

CITY OF LEWISTON

CITY COUNCIL

APRIL 19, 2005

**EXECUTIVE SESSION HELD IN THE
EXECUTIVE CONFERENCE ROOM AT 6:15 P.M.**

THE HONORABLE LIONEL C. GUAY, MAYOR, PRESIDING.

PRESENT: Councilors Mendros, O'Brien, Jean, Connors, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo.

The City Council meeting was called to order by Mayor Guay at 6:17 pm in a public session.

VOTE (127-2005)

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

To enter into executive session to discuss an update on labor union negotiations.

Passed - Vote 6-0

Executive Session began at 6:18 pm and ended at 6:50 pm. Councilor Bernier arrived at 6:40pm

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

THE HONORABLE LIONEL C. GUAY, JR., MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence.

**PRESENTATION TO DEPUTY CITY CLERK IN RECOGNITION OF
ATTAINMENT OF NATIONAL CERTIFICATION**

Mayor Guay presented the certificate of national certification to Deputy City Clerk Kelly Mercier in recognition of her recent designation as a nationally Certified Municipal Clerk. Mayor Guay and Councilors congratulated Mrs. Mercier on obtaining her national certification and complimented her on her dedication to the profession, noting there are only fifteen municipal clerks in Maine who have national certification.

**AUTHORIZATION FOR ACCEPTANCE OF GRANT FUNDS FROM THE MAINE
DEVELOPMENT FOUNDATION**

VOTE (128-2005)

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

To accept the grant award from the Maine Development Foundation's Fund for Efficient Delivery of Local and Regional Service program, funds to be used by the Lewiston-Auburn Commission on Joint Services and to authorize the City Administrator and the Finance Director to administer said funds accordingly. Passed - Vote 7-0

VOTE (129-2005)

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

To accept the grant award from the Maine Development Foundation's Fund for Efficient Delivery of Local and Regional Service program, funds to be used by the Lewiston-Auburn 911 Emergency Communications System, and to authorize the City Administrator and the Finance Director to administer said funds accordingly. Passed - Vote 7-0

**TRAFFIC SCHEDULE AMENDMENT TO ADD 30 MINUTE PARKING ON
PARK AND PINE STREETS**

VOTE (130-2005)

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

To adopt the following proposed amendments to the Traffic Schedule regarding the regulation of parking times for a portion of Park Street and for a portion of Pine Street:

Section 24 - Parking Time Regulated, 30 Minutes - 9:00 AM to 6:00 PM, is hereby amended as follows:

PARK STREET South side beginning at a point 25' westerly of the southwesterly corner of Pine Street and Park Street and extending westerly on the south side of Pine Street a distance 22'.

PINE STREET Odd numbered side beginning at a point from the southwest corner of Park Street and Pine Street and extending southerly on Pine Street a distance of 72'.

Passed - Vote 7-0

**RECEIVE FUNDING RECOMMENDATIONS FOR THE FISCAL YEAR 2006
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM BUDGET AND THE
CONSOLIDATED PLAN AND TO SET PUBLIC HEARING DATES**

VOTE (131-2005)

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

To receive the recommendation from the CDBG Review Committee for the allocation of the Community Development Block Grant program funds for the City's 31st year (2005-2006), and further that the schedule be published for a public hearing to be held at the regular City Council meeting of Tuesday, May 17, 2005, and to receive the City of Lewiston's draft Consolidated Plan document for fiscal years 2006 - 2010 and to set the public hearing date for approval of the final plan for May 17, 2005. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (132-2005)

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

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 the transfer of \$14,080.88 (substitute restitution for property in Falmouth), or any portion thereof, in the case of the State of Maine vs. Mark Howard, CE-04-0033 and 05-DEA-444385 Court Records; and the transfer of the following, or any portion thereof, in the case of the State of Maine vs. Frank Kimball:

CE-05-0016 Exhibit N-2 & 05-DEA-449079	\$4,719.60
CE-05-0016 Exhibit N-3 & 05-DEA-449085	\$407.25
CE-05-0016 Exhibit N-4 & 05-DEA-449087	\$1,220.00
CE-05-0116 Exhibit N-1 & 05-DEA-449331	Sixteen percent of the proceeds from the sale of a 2003 Dodge Ram 250 Pick-up truck
CE-05-0016 Exhibit N-5 & 05-DEA-449348	Sixteen percent of the proceeds from the sale of a 2002 NAVI 4000 SE International Truck

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

**PUBLIC HEARING AND FINAL PASSAGE FOR AN AMENDMENT TO THE
CONDITIONAL REZONING AGREEMENT FOR 1046 MAIN STREET**

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

VOTE (133-2005)

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve final passage for the amendment to the conditional rezoning agreement for 1046 Main Street, to conditionally rezone the property to allow new and used automobile dealers as a permitted use , subject to the conditions defined in the rezoning agreement.

Passed - Vote 7-0

**PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR
CHANCE'S PUB, 675 MAIN STREET**

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

VOTE (134-2005)

Motion by Councilor Jean, seconded by Councilor Rousseau:

To grant a Special Amusement Permit for Dancing & Entertainment to Chance's Pub, 675 Main Street. Passed - Vote 7-0

**PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR
LITTLE JOE'S, 740 SABATTUS STREET**

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

VOTE (135-2005)

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

To grant a Special Amusement Permit for Dancing & Entertainment to Little Joe's, 740 Sabattus Street. Passed - Vote 7-0

**PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR
DEL'S BAR & GRILL, INC., 43 WALNUT STREET**

Mayor Guay opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Mayor Guay then closed the hearing. Councilor Paradis inquired about some of the items in the police department log and reminded the Council that last year conditions were attached to the permit to require additional staff to be on duty during peak times and for training to be held for all staff regarding how to handle intoxicated patrons. The Chief of Police stated that he did not feel there were any concerns with the issuance of this license at this time and did not recommend including the conditions.

VOTE (136-2005)

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

To grant a Special Amusement Permit for Dancing & Entertainment to Del's Bar & Grill, Inc., 43 Walnut Street. Passed - Vote 7-0

**PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR
BARNIES PLACE, 1065 SABATTUS STREET**

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

VOTE (137-2005)

Motion by Councilor Jean, seconded by Councilor Paradis:

To grant a Special Amusement Permit for Dancing & Entertainment to Barnies Place, 1065 Sabattus Street. Passed - Vote 7-0

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH THE
MAINE STATE EMPLOYEES ASSOCIATION**

The City Administrator reviewed the highlights of the union contract such as eliminating double time on Sundays, adding Columbus Day as a holiday, eliminating the current reclassification process with a reclassification process that is applicable with the job market, and an increase in out of pocket health care expenses which can be offset with participation in the healthcare incentive prevention program.

VOTE (138-2005)

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

To ratify the Collective Bargaining Agreement between the City of Lewiston and the Maine State Employees Association, said agreement being for the period of July 1, 2004 to June 30, 2007, and to authorize the Mayor to sign the agreements on behalf of the City of Lewiston. Passed - Vote 7-0

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH THE
MAINE ASSOCIATION OF POLICE**

The City Administrator reviewed the highlights of this union contract. He also noted that the Lewiston Police Department is the only police department in the State that has earned their national accreditation and this is a direct result of the high quality of officers that are on the police force.

VOTE (139-2005)

Motion by Councilor Connors, seconded by Councilor Jean:

To ratify the Collective Bargaining Agreement between the City of Lewiston and the Maine Association of Police, said agreement being for the period of July 1, 2004 to June 30, 2007, and to authorize the Mayor to sign the agreement on behalf of the City of Lewiston.

Passed - Vote 7-0

RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH THE LEWISTON POLICE SUPERVISORY COMMAND UNIT

The City Administrator stated that the full union has not had a chance to vote on this contract yet, and suggested postponing action on this item to the next meeting.

VOTE (140-2005)

Motion by Councilor Connors, seconded by Councilor Rousseau:

To postpone action on this item until the next Council meeting. Passed -Vote 7-0

AMENDMENTS TO THE PERSONNEL POLICY REGARDING THE ESTABLISHMENT OF A HEALTH CARE MANAGEMENT SYSTEM FOCUSING ON PREVENTION AND A RETIREMENT HEALTH SAVINGS PLAN

The City Administrator stated that these programs are available to the union employees as a result of their union contracts and this personnel policy amendment will now make these programs available to non-union employees as well.

VOTE (141-2005)

Motion by Councilor Jean, seconded by Councilor Rousseau:

To approve the amendment to the Personnel Policies regarding the creation of two new programs - the Health Care Management System Focusing on Prevention and the Retirement Health Savings Plan, to be effective as of July 1, 2005, as recommended by the Human Resources Director and the City Administrator. Passed - Vote 7-0

AUTHORIZATION TO PERMIT ALFRED AND YVETTE SILVA TO CONSTRUCT A PORTION OF REJANE STREET TO DEVELOP IT TO CITY STANDARDS

The City Administrator stated that the City's attorney is still reviewing this matter, and suggested the Council postpone action on this item until the next meeting.

VOTE (142-2005)

Motion by Councilor Connors, seconded by Councilor Paradis:

To postpone action on this item until the next Council meeting.
Passed - Vote 6-1 (Councilor Jean opposed)

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

VOTE (143-2005)

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

To adjourn at 7:28 P.M. Passed - Vote 7-0

Immediately following the Council meeting, the Council entered into a budget workshop to review and discuss the various department budgets.

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine