

CITY OF LEWISTON

CITY COUNCIL

MAY 20, 2008

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

THE HONORABLE LAURENT F. GILBERT, SR., 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.

PROCLAMATION FOR NATIONAL ARBOR WEEK

Mayor Gilbert read the Proclamation for National Arbor Week and presented a copy of the Proclamation to Dave Griswold of the Lewiston-Auburn Community Forestry Board. Mr. Griswold presented the Mayor with a plaque recognizing the City has been a Tree City USA for the past five years. Mr. Griswold introduced other members of the committee that were present in the audience.

VOTE (132-2008)

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

To dispense with the reading of the minutes of the meetings of April 1, 15 and 29, 2008 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**APPROVAL OF ELECTION WARRANT FOR SPECIAL MUNICIPAL ELECTION
AND RECOMMENDATIONS FROM CITY CLERK ON ACTIONS NECESSARY TO
CONDUCT THE JUNE 10 STATE PRIMARY ELECTION**

VOTE (133-2008)

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

Be It Ordered by the City Council that the Election Warrant be issued for the Municipal Election to be held on Tuesday, June 10, 2008 for the purposes of voting on a Code Amendment regarding the Elections Ordinance.

To approve the following recommendation from the City Clerk/Registrar of Voters on actions necessary to conduct the State Candidate Primary & Referendum Election, and the Special Municipal Election to be held on Tuesday, June 10, 2008:

A. That the hours for acceptance of registrations in person only, prior to the June 10th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, May 19 through June 9, 2008; and additional hours of 9:00am to 12 noon on Saturday, June 10, 2008.

B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.

C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 2:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 7-0

RESOLUTION IN SUPPORT OF AN APPLICATION FOR A PRESERVE AMERICA COMMUNITY DESIGNATION FOR THE CITY OF LEWISTON

Councilor Reed inquired about the grant that this resolution is connected with and wondered about additional matching funds and other considerations. Lincoln Jeffers, Economic Development Assistant to the City Administrator, stated the City is working as a partner with the Franco-American Heritage Center and Museum L/A regarding this effort. Councilor Reed noted there are numerous requirements stated in the resolution and he inquired about the cost of adding these tasks. Mr. Bennett noted that many of the items listed are currently undertaken by the Historic Preservation Review Board already, so this will not involve additional work and most likely no additional cost. He noted if the grant is received, it will come back to Council for formal acceptance, so the Council at that point can make a determination to accept or reject the grant. Rachel Desgrossiliers of Museum L/A and Rita Dube of the Franco-American Heritage Center addressed the Council and noted the funding match will be from these two organizations, not the city, and they are working hard to make sure their organizations serve as real tourist destinations and are some of the community’s greatest assets.

VOTE (134-2008)

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

To adopt the Resolution in support of the City of Lewiston seeking a Preserve America Community Designation:

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation’s past, strengthened regional identities and local pride, increased local participation in preserving the country’s irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community’s interests and goals related to historic preservation; and

WHEREAS, designation as a *Preserve America* Community will improve our community’s ability to protect and promote its historical resources;

NOW, THEREFORE, BE IT RESOLVED, that the Lewiston City Council will apply for the designation for City of Lewiston, Maine as a *Preserve America* Community; and

BE IT FURTHER RESOLVED, that the Lewiston City Council will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

Passed - Vote 7-0

FINAL BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2009 BUDGET

Mayor Gilbert opened the public hearing to receive citizen input and comment regarding the proposed FY09 budget. Councilor T. Peters announced the Council is asking the Administrator to return to the budget \$56,000 for school bussing for parochial school students to allow time for a dialog with the school to seek alternatives for the following year. He suggested a Council workshop to be held in one month to begin discussions with the school regarding this issue, to discuss ideas to curtail expenses and to work together on this issue. Councilor Reed noted in 2001, the year the city held a non-binding vote on the bussing issue, the cost to bus students was \$50,000. He stated that seven years later, the cost is now \$230,000 a year to bus the students, a significant increase. Charles Soule of 170 Bartlett Street spoke against the use of fees to off set taxes, noting this is just a way to hide the tax. He spoke against such items as selling city assets for less than market value, use of off season elections for voter approvals when a small turnout is known, and school budget tricks. Jere Clifford and James Bellows asked for clarification regarding the Council’s intention for funding the bussing of parochial school students.

PUBLIC HEARING AND FINAL PASSAGE FOR AMENDMENTS TO THE ADMINISTRATIVE ORDINANCE TO CREATE A STANDING ENERGY SAVING COMMITTEE

Councilors discussed the pros and cons of having registered voters, citizens or non residents serving on the committee. Mayor Gilbert opened the public hearing to receive citizen input and comment regarding this item. Richard Wagner addressed the Council and encouraged them to allow non residents to serve on the board, noting local residents in the area may have expertise in this area that would add value to the committee. Councilor T. Peters noted the committee meetings are public events and anyone is welcome to attend and to speak at the meetings. Mayor Gilbert then closed the hearing.

VOTE (135-2008)

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

That the proposed amendment to the City Code of Ordinances, Chapter 2 “Administration”, Article IV. “Boards, Commissions, Committees and Bureaus”, Sections 2-196 through 2-210, to create a new article to establish the Energy Saving committee, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING FOR AUTHORIZATION TO ISSUE \$369,180 IN QUALIFIED ZONE ACADEMY BONDS FOR SCHOOL CAPITAL IMPROVEMENT PROJECTS

Finance Director Richard Metivier noted this item ties in with the April 15 QZAB bond approval, noting the state had extra funds available that the City was able to access. It was noted these bonds are issued at a zero interest rate. Mayor Gilbert opened the public hearing to receive citizen input and comment regarding this item and no members of the public spoke either for or against this matter.

VOTE (136-2008)

Motion by Councilor Poulin, seconded by Councilor Reed:

To approve the attached Order to finance school capital improvement projects through a Qualified Zone Academy Bond Issue in the amount of \$369,180:

ORDERED, That \$369,180 be appropriated to finance capital improvements at Montello School;

FURTHER ORDERED, That to meet this appropriation, \$369,180 shall be raised through the issuance of Qualified Zone Academy School Bonds;

FURTHER ORDERED, That the City Council instruct the Finance Director to negotiate the sale of the Bonds with Gorham Savings Bank, or any other qualified purchaser; to award the loan; and to employ Edwards Angell 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.

Passed - Vote 7-0

PUBLIC HEARING ON THE FISCAL YEAR 2009 CAPITAL IMPROVEMENT PROGRAM AND RECEIPT OF RECOMMENDATIONS ON THE LCIP BUDGET FROM THE FINANCE COMMITTEE AND PLANNING BOARD

Finance Director Richard Metivier elaborated on the Finance Committee's recommendation, noting the board understands this is a planning document and suggested scrutiny of each project before approval. Councilor T. Peters requested that a member of the Planning Board attend the next Council meeting to elaborate on their recommendation regarding this matter.

Mayor Gilbert opened the public hearing to receive citizen input and comment regarding this item and no members of the public spoke either for or against this matter.

VOTE (137-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

To conduct a public hearing to receive citizen input and comment on the proposed Fiscal Year 2009 Capital Improvement Program and to receive the recommendations on the Capital Improvement Program budget from the Finance Committee and the Planning Board.

Passed - Vote 7-0

AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE MAINE MUNICIPAL INVESTMENT TRUST FUND PROGRAM, AND AUTHORIZATION TO ACCEPT GRANT IF AWARDED

Councilor T. Peters confirmed this item was not identifying a location, just securing the funds for this project. Councilor Poulin inquired if the City would build two four hundred car garages or one eight hundred car garage. Mr. Bennett noted the specific details are still being discussed, but this item can move forward to seek the grant funds. Councilor Reed noted businesses are leaving the mill area and questioned the need for additional parking garages.

VOTE (138-2008)

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

To authorize the City Administrator to submit a grant application for the Bates Mill parking structure to the Maine Municipal Investment Trust Fund Program and, if said grant is awarded to the City, to accept the grant award from the Maine Municipal Trust Fund Program and to authorize the City Administrator and the Finance Director to administer said funds accordingly.

