

CITY OF LEWISTON

CITY COUNCIL

MAY 4, 2010

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

COUNCIL PRESIDENT STEPHEN J. MORGAN, PRESIDING.

PRESENT: Councilors Butler, Bernier, Poulin, Jean, O'Connell, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo. Absent/Excused: Mayor Gilbert

Pledge of Allegiance to the Flag.
Moment of Silence.

EXECUTIVE SESSION

VOTE (138-2010)

Motion by Councilor O'Connell, seconded by Councilor Cayer:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions – International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458. Passed - Vote 7-0

LEWISTON YOUTH ADVISORY COUNCIL UPDATE

Matt Beauparlant, chair of the LYAC, stated the April 16 Youth Summit was a success with five schools sending representatives for a total of 100 students attending. He said the group is meeting with Museum L/A to find out about the work of that organization as well as with St. Mary's Health Systems regarding a Lewiston school based health center update. There are four members of LYAC that are graduating.

PRESENTATION OF THE ALFRED A. PLOURDE MEMORIAL SCHOLARSHIP

Council President Steve Morgan presented the scholarship to Matt Beauparlant, a senior at Lewiston High School. Matt will be attending Fairfax College in Virginia to study political science and pre-law. Alfred Plourde's widow, Janice, was also in attendance for the presentation and noted this scholarship has been presented each year since 1990.

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT STAFF REDUCTIONS INCLUDED IN THE PROPOSED FY2011 BUDGET

VOTE (139-2010)

Motion by Councilor Butler, seconded by Councilor O'Connell:

To postpone action on this item to a May 11, 2010 special meeting in order to allow additional

time for material to be received by the Council. Passed - Vote 4-3 (Councilors Poulin, O'Connell and Cayer opposed)

VOTE (140-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

To dispense with the reading of the minutes of the meeting of April 20, 2010 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period.

SPECIAL AMUSEMENT PERMIT FOR THE GRIDIRON RESTAURANT

Council President Morgan opened the public hearing to receive citizen input and comment. No members of the public spoke or against this issue. Council President Morgan then closed the hearing.

VOTE (141-2010)

Motion by Councilor Butler, seconded by Councilor Cayer:

To grant a special amusement permit for live entertainment to the Gridiron Restaurant, 1567 Lisbon Street. Passed - Vote 7-0

BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2011 BUDGET

Council President Morgan opened the hearing to receive citizen input and comment.

Pauline Gudas of 6 Raymond Avenue spoke in favor of a tax increase and reviewed a chart of the actual tax billing amounts for her property for the past seventeen years, noting the taxes on her property have increased a total of \$431, or an average of only \$25 a year. She noted that all other costs such as stamps, milk, gasoline, etc. have all increased during this time. Ms. Gudas said the proposed cuts in the budget are too severe and they will be negatively impacting services and employees, and these cuts will make Lewiston a dying city. She urged the Council to show the taxpayers that they have not had a significant increase in their taxes and suggested it is time for a tax increase to cover the work that needs to be done, such as improving the condition of the roads and other areas.

Roland Girardin of 36 Chadbourne Road said that his taxes have increased \$400 in the past three years and that people cannot afford the increases anymore. He urged the Council to start downsizing and said the city and state employees are the highest paid in the area.

At this point, Council President Morgan closed the hearing at 7:50pm.

**PUBLIC HEARING AND ADOPTION OF THE RESOLVE REGARDING THE FY2010
COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN BUDGET AND**

FY2010-2014 CONSOLIDATED PLAN

Council President Morgan opened the public hearing to receive citizen input and comment. Allison Stone, a board member for Outsource Works, stated the organization provides job training to people who are hard to employ, giving them a chance to learn some job skills for future employment. She noted the work of the organization matches with the CDBG Consolidated Plan regarding workforce development. Estelle Rubinstein thanked the committee for their work on this year's budget. Council President Morgan then closed the hearing.

Motion by Councilor Butler, seconded by Councilor Bernier:

To move \$4,500 from the Somali Bantu Association funding to the Head Start Association funding.

After discussion, this amendment was withdrawn.

VOTE (142-2010)

Motion by Councilor Morgan, seconded by Councilor Butler:

To amend the proposed budget to move \$2723 from Outsource Works, \$358 from CCI Homebuyer, \$774 from St. Mary's Nutrition Center and \$645 from the Somali Bantu Association and to transfer these funds to Head Start. Did Not Pass - Vote 3 – 4 (Councilors Jean, Morgan and Butler in favor)

VOTE (143-2010)

Motion by Councilor Cayer, seconded by Councilor Butler:

To adopt the Resolve approving the FY2010 Community Development Block Grant Action Plan Budget and FY2010-2014 Consolidated Plan for submittal to the U.S. Department of Housing and Urban Development:

Whereas, in accordance with applicable sections of 24 CFR Parts 91 and 570 and the City's Citizen Participation Plan, the City has provide citizens with adequate notice and opportunity to review and comment on both its annual Action Plan budget and five-year Consolidated Plan; and

Whereas, the City Council has, on this date, conducted a public hearing and accepted public comments on the proposed Consolidated Plan and Action Plan; and

Whereas, HUD requires that final local acceptance of the CDBG Consolidated Plan and Action Plan budget take effect a minimum of 45 days prior to the end of this fiscal year, which takes place on June 30;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that

- A. The FY2010-2014 Consolidated Plan; and

- B. The schedule of funds for the Federal Fiscal Year 2010 (FY10) CDBG budget (Action Plan)

are hereby adopted and City staff are hereby authorized to submit the FY2010-2014 Consolidated Plan and Action Plan, as adopted, to the U.S. Department of Housing and Urban Development.

Passed - Vote 5-2 (Councilors Butler and Bernier opposed)

PUBLIC HEARING ON A BOND ISSUE TO ISSUE REFUNDING BONDS FOR ALL OR PART OF THE CITY'S 2001 AND 2004 PUBLIC IMPROVEMENT BONDS

Council President Morgan opened the public hearing to receive citizen input and comment. No members of the public spoke or against this issue. Council President Morgan then closed the hearing.

VOTE (144-2010)

Motion by Councilor Jean, seconded by Councilor Butler:

To conduct a Public Hearing to receive citizen input and to approve the Order to finance the refunding bonds for the City's 2001 and 2004 Public Improvement Bonds, through a bond issue in an amount not to exceed \$15,625,000:

Ordered, that the Mayor and City Treasurer are authorized to issue refunding bonds in a principal amount not to exceed \$15,625,000 in order to refund all or part of the principal of and interest on the City's Public Improvement Bonds, Series A, dated April 1, 2001 and Public Improvement Bonds dated June 1, 2004, and to pay any redemption premium thereon and costs of issuance;

Further Ordered, that the City Council instruct the Finance Director to advertise for bids for the Bonds or negotiate the sale of the Bonds with any qualified purchaser; to award the loan; and to employ Palmer & Dodge LLP to furnish the legal opinion for the same;

Further Ordered, that the bonds shall be signed by the City Treasurer and Mayor;

Further Ordered, that the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director; and

Further Ordered, that bonds hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 7-0

AMENDMENTS TO THE CITY POLICY MANUAL REGARDING ADJUSTMENTS TO VARIOUS FEES FOR LICENSES, PERMITS, VIOLATIONS AND SERVICES

VOTE (145-2010)

Motion by Councilor Butler, seconded by Councilor Cayer:

To approve the proposed amendment to the City Policy Manual regarding adjustments to various fees for licenses, permits, violations and services, to be effective July 1, 2010.
Passed - Vote 6-1 (Councilor Bernier opposed)

**ADOPTION OF ORDERS ON SCHOOL FUNDING FOR THE PERIOD
JULY 1, 2010 TO JUNE 30, 2011**

VOTE (146-2010)

Motion by Councilor Poulin, seconded by Councilor Butler:

ORDERED, That this City Council hereby authorizes the School Committee to expend appropriated monies per line in support of educational programs during Fiscal Year 2010-2011 as follows:

LINE	DESCRIPTION	AMOUNT
1	Regular Instruction	\$ 18,707,505
2	Special Education	10,518,803
3	Career and Technical Education	2,815,445
4	Other Instruction, including Summer School and Extracurricular Instruction	767,222
5	Student and Staff Support	2,939,121
6	System Administration	1,007,982
7	School Administration	2,393,126
8	Transportation and Buses	1,435,227
9	Facilities Maintenance	5,553,192
10	Debt Service and Other Commitments	2,901,463
11	All Other Expenditures	300,000
	TOTAL	\$ 49,339,086

Passed - Vote 7-0

VOTE (147-2010)

Motion by Councilor Poulin, seconded by Councilor Butler:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to expend additional State, Federal and other funds received during the fiscal year 2010-2011 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated.

Note: This article includes \$1,306,264 in ARRA State Stabilization Funds

Passed - Vote 7-0

VOTE (148-2010)

Motion by Councilor Poulin, seconded by Councilor Butler:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes to raise and appropriate the sum of \$241,083 for the annual payments on debt service previously approved by the City Council for non-state-funded portions of school construction projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed to repay the annual payments on Lewiston's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the City Council.

Passed - Vote 7-0

VOTE (149-2010)

Motion by Councilor Poulin, seconded by Councilor Butler:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby agrees to raise and appropriate the sum of \$0 in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, Section 15690.

Explanation: The additional local funds are those locally raised funds over and above the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual for the annual payment on non-state-funded debt service that will help achieve the City's budget for educational purposes.

Passed - Vote 7-0

VOTE (150-2010)

Motion by Councilor Poulin, seconded by Councilor Butler:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to expend the sum of \$49,339,086 for the fiscal year beginning July 1, 2010 and ending June 30, 2011 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under Maine Revised Statutes, Title 20-A, Section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Passed - Vote 7-0

VOTE (151-2010)

Motion by Councilor Poulin, seconded by Councilor Butler:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes to appropriate the sum of \$582,687 for adult education for the fiscal year beginning July 1, 2010 and ending June 30, 2011, and to raise the sum of \$370,862 as the local share for adult education, with authorization to expend any additional incidental or miscellaneous receipts in the interest and for the well-being of the adult education program.

Passed - Vote 7-0

VOTE (152-2010)

Motion by Councilor Poulin, seconded by Councilor Butler:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes to appropriate the sum of \$51,801,007 for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and to raise the sum of \$15,919,904 as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

Statutory Recommendation per Title 20-A, section 15688: \$17,812,695
School Committee Recommendation per PL2009, Chapter 571: \$15,919,904

Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the City must raise in order to receive the full amount of state dollars. Note: Per PL2009, Chapter 571, the amount recommended by the school committee as the required local share for the FY2010-2011 budget may be no less than 87.35% of the Title 20-A, Section 15688 amount, in order to receive the full amount of State subsidy.

Passed - Vote 7-0

VOTE (153-2010)

Motion by Councilor Poulin, seconded by Councilor Butler:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to accept the categories of funds listed below as provided by the Maine State Legislature.

CATEGORY	ESTIMATED AMOUNT
*Title I A Disadvantaged	\$ 2,147,400

Title V Innovative	12,627
*Local Entitlement, Part B, P.L. 101-476	1,298,975
Emergency Shelter Program	269,951
Drug Free School Program (Title IV)	38,970
Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (P.L. 101-392)	211,363
Adult Basic Education	94,500
Title II D - Technology	25,960
Title II A Teacher Quality	462,021

*Under the stimulus program, school systems will receive additional funds under these programs additional guidelines will follow

ESTIMATED TOTAL	\$	4,561,767
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Passed - Vote 7-0

**RESOLVE TO DE-AUTHORIZE THE \$800,000 BOND ORDER TO DEMOLISH THE
BATES MILL NUMBER FIVE BUILDING**

VOTE (154-2010)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To adopt the Resolve to de-authorize the \$800,000 bond order to demolish the Bates Mill Number Five building:

Be It Resolved by the City Council of the City of Lewiston that the authorization to bond \$800,000 for the demolition of Bates Mill Number Five received on December 1, 2009, be de-authorized.

Passed - Vote 6-1 (Councilor Jean opposed)

**ORDER TO AUTHORIZE THE CITY ADMINISTRATOR TO EXPEND AN
ADDITIONAL AMOUNT UP TO \$24,000 FOR A POOL HOUSE FROM KENNEDY
PARK COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

Pauline Gudas of 6 Raymond Avenue asked if the CDBG funds need to be spent in Kennedy Park or could they be used for another section of town. She also inquired why the Council would spend so much money for a building that will only be used six to eight weeks a year. Mark McComas, Acting Director of Economic and Community Development, stated the federal CDBG funds have been earmarked for Kennedy Park, but could be reallocated by the City Council, however the funds must be spent in the 201 or 204 census tracks.

VOTE (155-2010)

Motion by Councilor Butler, seconded by Councilor O'Connell:

To approve the Order authorizing the City Administrator to expend an additional amount up to \$24,000 for a pool house from the Kennedy Park Community Development Block Grant funds and to finalize all agreements with the contractor to proceed with the construction of the pool house:

Whereas, the 2008-2009 City Council authorized \$100,000 in CDBG funds for the construction and design of a pool house and associated amenities which would include a chain link fence and landscaping; and

Whereas, the adjusted low bid by Pizzagalli Construction Co. of \$106,180, a \$20,720 reduction of their original low bid, exceeds the authorized CDBG amount by \$6,100 and will require some site preparation work by Lewiston Public Works; and

Whereas, the total cost of the pool house construction, final design/construction specification fees, fencing, asphalt and minimal loam and seeding is now budgeted not to exceed \$124,000; and

Whereas, the additional \$24,000 CDBG authorization will be funded from CDBG funds dedicated to Kennedy Park improvements by the 2008-2009 City Council; and

Whereas, any additional delay will require that the city terminate pool operations for this summer season;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to finalize all agreements with Pizzagalli Construction Co. and to proceed with the construction of the Kennedy Park pool house at the earliest possible date.

Passed - Vote 5-2 (Councilors Bernier and Poulin opposed)

**BUDGET RECOMMENDATIONS FROM THE FINANCE COMMITTEE REGARDING
THE PROPOSED FISCAL YEAR 2011 BUDGET**

VOTE (156-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

To receive and review the recommendation from the Finance Committee regarding the proposed Fiscal Year 2011 Budget. Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was brought forth at this time.

VOTE (157-2010)

Motion by Councilor Jean, second by Councilor Butler:

To adjourn at 8:35P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine