

CITY OF LEWISTON

CITY COUNCIL

MAY 19, 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.

The presentation of the portrait Wreathes Across America was postponed to a future meeting.

PROCLAMATION REGARDING NATIONAL ARBOR WEEK

Mayor Gilbert read a Proclamation proclaiming the third week in May as Arbor Week in the City of Lewiston. He presented the Proclamation to Lois Wagner, a member of the Lewiston-Auburn Community Forestry Committee.

VOTE (96-2009)

Motion by Councilor Dube, seconded by Councilor Poulin:

To dispense with the reading of the minutes of the meetings of January 6, January 20, February 3 and February 17, 2009 and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 7-0

PUBLIC COMMENT PERIOD

Doreen Christ, 6 Wellman Street, read a prepared statement about her previous employment with the City and said she is seeking a reinstatement to her former position, which she vacated voluntary for a new job out of state. She noted the new position did not work out well and she is now back in the area seeking to have her previous job back. Ms. Christ noted that her previous job has not been filled as of yet. Councilor Theriault suggested this matter should be handled in executive session as a personnel matter. Joseph Morency of 18 Blake Street stated that Mr. Bennett has not been treated fairly by the City Council and that according to the City Attorney, City Councilors are not permitted to attend staff meetings.

AUTHORIZATION TO EXPEND FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ACCOUNTS FOR SUMMER PROGRAMS

Councilor Reed questioned if this is an appropriation of funds and if this is an attempt at an "end run" around the budget. Mr. Bennett explained the Council froze the funds for the pool program, noting the Council did not agree with the direction the project was headed. He said the Recreation Director is requesting the funds for the PlayDays program. Councilor Reed stated he feels the program is worthy but the pool house building is not, noting the Council did not want to

support the “Taj Mahal” building that was presented at a cost of \$200,000. Deputy Administrator Phil Nadeau stated the committee had a fully developed proposal on the pool house ready to go, yet it was rejected by the Council and the Council did not provide any follow up direction to staff for suggested changes. Councilor Bailey suggested \$100,000 for the pool house and \$100,000 for the gazebo. Recreation Director Maggie Chisholm stated if funding falls short for the PlayDays program, they will have to close the program on certain days.

VOTE (97-2009)

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

To authorize the expenditure of \$1,800 in Community Development Block Grant funds from the After School Program account to be used for the Multi-Purpose Center Summer Playdays Program and to authorize the expenditure of \$4,700 from the Community Development Block Grant Kennedy Park Rehabilitation account to be used for the Kennedy Park Summer Aquatic Program.

Passed - Vote 6-0 (Councilor Dube was out of the Chambers during this vote.)

REQUEST FOR USE OF CITY SERVICES FOR THE SEVENTEENTH ANNUAL GREAT FALLS BALLOON FESTIVAL

Councilor Reed noted that the Council had previously requested financial statements from the festivals prior to issuing funding support, and this has not been provided by the Balloon Festival organizers. He suggested tabling this item to the next meeting to allow them time to provide these documents as requested. Councilor Reed also stated he hoped the issue regarding the donations requested by the firefighters during the festival has been resolved. It was also noted the City Administrator should provide a listing to the Council of the City’s costs for providing these services to the Festival as well.

VOTE (98-2009)

Motion by Councilor Reed, seconded by Councilor Poulin:

To postpone action on this item to the June 2, 2009 City Council meeting.

Passed - Vote 7-0

APPROVAL OF ADMINISTRATIVE CONSENT ORDER REGARDING THE MAINE DRINKING WATER PROGRAM

VOTE (99-2009)

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

To approve the Administrative Consent Order between the City of Lewiston Water Division and the State of Maine regarding the Maine Drinking Water Program and to authorize Public Services Director David Jones to execute the agreement on behalf of the City.

Passed - Vote 7-0

ADOPTION OF CITY POLICY REGARDING STREET LIGHTS

City Energy Management Coordinator Ian Houseal provided a presentation on this issue and reviewed the three service zones – downtown, residential and rural. He noted that each intersection, dead end, cul-de-sac, steep hill and sharp corner in the city was reviewed to determine if enough or too many street lights were installed. After the research and review, it is recommended to remove 1,178 lights, and to relocate/install 258 lights in better locations, for a total proposed reduction of 920 lights. It was noted that many lights are very close together on a street, so if one is removed, the residents should not notice a significant difference. He noted the Police Department reviewed this listing for safety concerns and they are comfortable with the locations for recommended removal. Councilor T. Peters said that until the lights are off, it would be difficult for the residents to determine the impact, and he suggested the City create a time to test this process. Councilor Poulin noted he supported the idea of a test/trial run for turning off the lights. Councilor Theriault asked if it is possible to turn some lights on one hour later and off one hour earlier, as a cost saving measure. Public Service Director David Jones stated the lights turn on and off by photo cells based upon the darkness of the night, so they cannot be programmed on a time/hour basis.

VOTE (100-2009)

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

To mark the street light poles for the lights that will be shut off, to allow residents thirty days to notify the City of any concerns regarding the lights that have been turned off, and to schedule a workshop after the thirty days has passed to review the resident input.

Passed - Vote 7-0

TRANSFER OF FUNDS FOR THE AUBURN LEWISTON AIRPORT

Councilor Reed stated as a member of the Airport Board, he supports this transfer and requests the Council do the same. He noted that five airlines have expressed interest in providing commuter services from the Airport.

VOTE (101-2009)

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

ORDERED, That upon recommendation of the City Administrator and Finance Director, the City Council hereby approves a transfer of funds for the Auburn Lewiston Airport Airline Passenger Study as follows: \$3,500 from Account 49110-4023200 School Bus Transportation into Account 48110-4049000 Airport. Passed - Vote 6-1 (Councilor Dube opposed)

ENDORSEMENT OF PARTICIPATION IN THE INTERNATIONAL MAYORS FOR PEACE PROGRAM

Mayor Gilbert gave the background on this program and noted that a Noble Peace prize recipient, Dr. Bernard Lown, has ties to Lewiston. He also read a letter from a Mayor in Japan inviting Lewiston to join this program. Mayor Gilbert also read part of President Obama's recent statement from Prague about nuclear weapons. Councilor Reed stated this item has no place on the City Council agenda and this is not a local issue that the Council should be addressing.

VOTE (102-2009)

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

To postpone this item indefinitely. Passed - Vote 4-3 (Councilors N. Peters, Bailey, Reed and T. Peters in favor)

DISCUSSION REGARDING AMENDING CITY ORDINANCES TO ALLOW FOR THE KEEPING OF CHICKENS IN RESIDENTIAL AREAS

Councilor Reed stated he received a request from a constituent in his ward who would like to keep chickens on their residential property. Councilor Reed noted the keeping of chickens can be a clean and healthy family activity and he would suggest a limit of six chickens per single family home. Councilor T. Peters asked about the health and sanitary conditions related to this activity. Councilor N. Peters noted this ordinance needs to limit the keeping of chickens to homeowners who are doing this on their own land and it would not be permitted for apartment units. Councilor Dube stated she used to raise chickens and fully supports this proposal. Councilor Poulin also had questions on the health implications and wondered about salmonella, bacteria, manure, odor, noise and so forth.

VOTE (103-2009)

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

To direct city staff to review this issue and to research concerns which have been raised by the Council such as health, noise and odor issues, and to report back their findings at a future Council meeting. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE PARKS AND RECREATION ORDINANCE PERTAINING TO THE USE OF TOBACCO PRODUCTS IN PLAYGROUNDS AND ATHLETIC FIELDS

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Mayor Gilbert then closed the hearing. Recreation Director Maggie Chisholm stated she will post these requirements for their events at the fields and will tell the sponsors of other events to do the same. Councilor Reed said this ordinance should include all locations or nothing at all, noting it will be difficult to enforce. Mayor Gilbert stated he supports banning and prohibiting smoking at all city events and at all city properties, noting it is a matter of public health. Councilor Theriault agreed with banning smoking, stating someone needs to speak up for the rights of children and Maine needs to encourage healthy living as "vacation land".

VOTE (104-2009)

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

That the proposed amendments to the City Code of Ordinances, Chapter 54 “Parks and Recreation” regarding the use of tobacco products in city playgrounds and athletic fields receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

Passed - Vote 4-3 (Councilors N. Peters, Bailey, Dube and T. Peters in favor)

Due to the late hour, Mayor Gilbert took agenda item 20 out of order and addressed it at this time.

REQUEST FROM HOPE HOUSE, INC. TO HOLD EVENTS IN KENNEDY PARK THIS SUMMER

Mr. and Mrs. Willson of Hope House at 87 and 91 College Street requested use of Kennedy Park for their upcoming summer events – a family movie night and parents education series. Councilor Bailey asked if these events will interfere with the Farmer’s Market. Mr. Willson said they will be located in a different section of the park and will not interfere at all.

VOTE (105-2009)

Motion by Councilor Reed, seconded by Councilor Theriault:

To authorize the request from Hope House to use Kennedy Park for their upcoming events and to coordinate these efforts with city staff. Passed - Vote 7-0

At this point, the Council took a five minute recess.

PUBLIC HEARING AND ADOPTION OF THE FISCAL YEAR 2010 CAPITAL IMPROVEMENT PROGRAM AND RECEIPT OF RECOMMENDATIONS ON THE LCIP BUDGET FROM THE FINANCE COMMITTEE AND THE PLANNING BOARD

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Mayor Gilbert then closed the hearing. Councilor Reed expressed concerns that the City’s debt service is too high, noting this was discussed at a recent Finance Committee meeting. Councilor Poulin inquired about the amount of debt being retired this year and also asked if the parking garage item is underfunded. Mr. Bennett noted the LCIP that the Council received in January is a planning document and when the projects go out to bid, they usually come in lower than estimated in the LCIP. Councilor Theriault asked about Bates Mill 5 costs and Mr. Bennett noted this was not included in the LCIP and would need to be added.

VOTE (106-2009)

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

That pursuant to Article VI, Section 6.07 (d) of the City Charter, the City Council hereby adopts the Fiscal Year 2010 Capital Improvement Program, as prepared by the City Administrator.

Passed - Vote 7-0

FINAL BUDGET PUBLIC HAERING FOR THE FISCALYEAR 2010 BUDGET

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Mayor Gilbert then closed the hearing.

VOTE (107-2009)

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

To conduct a final budget public hearing to receive citizen input and communication regarding the proposed 2010 Fiscal Year Municipal budget. Passed - Vote 7-0

FINAL ADJUSTMENTS TO THE 2010 FISCAL YEAR BUDGET

Councilor Poulin inquired about the FY08 undesignated fund balance.

VOTE (108-2009)

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

To amend the City Administrator’s original recommended Fiscal Year 2010 budget and to incorporate the recommended budget adjustments as outlined in the material entitled “Adjustments from various Schedules”, which includes an adjustment of \$48,250 in revenues and \$661,391 in expenditures. Passed - Vote 7-0

APPROVAL OF AID TO PRIVATE AND PAROCHIAL SCHOOLS

Councilor T. Peters inquired about a cap on future transportation costs. Councilor Reed asked why this item is not part of the school budget and the Finance Director noted by law it is an action of the municipal officers. It was noted the city, school and staff of Trinity School all worked together on compromises to reduce the busing expenses. The Mayor noted the parents of these students pay taxes in Lewiston and it is a savings for the city to pay these fees rather than having the children in the public school system.

VOTE (109-2009)

Motion by Councilor Poulin, seconded by Councilor Theriault:

To accept the recommendation of the Finance Director, and to establish the following allocation amounts for aid to private and parochial schools for textbook and testing services for Fiscal Year 2010:

	<u>Elementary</u>	<u>Secondary</u>
Testing	\$7.00 per student	\$21.00 per student
Textbooks	\$28.50 per student	\$53.00 per student

To further authorize the payment of the cost of School Bus transportation for parochial students. Passed - Vote 6-1 (Councilor Reed opposed)

APPROVAL OF MILEAGE REIMBURSEMENT RATES

It was noted this is an annual allotment each year.

VOTE (110-2009)

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

To authorize the Finance Director to approve payment for mileage reimbursement at the rates and manner as budgeted for the authorized use of privately owned vehicles in the conduct of official city business for each respective position:

<u>POSITION</u>	<u>ALLOCATION</u>
Mayor	\$ 500.00
Chief Assessor	\$ 600.00
City Clerk	\$ 300.00
Dep Dir of Econ & Comm Devlp	\$ 300.00
Social Services Director	\$ 150.00
Asst to the City Administrator	\$ 300.00
Tax Collector	\$ 100.00
Deputy Treasurer	\$ 100.00

Per-mile basis. All others not specifically mentioned above shall be reimbursed at the standard rate allowed by the Internal Revenue Service, excepting motorcycles which shall be reimbursed at the rate of 75% of the rate established for other vehicles, plus tolls and parking supported by receipted vouchers other than meters.

Passed - Vote 7-0

AUTHORIZATION TO USE THE INTEREST FROM THE FARRAR FUND

Councilors Poulin and Theriault suggested the city should only be spending the interest earned in this fund, rather than a set amount.

VOTE (111-2009)

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

To authorize the use of up to \$2,500 from the Farrar Fund for expenses, as determined by the Social Services Director, for costs to provide basic necessary services to individuals that are not covered by other general assistance programs. Passed - Vote 5-2 (Councilors Poulin and Theriault opposed)

VOTE (112-2009)

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

Due to the 10:00pm hour, to extend the meeting for an additional thirty minutes in order to complete pending business. Passed - Vote 7-0

ADOPTION OF APPROPRIATION RESOLVE FOR FISCAL YEAR 2010

The City Administrator stated this is the final step of the budget adoption process and he complimented the Council on their great work with the budget preparation this year, noting it was not an easy task this year, but taxes and fees were not increased for this budget and employee layoffs were avoided.

VOTE (113-2009)

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

To approve the Appropriation Resolve for the Fiscal Year 2010:

Resolved, that there is hereby appropriated for the support of the several departments of the City of Lewiston for the fiscal year, commencing the first day of July, in the year of Our Lord, Two Thousand and Nine and ending the last day of June, in the year of Our Lord, Two Thousand and Ten, for the payment of the State and County Taxes, for ordinary indebtedness and expenses, for the interest on the debt, of the City of Lewiston, for payment of lawful debts and dues from the City of Lewiston:

AGGREGATE BUDGET	\$94,019,793
MEANS OF FINANCING:	
General Property Tax	44,755,045
Anticipated Revenues	46,991,729
Prior Year's Surplus	2,273,019
TOTAL	\$94,019,793

Passed - Vote 7-0

FINAL ADJUSTMENTS TO THE WATER, SEWER AND STORM WATER FISCAL YEAR 2010 BUDGETS

VOTE (114-2009)

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

To amend the proposed water, sewer, and storm water budgets as presented by the City Administrator and Finance Director as outlined in the material entitled "Water, Sewer and Storm Water Budget Adjustments", with water division expenditures adjusted by \$200,659, sewer division expenditures adjusted by \$36,361 and storm water expenditures adjusted by \$43,661.

Passed - Vote 7-0

ADOPTION OF WATER, SEWER AND STORMWATER APPROPRIATION FOR FISCAL YEAR 2010

VOTE (115-2009)

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

To approve the Water, Sewer and Storm Water Appropriations Resolve for Fiscal Year 2010:

Resolved, that there is hereby appropriated for the support of the Water, Sewer and Stormwater Divisions of the City of Lewiston for the fiscal year, commencing the first day of July, in the year of Our Lord, Two Thousand and Nine and ending the last day of June, in the year of Our Lord, Two Thousand and Ten:

Water Division Requirements	\$4,210,905
Sewer Division Requirements	\$5,166,218
Stormwater Division Requirements	\$2,191,124

Passed - Vote 7-0

FISCAL YEAR 2010 COMMITMENT OF WATER AND SEWER UTILTY FEES

Councilor Dube asked if the Council could receive an update in the future on the status of the unpaid stormwater accounts and pending legal action against the account holders.

VOTE (116-2009)

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

In accordance with MRSA Title 38, Section 1208 and Title 35-A, Section 6111-A, all sewer and water rates, tolls, rents and other charges for Fiscal Year 2010, for each respective utility, are committed to the Finance Director/Treasurer of the City of Lewiston for collection in support of the appropriations for the Water Utility and Sewer Utility. Passed - Vote 7-0

DISPOSITION OF CITY-OWNED PROPERTIES AT 125 COTTON ROAD, 41 BROOKS AVENUE, 45 RAICHE ROAD, 82 CROWLEY ROAD AND 41 TARR AVENUE

Councilor T. Peters inquired about the process the city used to advertise these parcels. Purchasing Agent Norman Beauparlant stated these properties were advertised in the newspaper, on the website and letters were sent to abutting property owners. It was noted these parcels are limited use properties and most would only be of interest to an abutter.

VOTE (117-2009)

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

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of the city owned properties at 125 Cotton Road, 41 Brooks Avenue (which shall incorporate a sewer easement with the deed), 45 Raiche Road, 82 Crowley Road and 41 Tarr Avenue, and to sell these properties to the highest bidder, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

Passed - Vote 7-0

ISSUANCE OF REQUEST FOR PROPOSAL FOR THE SALE AND REDEVELOPMENT OF THE PETTINGILL SCHOOL PROPERTY

Councilor T. Peters expressed concerns with the City taking over the property which contains an outstanding amount of debt still owned on the building, and suggested the School Department should pay off the remaining debt, not the City.

VOTE (118-2009)

Motion by Councilor Poulin, seconded by Councilor Bailey:

To accept the Pettingill School property from the School Department.

Passed - Vote 7-0

VOTE (119-2009)

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

To require the School Committee to pay for the remaining debt on the Pettingill School property.

Passed - Vote 7-0

DISCUSSION REGARDING THE PROPOSED POLICY FOR A NEW CITY PROGRAM FOR THE ADOPTION OF CITY TRASH RECEPTACLES

Mr. Bennett noted this item, if approved, would allow staff to prepare a formal policy to incorporate the concept of this new program and it would be brought back at a future Council meeting for formal adoption. Councilor Dube suggested expanding the program in the future to allow for recycling receptacles as well.

VOTE (120-2009)

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

To approve the concept of a new program for an Adopt a Trash Can program and to direct city staff to prepare the formal proposed policy and to bring it forth at a future Council meeting.

Passed – Vote 7-0

REPORTS AND UPDATE

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

VOTE (121-2009)

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

CITY COUNCIL

MAY 19, 2009

To adjourn at 10:33 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine