

CITY OF LEWISTON

CITY COUNCIL

JUNE 2, 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.

**PRESENTATION TO THE CITY OF THE WREATHES ACROSS
AMERCIA PORTRAIT**

John O'Leary of the Maine Patriot Guard organization presented to the City a framed painting of the Wreathes Across America image to commemorate the stop in Lewiston on the way from Aroostook County where the project originated to Washington, DC where the wreathes will be placed on veterans grave markers at Arlington National Cemetery.

VOTE (122-2009)

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

To accept the minutes of the meeting of March 17, 2009 and to place them on file.
Passed - Vote 6-0-1 (Councilor Theriault abstained)

PUBLIC COMMENT PERIOD

Doreen Christ of Wellman Street began to address the Council regarding her request for a reinstatement of her previous position with the City. Councilor Reed suggested that since Ms. Christ is a former employee and she is asking about employment issues, this item is a personnel matter that should be discussed in executive session.

VOTE (123-2009)

Motion by Councilor Reed, seconded by Councilor Theriault:

To schedule an executive session at the June 16, 2009 City Council meeting to discuss a personnel matter as presented by Ms. Christ, pending a recommendation from the City Attorney.
Passed - Vote 7-0

**APPROVAL OF PLAN TO DISSEMINATE TO THE PUBLIC THE FOLLOW UP
INFORMATION FROM QUESTIONS RAISED AT CITY COUNCIL MEETINGS**

It was suggested to also maintain a paper copy of the information for review at the Library.

VOTE (124-2009)

Motion by Councilor Reed, seconded by Councilor Theriault:

To approve the plan as recommended by the City Administrator to create a template for the Council's questions and answers from the City Council meetings, which will appear on the City's website in order to provide this information to the public, and to have this information available in printed form at the Library as well. Passed - Vote 7-0

APPROVAL FOR THE PLACEMENT OF SIGNS AT THE LINCOLN STREET BOAT LAUNCH AND AUTHORIZATION TO INCLUDE THE SITE LOCATION AS PART OF THE ANDROSCOGGIN RIVER TRAIL

VOTE (125-2009)

Motion by Councilor Theriault, seconded by Councilor Poulin:

To authorize the placement of signs at the Lincoln Street boat launch site and to authorize the Androscoggin River Watershed Council to include the Lincoln Street boat launch site location as part of the Androscoggin River Trail. Passed - Vote 7-0

AUTHORIZATION TO EXCUSE THE CITY ADMINISTRATOR FROM ATTENDANCE AT THE JUNE 16, 2009 CITY COUNCIL MEETING

VOTE (126-2009)

Motion by Councilor Reed, seconded by Councilor Poulin:

To authorize the City Administrator to be excused from attendance at the June 16, 2009 City Council meeting. Passed - Vote 7-0

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

Councilor Reed noted this past weekend he offered to mediate a session between the firefighters union and the Balloon Festival regarding the issue of the firefighters collecting funds for muscular dystrophy during the festival, yet no one from the festival could meet. He asked the representatives of the festival about their financial statements, noting the festival continues to lose money and he asked how they plan to resolve their debt issues. Mike Theriault, logistics chairperson and Mel Hamlin, treasurer, stated they will tap into their cash reserves and need to evaluate the festival operations each year. Mr. Theriault stated regarding the issue of the firefighters collecting donations, the concern is with the collection method of a donation jar (firefighter's boot) which the thirty or so other non-profits that raise funds at the festival are not permitted to do. Rick Callier, president of the firefighters union, explained the long history between fire departments and MDA, noting it is a nationwide fundraising effort. Councilor T. Peters highlighted the work that the city departments – public works, police, fire, recreation and others – must do in order to get the festival events up and running, and stated the least the festival

organizers could do would be to allow them to volunteer to collect donations for a separate charity on their own time. Councilor N. Peters said the City has always supported the festival in the past with a great deal of city donations, both cash and in-kind, and he would like to see the firefighters request granted and the two sides should be able to work together to resolve the differences.

Councilor Theriault stated he concurs with Councilor N. Peters and the Festival organizers should be fine if the firefighters stood thirty feet away from the entrance to collect the donations, noting this should not detract from the festival at all. Councilor Reed noted the firefighters are very respectful when they are there and are not pushing at all for donations, saying if someone does not want to contribute, it is fine. Mr. Theriault of the festival stated their bylaws do not authorize groups not affiliated with the festival to collect funds at the event and he is working to protect the principle and practices of the bylaws. The Mayor asked how much money the festival brings into the community and Mr. Theriault stated their estimate is between one and two million dollars. Councilor Theriault noted the City owns the land where the event will be held and the Council represents the entire community.

Mr. Callier then introduced Derek, a twelve year old student with muscular dystrophy who is currently serving as the Maine Ambassador for MDA. His mother read a letter from him requesting the Council and the festival organizers to allow the firefighters to raise funds so they can help to find a cure for the disease and he noted he has enjoyed getting to know the Lewiston firefighters who do a lot of volunteer work for MDA.

VOTE (127-2009)

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

To authorize the Lewiston Firefighters to be thirty feet from the three primary/designated main entrances to the Balloon Festival to raise funds for the Muscular Dystrophy Association without incurring any festival costs or restrictions, to retain one hundred percent of the donated funds and to allow this approval for all future Balloon Festivals. Passed - Vote 7-0

VOTE (128-2009)

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

To approve the request for the use of city services for the Great Falls Balloon Festival, as outlined on their request sheet. Passed - Vote 7-0

PUBLIC HEARING AND FINAL 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 item. Mayor Gilbert then closed the hearing. Councilor Theriault stated he feels the proposal falls short and needs to be more complete and Councilor Reed stated there should be a complete ban.

VOTE (129-2009)

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

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 final passage by a roll call vote. Passed - Vote 5-2 (Councilors Theriault and Reed opposed)

**PUBLIC HEARING ON A PROPOSED INCREASE IN SEWERAGE SYSTEM
USE CHARGES**

Councilor Reed stated the 18% increase is extremely high and he wanted to know why there was such a sharp increase. Public Services Director Dave Jones explained the cost sharing breakdown between Auburn and Lewiston and that one of the largest users in Auburn experienced several shut down days which impacted the numbers. Councilor T. Peters asked staff to review the numbers to see if some costs could be shifted away from the single family home owners so the increase is not so high for them. Mr. Jones also noted this use charge is based upon usage – use less/pay less, use more/pay more. He said that these charges are still some of the lowest rates in the state. Councilor Poulin asked what the Pollution Control Authority is doing to lower their costs. Deputy City Administrator Phil Nadeau stated they are reviewing their technology for needed upgrades, noting the plant is thirty years old. Councilor Dube noted residents could install low flow shower heads and use composting pails to help reduce costs.

VOTE (130-2009)

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

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

**ADOPTION OF A NEW CITY POLICY REGARDING THE ADOPT A
TRASH CAN PROGRAM**

The Mayor noted the trash cans will be placed throughout the downtown where there are areas of high litter.

VOTE (131-2009)

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

To establish and adopt an “Adopt A Trash Can” Program policy, Policy Manual Number 84, as recommended by the City Administrator and the Department of Public Works.
Passed - Vote 6-1 (Councilor Dube opposed)

FIRST PASSAGE FOR THE FISCAL YEAR 2010 TAX RESOLVE

VOTE (132-2009)

Motion by Councilor Reed, seconded by Councilor Theriault:

That the Tax Resolve instructing the Chief Assessor to raise \$44,755,045 to finance the Fiscal Year 2010 budget have first passage by a roll call vote.

RESOLVED, That the Chief Assessor of the City of Lewiston, Maine be ordered to raise by assessment upon estates of residents of the City of Lewiston, and upon estates of non-resident proprietors in said City of Lewiston for the current fiscal year commencing July 1, 2009, the sum of Forty-Four Million Seven Hundred Fifty-Five Thousand Forty-Five Dollars (\$44,755,045) for the payment of the county tax, for ordinary indebtedness and expenses, for interest on the debt of the City of Lewiston, and for the payment of lawful debts and dues of the City of Lewiston.

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|-----------------------|--------------|--------------|
| Appropriation Resolve | | \$94,019,793 |
| LESS: | | |
| Estimated Revenues | \$46,991,729 | |
| Prior Years' Surplus | 2,273,019 | |
| Total Adjustments | | \$49,264,748 |
| Net Appropriation | | \$44,755,045 |
| TAX LEVY: | | \$44,755,045 |

Interest on Real and Personal Taxes will be charged on all taxes which shall remain unpaid after the respective due dates of September 15, 2009 and March 15, 2010, at the rate of 9.0%.

Any taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of the overpayment plus interest from the date of overpayment at the rate of 5.0%.

Passed - Vote 7-0

ADOPTION OF THE NEIGHBORHOOD TASK FORCE ACTION PLAN

Councilor Theriault inquired about the proposed rezoning of Bartlett Street, specifically the information identified in Section H2 on page 79. He noted this area is primarily businesses – Italian Bakery, Mailhots Sausage plant and others, and it should be not classified as residential as the Plan recommends, especially due to the higher volume of traffic on Bartlett Street. The Mayor suggested passing the Plan without this section. Mr. Bennett noted if the Plan is adopted, it is just a general direction for staff to work toward, noting that each action needs separate authorization from the Council to commence.

VOTE (133-2009)

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

To move the previous question/stop debate on this item.

Passed - Vote 4-2 (Councilors Poulin and Theriault opposed; Councilor N. Peters was not present in the Chambers during this vote)

VOTE (134-2009)

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

To adopt the 2009 Downtown Neighborhood Task Force Action Plan Passed - Vote 5-1
(Councilor Theriault opposed; Councilor N. Peters was not present in the Chambers during this vote)

**AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
FY2009 BUDGET REGARDING RECOVERY ACT FUNDS**

Deputy Director of Economic and Community Development Mark McComas explained the proposed CityLink bus service free shuttle that would operate between the Oak Street bus terminal and St. Mary's Hospital, which would also serve the B Street Community Center, MPC and Bates College. Councilor Theriault suggested monitoring the use of the program to determine the success of the new project. Councilor T. Peters suggested advertising this to Bates students and conducting a six month review of the riders to determine program success.

VOTE (135-2009)

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

To conduct a public hearing to receive citizen input and comment on the amendment to the Action Plan. Passed - Vote 7-0

Mayor Gilbert opened the floor for public input and comment. No members of the public spoke for or against this time. Mayor Gilbert then closed the hearing.

VOTE (136-2009)

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

To adopt the amended schedule of funds for the Fiscal Year 2009 CDBG budget as recommended by the Community Development Block Grant Review Committee.
Passed - Vote 5-2 (Councilors Theriault and N. Peters opposed)

VOTE (137-2009)

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

To authorize the submission of the amended Action Plan to the Department of Housing and Urban Development. Passed - Vote 5-2 (Councilors Theriault and N. Peters opposed)

**REQUEST FOR FINANCIAL SUPPORT FROM THE AFRICAN IMMIGRANTS
ASSOCIATION FOR THE SOMALI INDEPENDENCE DAY CELEBRATION**

Councilor Dube noted that \$40,000 in donations was approved in the budget, but a breakdown of these funds is yet to be decided. Said Mohamud, president of the African Immigrants Association, said there are 1500 residents of African descent living in Lewiston and this event helps them to celebrate their culture while also celebrating diversity. Councilor N. Peters noted supporting one ethnic based event is a slippery slope for the City, noting the Greek Church holds a festival each year and does not ask the City to help with the expenses. Councilor Theriault

asked why the City should be paying for festivals, noting it is a balancing act for funds the Council must do for the home owners who are paying taxes. He noted the city could be facing laying off employees in the coming months, so he cannot support funding a festival and other related requests.

VOTE (138-2009)

Motion by Councilor Reed, seconded by Councilor Dube:

To authorize the request for financial support from the African Immigrant Association for the 6th Annual Somali Independence Day celebration in the form of an in-kind contribution for the cost of the Police Department overtime for the event, up to a cost of \$1,500.

Passed - Vote 5-2 (Councilor N. Peters and Theriault opposed)

REQUEST FOR FINANCIAL SUPPORT FROM THE FRANCO AMERICAN HERITAGE CENTER FOR THE FESTIVAL FRANCO FUN CELEBRATION

The Mayor recused himself citing a conflict of interest with this item since he serves as the president of this organization. Rita Dube, executive director of the Heritage Center, requested a \$1,000 cash donation in exchange for a full page advertisement in the festival program. She noted 2006 was the first year of this new festival, which took over when the Festival de Joie was discontinued. Councilor Poulin inquired if in-kind donations could be offered instead, yet Ms. Dube noted these services are not needed since the festival will be held at the Heritage Center. Councilor Theriault said he could not support this request due to the budget impacts.

VOTE (139-2009)

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

To authorize the request for \$1,000 in financial support from the Franco American Heritage Center for the 4th Annual Festival Franco Fun celebration.

Passed - Vote 6-1 (Councilor Theriault opposed)

DISCUSSION OF OPTION TO RESTRUCTURE THE ORGANIZATION TO MEET THE UPCOMING FINANCIAL CHALLENGES IN THE NEXT FISCAL YEAR

Councilor Poulin stated he asked to have this item on the agenda as a continuation of discussions from budget preparations earlier this spring. Councilor Theriault said he would support reducing the number of departments within the city.

VOTE (140-2009)

Motion by Councilor Poulin, seconded by Councilor Theriault:

To formulate a plan to restructure the operations of the city by the end of October and to review the ideas during a future workshop. Passed - Vote 7-0

REPORTS AND UPDATES

No reports and updates were presented at this time.

OTHER BUSINESS

Councilor Theriault mentioned that the City of Auburn prepares monthly reports from each department that are posted on the internet for residents to review and he would like to discuss this idea at the June 16 meeting.

EXECUTIVE SESSION

VOTE (141-2009)

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

To enter into an executive session pursuant to MRSA Title 1, section 405 (6) to discuss an economic development issue regarding the Central Maine Power Company's Maine Power Reliability project, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

VOTE (142-2009)

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

To adjourn at 10:12 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine