subject to the following conditions:

1. Area to be kept properly cleaned by the Full Gospel Tabernacle committee.
2. Security, satisfactory to the Police Chief, to be provided at the expense of the Full Gospel Tabernacle committee.

Passed - Vote 6-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (16)**

Motion by Councilor Lynch, seconded by Councilor Bilodeau:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824 (3) and Section 5826 (6) the City Council hereby acknowledges and approves of the transfer of \$836.00 in the case of State of Maine vs. Barry Randolph, Jr. Docket No. CR 99-205. 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. 0291-65752 at Peoples Heritage Bank.  
Passed - Vote 6-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (17)**

Motion by Councilor Lynch, seconded by Councilor Bilodeau:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824 (3) and Section 5826 (6) the City Council hereby acknowledges and approves of the transfer of \$20,000.00 and one 1996 Honda Accord in the case of State of Maine vs.



Alexander Ocasio Docket No. CR 99-248. 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. 0291-65752 at Peoples Heritage Bank. Passed - Vote 6-0

**TRAFFIC SCHEDULE AMENDMENT FOR HORTON STREET**

**VOTE (18)**

Motion by Councilor Lynch, seconded by Councilor Bilodeau:

To amend the traffic schedule as follows:

Section 9 - Parking Prohibited All Times - Fire Lanes

Horton Street Even numbered side northeasterly side beginning at a point 115' northerly of the northwesterly corner of Ash Street and Horton Street and extending northerly on Horton Street a distance of 60'.

NOTE: (Additions are underlined; deletions are ~~struck-out~~)  
Passed - Vote 6-0

**TRAFFIC SCHEDULE AMENDMENT FOR SABATTUS STREET**

**VOTE (19)**

Motion by Councilor Lynch, seconded by Councilor Bilodeau:

To amend the traffic schedule as follows:

Section 9 - Parking Prohibited All Times - Fire Lanes

Sabattus Street Even numbered side north side ~~between Vale Street~~ beginning at a point 665' west of the intersection of Sabattus Street and Campus Avenue and extending to & Roger Street

NOTE: (Additions are underlined; deletions are ~~struck-out~~)  
Passed - Vote 6-0

**LEGISLATIVE UPDATE**

MMA believes the additional funding from the Governor's Part II budget might be an issue of GPA vs. Highway funds. The proposed one-half cent sales tax dedicated to GPA is a new proposal they are monitoring.

Other issues of municipal impact include local option sales tax for meals and lodging, proposed amendments to the right-to-know law and proposals to change excise tax calculation methods. At this point, many bills will be held over until the next session due to the time frame remaining in the

session.

The City Department Heads continue to monitor the numerous bills that are being brought forward for review and consideration.

**REPORT FROM THE SCHOOL COMMITTEE**

Councilor Albert reported the School Committee is working with the State to receive a final report regarding the GPA funding that will be receiving by Lewiston in the Governor's Part II budget.

**VOTE (20)**

Motion by Councilor Lynch, second by Councilor Putnam:

To adjourn at 8:55 P.M. Passed - Vote 6-0

A true record, Attest:

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Kathleen M. Montejo  
City Clerk  
Lewiston, Maine