Passed - Vote 7-0

FINAL ADJUSTMENTS TO THE 2009 FISCAL YEAR BUDGET

VOTE (139-2008)

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

To amend the City Administrator’s original recommended budget as outlined in the attached material entitled “FY 2009 Expenditure Adjustments”:

City Council	Printing	\$(125)
City Council	Travel	\$(3,500)
City Council	Youth Council	\$700
Mayor	Telephone	\$(900)
Mayor	Travel	\$(1,700)
Mayor	Misc. Services	\$(500)

CITY COUNCIL**MAY 20, 2008**

City Administrator	Gas/Diesel	\$216
City Clerk	Postage	\$(500)
Elections	Telephone	\$(550)
MIS	Office Equipment	\$(3,000)
Assessing	Overtime	\$(2,000)
Human Resources	Labor Relations	\$(1,000)
Human Resources	Printing Supplies	\$(500)
Police Administration	Travel	\$(500)
Police Administration	Gas/Diesel	\$324
Police CID	Wages	\$26,277
Police CID	Overtime	\$(1,000)
Police CID	Repairs to Equipment	\$(200)
Police CID	Gas/Diesel	\$778
Police CID	Department Apparel	\$650
Police Patrol	Wages	\$(31,200)
Police Patrol	Gas/Diesel	\$8,299
Police Patrol	Department Apparel	\$(650)
Police Patrol	Van Rental	\$(600)
Fire Administration	Office Supplies	\$(100)
Fire Administration	Gas/Diesel	\$234
Firefighting	Gas/Diesel	\$3,935
Fire Communications	Gas/Diesel	\$90
Fire Prevention	In Service Training	\$(200)
Fire Prevention	Gas/Diesel	\$243
Fire Stations	Heating Oil	\$7,560
Fire Stations	Household Equipment	\$(300)
Code Enforcement	Postage	\$(400)
Code Enforcement	Travel	\$(250)

CITY COUNCIL**MAY 20, 2008**

EMA	Heating Oil	\$1,440
Other Protection (ACO)	Gas/Diesel	\$152
Public Services Admin	Equipment Repairs	\$(800)
Public Services Admin	In Service Training	\$(600)
Public Services Admin	Printing	\$(250)
Engineering	Misc Services	\$(1,500)
Engineering	In Service Training	\$(1,000)
Highways	Wages	\$28,165
Highways	Wages	\$(27,591)
Highways-Credit Adjustment	Wages	\$(20,689)
Highways	Misc Services	\$(300)
Highways	In Service Training	\$(1,500)
Highways	Public Safety Supplies	\$(1,500)
Highways	Small Tools	\$(1,000)
Highways	Tarring Supplies	\$5,000
Highways	Public Safety Equipment	\$(1,500)
Highways	Paving	\$(150,000)
Highways	Guardrails	\$(2,000)
Snow Removal	Overtime	\$(5,000)
Snow Removal	Mailbox Repairs	\$1,000
Street Lights	Lights	\$2,000
Street Lights	Other Betterments	\$4,500
Waste Disposal	Wages	\$5,983
Waste Disposal	Equipment Rentals	\$(3,400)
Waste Disposal	Other Betterments	\$(22,424)
Recycling	Wages	\$3,565
Landscaping	Wages	\$11,334
Landscaping	Outside Rental	\$(5,000)

CITY COUNCIL**MAY 20, 2008**

Landscaping	Downtown Maintenance	\$(5,000)
Landscaping	Plantings	\$(1,000)
Landscaping	Other Betterments	\$(4,000)
Public Buildings	Wages	\$54,016
Public Works Buildings	Heating Oil	\$9,810
Public Works Buildings	Other Supplies	\$(500)
Social Services	Heating Oil	\$1,440
Recreation Administration	Gas/Diesel	\$163
Recreation Armory	Heating Oil	\$2,400
MPC Building	Heating Oil	\$6,885
Androscoggin Bank Colisee	Subsidy	\$(332,600)
Urban Redevelopment	Bates Mill #5	\$(50,000)
Debt	Principal	\$(27,000)
Debt	Interest	\$(143,635)
Airport	Fixed Charges	\$1,750
Intergovernmental	L/A 911	\$(1,600)
Private & Parochial Schools	School Transportation	\$(35,800)
Private & Parochial Schools	School Nurse	\$10,000
Pensions/Retirements	ME State Retirement	\$4,923
Contingency	Fixed Charges	\$(10,000)
	TOTAL	\$(703,032)

Passed - Vote 7-0

VOTE (140-2008)

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

To amend the City Administrator's original recommended budget as outlined in the attached material entitled "FY2009 Revenue Adjustments":

Purchasing	Sale City Land	\$25,000
Treasurer	Investment Earnings	\$(25,000)

Highways	State Grant	\$65,000
Recreation Armory	Rental - LAP-SOCHS	\$9,432
Library Administration	Photocopies	\$1,200
	TOTAL	\$75,632

Passed - Vote 7-0

**APPROVAL OF REDUCTIONS IN THE FY2008 BOND ISSUE AND
DE-AUTHORIZATION OF FUNDING FOR PROJECTS PREVIOUSLY APPROVED
IN THE JUNE 2007 BOND ISSUE**

VOTE (141-2008)

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

To approve the proposed reductions to the FY2008 Bond Issue in the amount of \$800,000 and to de-authorize the funding for these projects as previously approved by the City Council on June 19, 2007. Passed - Vote 7-0

APPROVAL OF AID TO PRIVATE AND PAROCHIAL SCHOOLS

VOTE (142-2008)

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

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 2009:

	Elementary	Secondary
Testing	\$13.00 per student	\$21.00 per student
Textbooks	\$28.50 per student	\$53.00 per student

To further authorize a payment of \$10,000 toward the cost of a School Nurse at the Trinity Elementary School.

To further authorize the payment of 100% of the cost of School Bus transportation for parochial students.

Passed - Vote 7-0

APPROVAL OF MILEAGE REIMBURSEMENT RATES

VOTE (143-2008)

Motion by Councilor Poulin, seconded by Councilor Dube:

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:

<i>Position</i>	<i>Amount</i>	
Assistant to the City Administrator	200.00	<u>300.00</u>
Chief Assessor	480.00	<u>600.00</u>
City Clerk	300.00	
Deputy Director of Economic & Community Development	200.00	<u>300.00</u>
Deputy Finance Director/City Auditor	125.00	
Deputy Treasurer	100.00	
Library Director	200.00	
Mayor	500.00	
Recreation Director	1,200.00	
Social Services Director	100.00	<u>150.00</u>
Tax Collector	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% 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 inquired about the balance of the fund and the average annual expenditures. Deputy Finance Director Heather Hunter reported the original fund was established with \$18,567 and it has earned \$31,781 in interest, and nothing was spent from the account in the last fiscal year.

VOTE (144-2008)

Motion by Councilor Reed, seconded by Councilor Poulin:

To authorize the use of the interest from the Farrar Fund for expenses incurred in the Human Services Budget, for medical and dental services. Passed - Vote 7-0

ADOPTION OF APPROPRIATION RESOLVE FOR FISCAL YEAR 2009

VOTE (145-2008)

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

To approve the Appropriation Resolve for Fiscal Year 2009 by a roll call vote:

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 Eight and ending the last day of June, in the year of Our Lord, Two Thousand and Nine, 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	\$ 89,805,301
MEANS OF FINANCING:	
General Property Tax	44,356,099
Anticipated Revenues	44,284,202
Prior Year’s Surplus	1,165,000
TOTAL	\$ 89,805,301

Passed - Vote 7-0

**FINAL ADJUSTMENTS TO THE WATER, SEWER AND STORM WATER
FISCAL YEAR 2009 BUDGETS**

VOTE (146-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

To amend the proposed water, sewer and storm water budgets as presented by the City Administrator and Finance Director as outlined in the attached material entitled “Water, Sewer and Storm Water Budget Adjustments”:

WATER ADJUSTMENTS

Source of Supply	\$1,639
Source of Supply	\$154
Source of Supply	\$125

CITY COUNCIL**MAY 20, 2008**

Source of Supply	\$52
Water Treatment	\$(23,000)
Dist Expenses Ops	\$17,138
Dist Expenses Ops	\$991
Dist Expenses Ops	\$1,311
Dist Expenses Ops	\$221
Customer Accts	\$941
Customer Accts	\$185
Customer Accts	\$72
MIS	\$14,168
TOTAL	\$13,997

SEWER ADJUSTMENTS

Pump Station	\$1,639
Pump Station	\$154
Pump Station	\$125
Pump Station	\$52
Transmission Ops	\$4,579
Transmission Ops	\$352
Transmission Ops	\$350
Customer Accts	\$941
Customer Accts	\$185
Customer Accts	\$72
Other Expenses	\$(5,000)
Revenue Adj: Impact Fee	\$(3,500)
TOTAL	\$(51)

STORM WATER ADJUSTMENTS

Collections Systems Ops	\$13,657
Collection Systems Ops	\$1,045

Collection Systems Ops	\$(702)
Other Expenses	\$(14,000)
TOTAL	\$0

Passed - Vote 7-0

**ADOPTION OF WATER, SEWER AND STORM WATER APPROPRIATION
FOR FISCAL YEAR 2009**

VOTE (147-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

To approve the Water, Sewer and Storm Water Appropriation for Fiscal Year 2009 by a roll call vote:

RESOLVED, That there is hereby appropriated for the support of the Water, Sewer & 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 Eight and ending the last day of June, in the year of Our Lord, Two Thousand and Nine:

Water Division Requirements	\$ 4,117,981
Sewer Division Requirements	\$ 4,675,395
Stormwater Division Requirements	\$ 2,181,101

Passed - Vote 7-0

FISCAL YEAR 2009 COMMITMENT OF WATER AND SEWER UTILITY FEES

VOTE (148-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

In accordance with MRS A Title 38, Section 1208 and Title 35-A, Section 6111-A, all sewer and water rates, tolls, rents and other charges for Fiscal Year 2009, 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

**AUTHORIZATION TO SEEK REQUESTS FOR PROPOSALS FOR
REDEVELOPMENT OF THE BATES MILL NUMBER 5 PROPERTY**

Mr. Jeffers explained that marketing of the RFP will be done statewide and New England wide, and perhaps even nationally in applicable outlets.

VOTE (149-2008)

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

To authorize the city staff to release and solicit requests for proposals for the redevelopment of the Bates Mill Number Five property. Passed - Vote 7-0

**AUTHORIZATION TO REFINANCE A LOAN WITH THE DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT FOR IMPROVEMENTS
TO THE BATES MILL COMPLEX**

VOTE (150-2008)

Motion by Councilor Reed, seconded by Councilor Poulin:

To authorize the City Administrator to execute the necessary documents to refinance the HUD 108 Loan in the amount of \$100,000. Passed - Vote 7-0

AWARD OF A THREE YEAR CONTRACT FOR FINANCIAL AUDITING SERVICES

Councilor T. Peters questioned the high cost of the audit bids, noting the city staff does a great deal of the work ahead of time to assist the outside auditors. Councilor Reed noted the winning bid was the only bidder and there are very limited firms in Maine that handle municipal auditing.

VOTE (151-2008)

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

To approve the recommendation from the Finance Committee that the three (3) year contract for Financial Audit Services be awarded to Runyon, Kersteen and Ouellette, of South Portland, Maine, for a fee of \$210,500.00. Passed - Vote 7-0

REPORTS AND UPDATE

No reports or updates were presented at this time.

OTHER BUSINESS

The City Administrator stated the city is looking for a citizen to volunteer their time to serve on the selection committee for the new MIS Director, and anyone who is interested can contact his office. He also complimented and congratulated the Council on the adoption of their first budget, noting the tax rate will remain stable and not have a significant increase, due to their hard work during the past two months. He also noted there has been the loss of 47 municipal positions over the past six years, with 411 employees in FY03 down to 364 in FY09, with no reduction in services offered to the citizens. Mr. Bennett said it was the Council's goal to maintain services with the least amount of impact on citizens and they have worked hard to achieve that.

VOTE (152-2008)

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

To adjourn at 9:10 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine