

CITY OF LEWISTON

CITY COUNCIL

JANUARY 6, 2009

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

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (1-2009)

Motion by Councilor Theriault, seconded by Councilor N. Peters:

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:

- 1) the transfer of 20% of \$19,783, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Ryan Petit, CE-09-0004, Exhibit N-2, 09-DEA-508025;
- 2) the transfer of 17.25% of \$5,490, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Christopher Albertini, CE-09-0004, Exhibit N-8, 09-DEA-508051;
- 3) the transfer of 17.25% of \$17,900, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Wolker Georges, CE-09-0004, Exhibit N-10, 09-DEA-508030;
- 4) the transfer of 17.25% of \$7,000, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Christopher Albertini, CE-09-0004, Exhibit N-11, 09-DEA-508054;
- 5) the transfer of 7.5% of \$14,600, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Corey Jones, CE-09-0006, Exhibit N-1, 09-DEA-508383;
- 6) the transfer of 13.34% of the proceeds of the sale of property in Staten Island, NY, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Peter Mangano, CE-07-0023, Exhibit N-33, 07-DEA-489956.
- 7) the transfer of 6% of \$3,610, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Lloyd Lyttle, CE-08-0039,

Exhibit N-10, 09-DEA-507166.

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

APPOINTMENT OF CITY REPRESENTATIVES TO THE MAINE SERVICE CENTERS COALITION

VOTE (2-2009)

Motion by Councilor Theriault, seconded by Councilor N. Peters:

To appoint Deputy City Administrator Phil Nadeau to serve as the City's delegate to the Maine Service Centers Coalition and to appoint City Administrator James Bennett to serve as the alternative representative. Passed - Vote 7-0

RE-PRIORTIZIING SIDEWALK SNOW PLOW ROUTE

VOTE (3-2009)

Motion by Councilor Theriault, seconded by Councilor N. Peters:

To approve the re-prioritizing of the sidewalk snow plowing routes to classify the right side of East Avenue from Pleasant Street to Webster Street and the corner of Birch Street and Knox Street as high priority locations. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR THE SPORTSMAN'S ATHLETIC CLUB

It was noted that the application as submitted is not complete, and the suggestion was made to continue the hearing to allow the applicant to complete the form and re-submit it for processing.

VOTE (4-2009)

Motion by Councilor Reed, seconded by Councilor Poulin:

To continue the public hearing on this item to the next regular Council meeting.
Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR LITTLE DAN'S BBQ, INC.

Mayor Gilbert opened the hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Councilor T. Peters requested the application form be amended to include a line for printed name next to the signature line.

VOTE (5-2009)

Motion by Councilor Theriault, seconded by Councilor Reed:

To grant a special amusement permit for live entertainment to Little Dan's BBQ, Inc., 757 Main Street. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR THE LEWISTON LODGE OF ELKS

Mayor Gilbert opened the hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Councilors asked to have the police department black out any information on the police log that is not relevant to the business or organization that is applying for the license.

VOTE (6-2009)

Motion by Councilor N. Peters, seconded by Councilor Reed:

To grant a special amusement permit for live entertainment to the Lewiston Lodge of Elk's #371, 1675 Lisbon Street. Passed - Vote 7-0

PRESENTATION OF THE FY2008 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Finance Director Richard Metivier and representatives from the City's outside auditing firm made a power point presentation to the Council which detailed the highlights from the FY08 audit report. The auditors complimented Lewiston for their annual receipt of the CAFR award which recognizes excellence in financial reporting. They noted the Finance Department does an outstanding job every year with the preparation of materials for the audit. Councilors inquired about the auditor's advice for a healthy fund balance as well as acceptable debt loads. The auditors noted they recommend one to two months of expenditures to serve as a fund balance and they feel that Lewiston's debt level is in the acceptable range, noting it differs for each municipality. Councilor Reed inquired about the sale of the Colisee and why it was listed in the previous (08) fiscal year. Mr. Metivier stated the business was sold on July 23, 2008 and the building on August 21, 2008. Since these are significant financial events for the City, they wanted to reflect the true fund balance since the sale was authorized in one fiscal year but occurred just after the start of another fiscal year. Councilor Theriault asked about spending on infrastructure investments during the poor economic times. The auditors stated they do look at infrastructure spending and view it was a positive, as do the credit reporting agencies, noting the work is being addressed rather than delayed for the future, which could create higher costs.

VOTE (7-2009)

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

To receive and place on file the Fiscal Year 2008 Comprehensive Annual Financial Report. Passed - Vote 7-0

**AMENDMENTS TO THE STORM WATER UTILITY FEE SCHEDULE AND
CREDIT POLICY**

Councilor Poulin thanked the staff for creating this policy and noted he likes that the burden of proof is on the applicant, which makes it fair to the City and to the applicant. It was noted this is not a retroactive policy but one that will be applied in a case by case situation and the policy was drafted to be a prospective policy to be applied from this point forward.

VOTE (8-2009)

Motion by Councilor T. Peters, seconded by Councilor Poulin:

To approve the proposed amendments to the Storm Water Utility Fee Schedule and Credit Policy.
Passed - Vote 7-0

**AMENDMENTS TO THE TRAFFIC SCHEDULE TO REMOVE THREE TRAFFIC
SIGNALS AND TO ADD A STOP SIGN**

Councilors spoke in support of the recommended changes, specifically endorsing the removal of the light on Main Street, and thanked Public Services Director Dave Jones for these recommendations.

VOTE (9-2009)

Motion by Councilor T. Peters, seconded by Councilor Bailey:

To approve the amendments to the Traffic Schedule to remove traffic signals at Cedar, Main and Oxford Streets and to add a stop sign at Cedar Street at the intersection with Oxford Street.
Passed - Vote 7-0

**RECOMMENDATION FROM THE SCHOOL COMMITTEE REGARDING THE
PETTINGILL SCHOOL PROPERTY**

Councilor T. Peters suggested that the Council not act on the recommendation and to wait until the budget sessions to discuss this issue. Councilor Poulin noted a joint meeting with the School Committee will be held to discuss the budget and this could be discussed at the same time.

VOTE (10-2009)

Motion by Councilor T. Peters, seconded by Councilor Poulin:

To receive the recommendation from the School Committee regarding the disposition of the Pettingill School property. Passed - Vote 7-0

PRESENTATION REGARDING THE LIBRARY'S FIVE YEAR PLAN: 2009-2013

Librarian Rick Speer and Chairperson of the Library Trustees Judy Head made a presentation to the Council regarding the Library's Five Year Plan. They noted they were very pleased with the

community participation for the Plan. Ms. Head noted the Plan is forward looking, flexible and meets the staff and community needs. Mr. Speer outlined the public input process and reviewed the highlights and mission statement. Councilors inquired about the costs to implement the suggestions in the Plan. The City Administrator said the next step would be for the Library Board of Trustees to include financial costs as well as a timetable for implementation phases and this would be brought back to the Council for final adoption of the Plan.

VOTE (11-2009)

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To receive the report from the Library's Five Year Plan. Passed - Vote 6-1 (Councilor N. Peters opposed)

ANNUAL APPOINTMENTS TO VARIOUS CITY BOARDS AND COMMITTEES

Mayor Gilbert announced his appointments to the following boards and committees (which do not require a vote of the Council):

Board of Appeals: William Horn – full member – 5 year term

Board of Assessment Review: William Healey, Jr. – three year term and Gary Savard – three year term

Community Forestry Board: Richard Shea – three year term

Energy Savings Committee: Benjamin Chin – two year term; David Desjardins – two year term; Stephen Belleau – two year term; Aubrey Nelson – two year term; Elaine Makas – two year term

Finance Committee: Michael Marcotte – three year term

Historical Preservation Review Board: David Desjardins – associate member – three year term; John Milo - three year term; Philip Meldrum – three year term

Library Board of Trustees: Fadumo Abdirahman – three year term; Arthur Turley – three year term; Paul Caron – three year term

Planning Board: Jonathan Earle – full member – five year term; Trinh Burpee – associate member – five year term; Paul Robinson – full member – five year term

Solid Waste Committee: Michael Dumas – two year term; Michel Lajoie – two year term; Roger Roberge – two year term

VOTE (12-2009)

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

To approve the Mayor's nominations and to appoint City Auditor Heather Hunter to the 911 Committee for a two year term and Edouard Plourde of 25 Coburn Street to the Airport Board of Directors for a three year term. Passed - Vote 7-0

PRESENTATION ON THE POTENTIAL BUDGET IMPACT OF THE CITIZENS INITIATIVE TO DECREASE VEHICLE EXCISE TAXES

The City Administrator reviewed the state referendum question that will be on the November ballot and also reviewed the financial impact it will have for Lewiston if the question passes and

excise taxes are reduced. If the question passes in November, it would become effective January 1, 2010 and Lewiston could lose \$1.5 million dollars in revenue each fiscal year. Councilors then discussed options for the loss of revenue, noting there are pros and cons for the various consolidation efforts that are being discussed, noting that shared tax assessing is one that is being reviewed. The Council directed Mr. Bennett to prepare the upcoming budget as if the excise tax referendum passed and these revenue funds were not available. The Council also asked Mr. Bennett to meet with the Auburn City Manager to determine recommendations for the excise tax issue as well as consolidation efforts.

**REVIEW OF PROPOSED BUDGET SCHEDULE FOR THE FY2010
MUNICIPAL BUDGET**

Mr. Bennett stated the budget work is coming together but it is still very much of a draft document and when it is presented next month, it will still be a working document. He noted the big wild card is waiting to see how the state will handle such issues as municipal revenue sharing and education funding. He noted these items will have a major impact on the budget.

REPORTS AND UPDATE

Phyllis Rand of 198 Central Avenue inquired about the committee appointments to the Lake Auburn Watershed Committee and it was noted these will be done at a future meeting. Mr. Bennett noted the strategic planning meetings are still on going and the Councilors are welcome to attend and participate. The next public input night will be January 28 at the MPC. Councilor Theriault asked for confirmation that the City is not heating the Bates Mill Number Five building and was noted the city has shut off the heating system in this building.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (13-2009)

Motion by Councilor T. Peters, seconded by Councilor Bailey:

To extend the meeting an additional thirty minutes beyond the 10pm ending time and to enter into an executive session pursuant to MRSA Title 1, Section 405 (6) (D) to discuss Labor Relations. Passed - Vote 7-0

Executive Session began at 10:15pm and ended at 10:39pm.

VOTE (14-2009)

Motion by Councilor Poulin, second by Councilor Dube:
To adjourn at 10:40 P.M. Passed - Vote 7-0

CITY COUNCIL

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A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine