

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
NOVEMBER 15, 2011**

**6:00 p.m. Workshops**

- A. Public Works Winter Operations - 15 minutes
- B. 2011 Homeland Security Award - 15 minutes
- C. Presentation from the Charter Review Committee - 30 minutes

**7:00 p.m. Regular Meeting**

Pledge of Allegiance to the Flag.  
Moment of Silence.

Acceptance of the minutes of the meeting of November 9, 2011.  
Presentation to Lewiston Firefighter J.P. Adams as Maine Fire Training Instructor of the Year.

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 1.

**REGULAR BUSINESS:**

1. Public Hearing on a new liquor license application for Niky's Greek Restaurant, 29 Lisbon Street.
2. Public Hearing and Final Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance to prohibit the sale and use of consumer fireworks within the City of Lewiston.
3. Public Hearing and Final Passage regarding an amendment to the Library Ordinance.
4. Public Hearing and Final Passage regarding an amendment to the Administrative Ordinance regarding the salary amount for the Mayor.
5. Order - Authorizing the City Administrator to Execute a First Amendment to the Employment Agreement between the City of Lewiston and Paul M. LeClair.
6. Resolve to support the proposed Lewiston-Auburn Public Health Committee (LAPHC) By-Law Amendments and Member Nominations for Service.
7. Reports and Updates.
8. Any other City Business Councilors or others may have relating to Lewiston City Government.
9. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
10. Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter regarding the annual evaluation of the City Administrator.

B

# Lewiston Fire Department



Paul M. LeClair  
Fire Chief

George A. Merrill  
Assistant Chief



November 7, 2011

To: Administrator Barrett

From: Chief LeClair

## Re: 2011 Homeland Security Grant Award

The City of Lewiston has been awarded FY2011 Homeland Security Grant Program funding through the Maine Emergency Management Agency. Lewiston is one of six Metro Cities in the State of Maine to receive Homeland Security Grant funding to improve preparedness and response capabilities for Homeland security related events. Grant funds were awarded from the following programs.

- \$116,423.34 from the State Homeland Security Program (SHSP)
- \$90,783.05 from the Law Enforcement Terrorism Prevention Program (LETPP)
- **Total Grant award: \$207,206.39**

Once the City Council approves the appropriation of the grant award, I will submit grant applications for the following items in line with Homeland Security Grant criteria:

- Fire Department Self Contained Breathing Apparatus \$46,590
- Fire Department Hazardous Materials Operations Training \$4,800
- 911 Communications Equipment \$42,000  
*Matching funds with the City of Auburn*
- Cobra Team Equipment \$16,000  
*Matching funds with the City of Auburn*
- Lewiston City Hall UPS (Uninterrupted Power Supply) \$69,000
- Accountability System and ID System 3 yr Service Plan \$12,721
- Emergency Operations Center @ PWD \$16,000

**Background:** Since 2004 the City of Lewiston has been awarded Homeland Security Grant Funding for equipment, training, and practical skill exercises. Grant applications are submitted to the Maine Emergency Management Agency for review and approval. Applications are drafted based on the strict guidelines published by the US Department of Homeland Security.

Prior projects that have been funded by Homeland Security Grants include:

- Lewiston Public Safety Agency radios, repeaters, and towers
- IMC Records Management Software and computer hardware
- Surveillance and Access equipment for City and School facilities
- Lewiston High School Generator (Shelter)
- Haz-Mat Team equipment and training
- Public Safety exercises
- Lewiston City Hall Generator
- Air Packs for Fire and Cobra Team
- 911 Communications Center Equipment

**LEWISTON CITY COUNCIL**  
**MEETING OF NOVEMBER 15, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Public Hearing on a new liquor license application for Niky's Greek Restaurant, 29 Lisbon Street.

**INFORMATION:**

We have received a new liquor license application from Niky's Greek Restaurant, 29 Lisbon Street. The liquor license application is for malt & vinous.

The police department has reviewed and approved the application.

The business owner has been notified of the public hearing and requested to attend.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a new liquor license application for Niky's Greek Restaurant, 29 Lisbon Street.

**Department of Public Safety  
Liquor Licensing & Inspection  
Division**



**BUREAU USE ONLY**

License No. Assigned: \_\_\_\_\_

Class: \_\_\_\_\_

Deposit Date: \_\_\_\_\_

Amt. Deposited: \_\_\_\_\_

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

**PRESENT LICENSE EXPIRES** \_\_\_\_\_

**INDICATE TYPE OF PRIVILEGE:**  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- RESTAURANT (Class I,II,III,IV)  RESTAURANT/LOUNGE (Class XI)  
 HOTEL-OPTINONAL FOOD (Class I-A)  HOTEL (Class I,II,III,IV)  
 CLASS A LOUNGE (Class X)  CLUB-ON PREMISE CATERING (Class I)  
 CLUB (Class V)  GOLF CLUB (Class I,II,III,IV)  
 TAVERN (Class IV)  OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <i>Argimula Karamausadakis</i> DOB: <i>3-6-84</i>			<b>2. Business Name (D/B/A)</b> <i>Niky's Greek Restaurant</i>		
DOB: _____			Location (Street Address) <i>29 Lisbon St</i>		
Address <i>61 Main St</i>			City/Town <i>Lewiston</i>	State <i>ME</i>	Zip Code <i>04240</i>
DOB: _____			Mailing Address <i>29 Lisbon St</i>		
City/Town <i>Winthrop</i>	State <i>ME</i>	Zip Code <i>04364</i>	City/Town <i>Lewiston</i>	State <i>ME</i>	Zip Code <i>04240</i>
Telephone Number <i>377-6996</i>	Fax Number		Business Telephone Number		Fax Number
Federal I.D. #			Seller Certificate #		

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: \_\_\_\_\_
8. If business is NEW or under new ownership, indicate starting date: *Sept. 22, 2011*  
 Requested inspection date: *ASA P* Business hours: *11am-10pm*
9. Business records are located at: *29 Lisbon St Lewiston ME 04240*
10. Is/are applicants(s) citizens of the United States? YES  NO
11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Argiroula Mihalakis	03-06-84	Flushing NY

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Crete Greece 4 years  
~~611~~ Winthrop ME 1 1/2 years

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_  
 Offense: \_\_\_\_\_ Location: \_\_\_\_\_  
 Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
 Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: Anthony Briglio

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
 YES  NO  Applied for: FOOD LICENSE

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? \_\_\_\_\_ Which of the above is nearest? \_\_\_\_\_

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO   
 If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.  
**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

Argiroula Karamousadakis  
 Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

\_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)

Argiroula Karamousadakis  
 Print Name

\_\_\_\_\_  
 Print Name

**MAINE DEPT OF  
PUBLIC SAFETY**

STATE OF MAINE  
*Liquor Licensing & Inspection Division*  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



**SUPPLEMENTAL APPLICATION FORM  
ON-PREMISE DIAGRAM**

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Department for liquor consumption.



**CITY OF LEWISTON**  
**PUBLIC NOTICE**

A hearing on the following liquor license application will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, November 15, 2011, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said application.

Niky's Greek Restaurant  
29 Lisbon Street  
Argiroula Karamousadakis, owner

The City of Lewiston is an EOE. For more information, please visit our website @ [www.lewistonmaine.gov](http://www.lewistonmaine.gov) and click on the Non-Discrimination Policy.

Kathleen Montejo, MMC  
City Clerk  
Lewiston, Maine

***PUBLISH ON: November 9, 10 & 11, 2011***

Please bill the City Clerk's Dept. account. Thank you.



**POLICE DEPARTMENT**

Michael J. Bussiere  
Chief of Police



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TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Mark S. Cornelio, Support Services

A handwritten signature in black ink, appearing to be 'MJC/100'.

DT: October 25, 2011

RE: Liquor License-- **Niky's Greek Restaurant**

We have reviewed Liquor License Application and have no objections to the following establishment;

**Niky's Greek Restaurant**  
**29 Lisbon Street**



# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 15, 2011

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Public Hearing and Final Passage regarding an amendment to the Offenses and Miscellaneous Provisions Ordinance to prohibit the sale and use of consumer fireworks within the City of Lewiston.

**INFORMATION:**

The Council held a workshop in September with the Fire Chief regarding the new state law authorizing the sale and use of fireworks within the state. The new law allows municipalities the authority to set local regulations regarding the use of fireworks within their community. The Lewiston City Council has reviewed three different options regarding fireworks and considered limited use or an outright ban.

At the November 1 Council meeting, the Council voted 5-2 to completely ban the sale and use of fireworks within the city.

This agenda item is for final passage of the proposed ordinance to prohibit the sale of and use of fireworks within the City of Lewiston.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

This is a policy decision of the City Council.

*EATB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 50 "Offenses and Miscellaneous Provisions", Article VIII. "Sale and Use of Consumer Fireworks Prohibited", Sections 50-226 through 50-230, to create a new article banning fireworks within the city limits, receive final passage by a roll call vote.

## AN ORDINANCE PERTAINING TO FIREWORKS

### THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 50 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

#### CHAPTER 50

#### OFFENSES AND MISCELLANEOUS

Secs. 50-212—50-225 Reserved.

#### ARTICLE VIII. SALE AND USE OF CONSUMER FIREWORKS PROHIBITED

##### Sec. 50-226. Definitions.

The following definitions shall apply in this section:

- (1) Consumer fireworks shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3<sup>rd</sup>-party testing laboratory as conforming with United States Consumer Product Safety Commission standards in accordance with 15 United States Code, Chapter 47. “Consumer fireworks” does not include the following products:
  - a. Missile-type rockets, as defined by the State Fire Marshal by rule;
  - b. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
  - c. Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability, that rise into the air upon ignition, and that may produce a burst of color or sound at or near the height of flight.
- (2) Display means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

##### Sec. 50-227. Prohibition.

No person shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the City of Lewiston.

**Sec. 50-228. Exception.**

This section does not apply to a person issued a fireworks display permit by the City of Lewiston and/or the State of Maine pursuant to 8 M.R.S.A. §227-A.

**Sec. 50-229. Violations.**

- (1) Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use in the City of Lewiston in violation of this ordinance shall receive a citation.
- (2) The civil penalty set in accordance with the city's policy manual as approved by the city council shall be imposed for the issuance of citations. The civil penalties imposed are cumulative.

**Sec. 50-230. Seizure and disposal of fireworks.**

The City may seize consumer fireworks that the City has probable cause to believe are used, possessed, or sold in violation of this section and shall forfeit seized consumer fireworks to the State for disposal.

Note: Additions are underlined; deletions are ~~struck out~~.

**LEGAL AD**

**PUBLIC HEARING NOTICE  
CITY OF LEWISTON  
PROPOSED ORDINANCE AMENDMENTS**

Public hearings on the following ordinance amendments, for passage on first reading, will be held in the Council Chambers, City Building, on **Tuesday, November 1, 2011, at 7:00pm**, or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said ordinance adoption.

**OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE**

There will be two proposed versions of the ordinance. One amendment would ban the sale and use of consumer fireworks within the City of Lewiston. The other would permit the use of consumer fireworks in the Restricted Firearms Zone Two on July 4, December 31 and January 1.

**ADMINISTRATIVE ORDINANCE**

These amendments would increase by \$300 the annual stipend paid to the Mayor, City Councilors and School Committee members.

**LIBRARY ORDINANCE**

This amendment would establish guidelines for the Library Board of Trustees and their work soliciting donations and funds for use of the Library.

The City of Lewiston is an EOE. For more information, please visit our website at [www.ci.lewiston.me.us](http://www.ci.lewiston.me.us) and click on the Non-Discrimination Policy.

Kathleen M. Montejo, MMC  
City Clerk

**LEGAL AD - SUN JOURNAL - Thursday, Oct, 27, 2011**

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise  
FROM: Lewiston City Clerk's Office 784-2959 fax

Thank you.

Please bill the City Clerk's Dept account.

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 15, 2011

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Public Hearing and Final Passage regarding an amendment to the Library ordinance.

**INFORMATION:**

This amendment outlines the responsibilities of the Library Board of Trustees, especially regarding the solicitation and receipt of cash donations to the Library. The amendment also clarifies the use of the donated funds and notes they must be used within city policy guidelines. Please see the City Administrator's memorandum for additional information.

During the previous Council meeting, Councilor Cayer inquired about grants that the Library may receive and asked to have some language in the ordinance clarified regarding the acceptance of grants. The City Administrator has incorporated that language into this amendment.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*ERB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 48 "Library", Article II "Board of Trustees", Sections 48-21 and 48-22, receive final passage by a roll call vote.

**AN ORDINANCE PERTAINING TO LIBRARY BOARD OF TRUSTEES**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

Chapter 48 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**CHAPTER 48**

**LIBRARY**

**ARTICLE II. BOARD OF TRUSTEES\***

**Sec. 48-21. Membership, vacancies on board of trustees.**

(a) In accordance with the provisions of the act mentioned in section 48-1, the board of trustees shall consist of ten members of whom the mayor, ex officio, shall be one, and the remaining nine members shall be such other suitable persons as the mayor may select; provided, however, that all members shall be residents of the city. All non ex-officio members shall serve a term of three years. Members of the board of trustees shall not be eligible to serve for more than three full successive terms. The terms of office of members of the board of trustees appointed following the adoption of the amendment of this Code shall be established by the mayor who shall appoint one member to serve a one-year term; one member to serve a two-year term; and one member to serve a three-year term. Thereafter, all members shall be appointed for three-year terms.

(b) After the first election, the vacancies occurring annually in the board of trustees under the provisions of the act shall be filled by the mayor in January of each year, and in case of a vacancy during the year, the mayor shall select a successor for the residue of the term. In case a member of the board of trustees is elected to and accepts the office of mayor, his office as trustee shall be vacated and such vacancy shall be filled as above provided.

**Sec. 48-22. Responsibilities.**

(a) The board trustees shall act in an advisory capacity for the purpose of providing assistance to other municipal officials charged with the responsibility of furnishing quality public library service, except that the trustees shall have the authority to decide policy as to the following:

- (1) Identification and promotion of general library objectives;
- (2) Establishing the character and quality of books and other materials to be contained in the library collection;
- (3) Promoting cooperation with other libraries;
- (4) Providing effective programs and services to schools and other specialized groups in need of library service; and
- (5) Establishing and supporting cultural programs sponsored by the library.

(b) The board trustees may receive such ~~monies~~, property or other valuables as may be left to the library and shall advise the library director about their retention, ~~investment~~, sale or disposition. The retention, ~~investment~~, sale or disposition of any ~~monies~~, property or valuables shall be subject to the approval of the city administrator and the City Council, with regard to expenditures, in accordance with existing city policies.

(c) The trustees may solicit and receive cash donations made to the library to be used for library purposes. They shall advise the library director as to the investment and use of such funds, such use to be in accordance with any conditions imposed by the donor. They may also solicit and accept donations to the library's permanent endowment fund and advise the library director as to the investment and use of the endowment in accordance with existing city policies. The expenditure of any donated funds shall be subject to the approval of the city administrator and/or designee, and the City Council where appropriate, who shall ensure that applicable policies are adhered to.

(d) The trustees may authorize the library director to apply for and accept grants to the extent that such grants do not require a cash match from the City or the commitment of City resources in future years. Where such match is required or future resources must be committed, the trustees may request that the City Council authorize and accept such grants.

(~~e~~) Whenever a vacancy occurs in the position of library director, the trustees shall act in an advisory capacity and assist the city administrator in the selection of a new director.

NOTE: Additions are underlined; and deletions are ~~struck-out~~.

**LEGAL AD**

**PUBLIC HEARING NOTICE  
CITY OF LEWISTON  
PROPOSED ORDINANCE AMENDMENTS**

Public hearings on the following ordinance amendments, for passage on first reading, will be held in the Council Chambers, City Building, on **Tuesday, November 1, 2011, at 7:00pm**, or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said ordinance adoption.

**OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE**

There will be two proposed versions of the ordinance. One amendment would ban the sale and use of consumer fireworks within the City of Lewiston. The other would permit the use of consumer fireworks in the Restricted Firearms Zone Two on July 4, December 31 and January 1.

**ADMINISTRATIVE ORDINANCE**

These amendments would increase by \$300 the annual stipend paid to the Mayor, City Councilors and School Committee members,

**LIBRARY ORDINANCE**

This amendment would establish guidelines for the Library Board of Trustees and their work soliciting donations and funds for use of the Library.

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Kathleen M. Montejo, MMC  
City Clerk

**LEGAL AD - SUN JOURNAL - Thursday, Oct, 27, 2011**

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise  
FROM: Lewiston City Clerk's Office 784-2959 fax

Thank you.

Please bill the City Clerk's Dept account.

**LEWISTON CITY COUNCIL**  
**MEETING OF NOVEMBER 15, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Public Hearing and Final Passage regarding an amendment to the Administrative ordinance regarding the salary amount for the Mayor.

**INFORMATION:**

At the October 25 City Council meeting, Councilor Morgan recommended the City Council consider an increase to the salary amounts for the offices of Mayor, City Council and School Committee. He is recommending to increase each amount by \$300. The salaries have not been adjusted since January 1, 1990.

Currently the Mayor's salary amount is \$4,200 and this amendment would increase the amount to \$4,500.

Please see the City Administrator's memorandum for additional information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EATB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 2 "Administration", Article II "Officers and Employees", Section 2-76, regarding an increase in the Mayor's salary, receive final passage by a roll call vote.

**AN ORDINANCE PERTAINING TO ELECTED AND APPOINTED OFFICIALS**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

Chapter 2 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**CHAPTER 2**

**ADMINISTRATION**

**ARTICLE III. OFFICERS AND EMPLOYEES**

**DIVISION 1. GENERALLY**

**Sec. 2-76. Salaries of elected and appointed officials.**

Elected and appointed officials shall receive the following annual salaries, payable monthly:

- (1) *Mayor*. The mayor shall receive an annual salary of \$~~4,200.00~~ 4,500.00, payable monthly.

NOTE: Additions are underlined; and deletions are ~~struck-out~~.



## City of Lewiston Executive Department

EDWARD A. BARRETT  
City Administrator

PHIL NADEAU  
Deputy City Administrator



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October 26, 2011

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Elected Official Compensation

Council President Steve Morgan recently requested that the level of compensation for various elected and appointed positions be reviewed. In response, we surveyed the ten largest communities in Maine in order to compare the compensation that they provided to certain elected and appointed offices. The results of that survey are attached.

Based on this information, Councilor Morgan has proposed that the compensation of the Mayor be increased from \$4,200 to \$4,500 per year; that of Councilors from \$2,700 to \$3,000 per year; and School Committee members from \$1,200 to \$1,500, an increase of \$300 for each elected official.

In accordance with the City Charter, any increase in elected official compensation must be accomplished through ordinance and the increase is not effective until after the next regular city election. This provision is intended to ensure that a sitting Council cannot take action to increase compensation effective during its term in office.

Three separate ordinances are presented. The first addresses compensation for the Mayor and eliminates a section of the ordinance dealing with compensation for the personnel committee since that committee no longer exists. The second is for members of the City Council. The third is for the School Committee.

The last increase in compensation for elected officials took effect in January 1990.

COMPENSATION SURVEY

	Portland	Lewiston	Bangor	So. Portland	Auburn	Biddeford	Sanford	Brunswick	Augusta	Scarborough
Mayor/Council Chair	\$ 65,402	\$ 4,200	\$ 2,500	\$ 3,000	\$ 4,000		\$ 5,000	\$ 2,500	\$ 3,000	\$ 1,750
Councilors	\$ 5,813	\$ 2,700	\$ 2,000	\$ 3,000	\$ 1,800		\$ 4,000	\$ 2,000	\$ 2,400	\$ 1,500
School Committee Chair	\$ 7,195	\$ 1,200	\$ 250	\$ 1,000	\$ 600		\$ 2,000	\$ 1,500	\$ 3,000	\$ 1,750
School Committee	\$ 5,689	\$ 1,200	\$ 250	\$ 1,000	\$ 600		\$ 2,000	\$ 1,500	\$ 2,400	\$ 1,500
Planning Board	\$ -	\$ 600	\$ -	\$ -	\$ -		\$ -	\$ -	\$ 600	\$ -
Board of Appeals	\$ -	\$ 600	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
Finance Committee	\$ -	\$ 480	\$ -	N/A	\$ -		\$ -	N/A	N/A	\$ -

**LEGAL AD**

**PUBLIC HEARING NOTICE  
CITY OF LEWISTON  
PROPOSED ORDINANCE AMENDMENTS**

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**LIBRARY ORDINANCE**

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Kathleen M. Montejo, MMC  
City Clerk

**LEGAL AD - SUN JOURNAL - Thursday, Oct, 27, 2011**

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise  
FROM: Lewiston City Clerk's Office 784-2959 fax

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# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 15, 2011

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Order - Authorizing the City Administrator to Execute a First Amendment to the Employment Agreement between the City of Lewiston and Paul M. LeClair.

**INFORMATION:**

In 2009, the City entered into an employment agreement with Chief LeClair. The term of the Agreement is through December 2012 with the potential to be extended to February 2014. The Chief has indicated his willingness to extend the agreement until December 2014. The City Administrator recommends retaining Chief LeClair in his position as Fire Chief and notes it would be beneficial to the City given his experience and performance.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*← ABK/mm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to Execute a first amendment to the Employment Agreement between the City of Lewiston and Paul M. LeClair.



**City of Lewiston Maine  
City Council Order  
November 15, 2011**



**Order,** Authorizing the City Administrator to Execute a First Amendment to the Employment Agreement Between the City of Lewiston and Paul M. LeClair.

Whereas, in 2009, the City entered into an employment agreement with Fire Chief Paul LeClair; and

Whereas, the term of this agreement is through December 31, 2012 with the potential to be extended to February 28, 2014; and

Whereas, Chief LeClair has indicated his willingness to extend the term of his employment agreement until December 31, 2014; and

Whereas, retaining Chief LeClair in his position beyond the dates in the current contract would be beneficial to the City given his experience and performance;

**Now, therefore, be It Ordered by the City Council of the City of Lewiston that**

the City Administrator is authorized to execute a First Amendment to the employment agreement between the City and Paul M. LeClair, a copy of which is attached hereto.



## City of Lewiston Executive Department

EDWARD A. BARRETT  
City Administrator

PHIL NADEAU  
Deputy City Administrator



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November 10, 2011

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Amendment to Employment Agreement with the Fire Chief

In 2009, the city entered into an employment agreement with Fire Chief Paul LeClair which allowed him to retire and subsequently be re-employed by the City at an annual base salary 15% below the established pay grade for the position. The term of the agreement was through December 31, 2012, and it included language indicating that in no event would his employment be extended beyond February 28, 2014. A copy of the agreement is attached.

I have been in conversation with Chief LeClair regarding his plans for the future given the upcoming contract termination date.

Retaining him in his position beyond the dates in the current contract would be beneficial to the City given his experience and performance, and he has indicated an interest in remaining as Fire Chief beyond 2012 and potentially beyond 2014.

Given this, I would request that the Council consider approving an amendment to this employment agreement which would extend its term to December 31, 2016.

**FIRST AMENDMENT TO EMPLOYMENT AGREEMENT**  
**BETWEEN THE CITY OF LEWISTON AND PAUL M. LECLAIR**

The employment agreement dated February 25, 2009 made and entered into by and between the CITY OF LEWISTON (Androscoggin County), State of Maine, a municipal corporation, hereinafter sometimes referred to as "City," and Paul M. LeClair of Lewiston, State of Maine, hereinafter sometimes referred to as "Employee, is hereby amended as follows as of this the \_\_\_\_ day of \_\_\_\_\_, 2011.

Section II. B. (1) Term is hereby amended and replaced in its entirety as follows:

- (1) Term. Insofar as it relates to compensation and terms of employment, this Agreement shall remain in effect until December 31, 2016.

IN WITNESS WHEREOF, the City of Lewiston has caused this amendment to be signed and executed in its behalf by its City Administrator, and the Employee has signed and executed this agreement, both in duplicate, the day and year first above written.

CITY OF LEWISTON

Witness: \_\_\_\_\_

By \_\_\_\_\_  
Edward A. Barrett  
Its City Administrator

Witness: \_\_\_\_\_

By \_\_\_\_\_  
Paul M. LeClair

## EMPLOYMENT AGREEMENT

**THIS AGREEMENT**, made as of the 25th day of February, 2009, by and between **Paul M. Leclair** (hereinafter **Employee**) and the **CITY OF LEWISTON**, Maine, a body politic and corporate located in Androscoggin County, Maine (hereinafter **City**).

### I. WHEREAS,

A. **City**, acting through its City Administrator, desires to adequately and smoothly transition the organization from current long time employees in various management roles; and

B. **City**, consistent with that desire, will allow **Employee** to retire and thereafter be re-employed as the City's *Fire Chief*, in accordance with the provisions of the Lewiston City Charter (Charter);

C. **Employee** desires to accept such offer and be so appointed and employed;

D. It is the desire of the **City** and **Employee** to specify the terms and conditions of his employment and tenure as *Fire Chief*, and

E. **City** and **Employee** have reached an agreement with respect to the same which they wish reduced to a writing.

II. NOW, THEREFORE, for consideration paid, each to the other, including without limitation the mutual covenants and undertakings more fully hereinafter expressed, the Parties do hereby agree as follows:

A. **Appointment and Duties.** By official action of date herewith, City Administrator has appointed **Employee** as *Fire Chief*, to perform those duties imposed upon the *Fire Chief* under the terms of the City's Charter, Revised Code of Ordinances, and such other duties as may lawfully be assigned by City Administrator.

**B. Tenure**

(1) **Term.** Insofar as it relates to compensation and terms of employment, this Agreement shall remain in effect until *December 31, 2012*. In no event shall either this Agreement or Employee's employment with the City be extended beyond February 28, 2014.

(2) **Employee's Right of Termination.** **Employee** shall have the right to terminate this Agreement, along with his resignation as *Fire Chief*, upon thirty (30) days written notice to City Administrator.

(3) **City Administrator's Right of Termination for Cause.** City Administrator shall have the right to terminate this Agreement, along with **Employee's** employment as *Fire Chief*, for cause, after notice and hearing, in accordance with Maine law.

- C. **Compensation.** Commencing on March 4th 2009, **City** shall pay **Employee** a base annual salary of fifteen percentage (15%) below the salary grade for *Fire Chief* established in the City's Classification and Pay Plan, for the term of this contract. Said salary will be proportionally adjusted as the applicable salary grade for non-union employees in the Classification and Pay Plan may be adjusted.
- D. **Health and Dental Insurance Coverage.** **City** shall provide health insurance to **Employee** under the same terms and conditions as other non-union employees pursuant to the City's Personnel Policies, calculated on the basis of Employee's initial date of hire.
- E. **Vacation and Sick Leave** Employee shall accumulate the amount of sick leave and vacation time allowed under the City's Personnel Policies, calculated on the basis of Employee's initial date of hire. Employee shall receive at the time of execution of this agreement twenty (20) days of sick leave on the books. There will no cash-in value of any unused sick leave at the termination of this Agreement.

Further, Employee shall be entitled to have the entire annual vacation accumulation placed on the books on March 1<sup>st</sup> of each year. Should **Employee** terminate employment before earning such vacation days, equivalent monies shall be deducted from his final pay.

F. **No Further Retirement Benefits:** *Employee* shall not be entitled to any further contribution by the City towards any retirement program, including but not limited to the Maine Public Employees Retirement System or any 457k deferred compensation program.

G. **Notices.** Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

(1) **City:** City of Lewiston  
Attention: City Administrator  
City Hall  
27 Pine Street  
Lewiston, ME 04240

(2) **Paul M. Leclair:** 92 Baird Ave  
Lewiston ME 04222

Alternatively, notices given pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice in the State of Maine. Notice shall be deemed given as of the date of personal service or as of the date of deposit in the United States Postal Service.

H. **Other Benefits.** Except as otherwise provided in this Agreement, *Employee* shall be entitled to all economic benefits enjoyed by other salaried non-union employees of *City* as provided in City's Personnel Policies.

**I. Miscellaneous.**

- (1) This Agreement, supplementing the provisions of the Charter, constitutes the entire agreement between the parties and there are no other promises, covenants or undertakings between the parties with respect to the subject matter of this Agreement which do not appear on the face hereof.
  
- (2) This Agreement may be amended only by a mutual written agreement authorized by and executed by the **City** and **Employee**.
  
- (3) If any of the provisions or portions thereof contained in this Agreement are held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable and shall not be effected by such determination and **shall remain in full** force and effect.

Executed this 25<sup>th</sup> day of February, 2009.

**Witness**



**Paul M. Leclair**

**Fire Chief**

**Witness**



**James A. Bennett**

**Lewiston City Administrator**

\hrdiragr09

# LEWISTON CITY COUNCIL

## MEETING OF NOVEMBER 15, 2011

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Resolve to support the proposed Lewiston-Auburn Public Health Committee (LAPHC) By-Law Amendments and Member Nominations for Service.

**INFORMATION:**

In 2008, the City Councils of Lewiston and Auburn created the Lewiston-Auburn Public Health Committee (LAPHC) as the twin cities official public health organization. The Councils approved a set of bylaws to govern the operations of LAPHC and the Committee is now recommending some amendments to the bylaws to address some administrative changes. They are also recommending a list of nominees to serve as LAPHC representatives.

Deputy City Administrator Phil Nadeau serves as a city representative on LAPHC and will be able to address any questions from the Council.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Resolve to support the proposed Lewiston-Auburn Public Health Committee (LAPHC) By-Law Amendments and Member Nominations for Service.



**City of Lewiston Maine  
City Council Resolve  
November 15, 2011**



**Resolve,** To Support the Proposed Lewiston-Auburn Public Health Committee (LAPHC) By-Law Amendments and Member Nominations for Service

Whereas, in 2008, both the Lewiston and Auburn City Councils voted to approve the creation of the Lewiston-Auburn Public Health Committee; and

Whereas, after three successful years as L-A's official public health organization, the need for some administrative changes have been recognized to improve the viability and sustainability of this community's public health voice; and

Whereas, the LAPHC has voted to support the proposed by-law amendments and the list of nominees to serve as LAPHC representatives;

**Now, therefore, be It Resolved by the City Council of the City of Lewiston** that, The City Council approves the proposed Lewiston-Auburn Public Health Committee by-law amendments and the list of nominees submitted by the Lewiston-Auburn Public Health Committee.



The Office of  
Deputy City Administrator  
Phil Nadeau  
27 Pine Street • Lewiston, Maine • 04240  
Tel. 207-513-3121, Ext. 3201 • Fax 207-795-5069  
Email: pnadeau@lewistonmaine.gov



## MEMORANDUM

<b>TO:</b>	<b>Mayor and City Council</b>
<b>FROM:</b>	Phil Nadeau, Deputy City Administrator
<b>DATE:</b>	November 15, 2011
<b>RE:</b>	<b>L-A Public Health Committee By-Law Amendments</b>

### 1. BACKGROUND

The Lewiston and Auburn City Councils approved the creation of the L-A Public Health Committee back in 2008. Since that time, the committee has given voice to a better coordinated public health effort in L-A which has assisted in organizing area flu clinics; launched a hand-washing campaign in area public schools; participated in the creation of a new public area smoking ordinance in Lewiston; provided health information on raising chickens in an urban area; hosted a major regional forum to help residents, business owners, and landlords better understand issues around bed bugs and what options exists to eradicate and prevent infestations; and is now planning another forum to educate the public about the dangers of "bath salts."

Over the years, the committee has also come to better understand how committed our members are and also how busy they are. Schedules often make it difficult to meet the quorum requirements under the current by-laws. Additionally, as members and organizations experience changing staffs, budgets, and downsizing, the need to replace members has become problematic given the method by which the by-laws currently address filling vacancies in unexpired terms. Though we have many members who have participated, we also have experienced several instances in which some committee representatives and other member organizations have not been represented at a number of meetings.

In order to create an organization that is more flexible and responsive to the quickly changing business and economic climate around us, the following is a summary of the substantive by-law changes that have been approved by the L-A Public Health Committee:

- The LAPHC will now act as the coordinating agency and actually submit all new nominee submissions
- Vacancies in the unexpired term of any Representative can now be filled by the LAPHC to fill the unexpired term of any Representative
- All LAPHC Representatives are now voting members of the Committee
- The By-Laws now clarify that the Mayors may be appointed by the City Councils to serve as a LAPHC Representative

- The quorum and affirmative vote requirements have been adjusted to 25% of the Representatives given high rates of turnover and busy work schedules
- Like several L-A boards and committees, proxy voting will now be authorized
- Mechanisms are now in place to address meeting absenteeism

In the near future, both Councils will be presented with nominees to fill some remaining vacancies that we have been unable to fill to date.

## 2. RECOMMENDED ACTION

Approve the enclosed LAPHC by-law amendments and support the LAPHC nominees listed below to serve as LAPHC members:

- 1 Steve Johndro - Healthy Androscoggin – term expires 10/22/2013
- 2 Patrice Rossini - Lewiston Public Schools – term expires 10/22/2013
- 3 Pam Stinson - Auburn Public Schools – term expires 10/22/2014
- 4 Douglas Divello - Central Maine Medical Center-Admin – term expires 10/22/2014
- 5 Dr. Edmund Claxton - Central Maine Medical Center-Clinical – term expires 10/22/2014
- 6 Rene Dumont - St. Mary's Health Systems-Admin – term expires 10/22/2014
- 7 Stacy Paradis - St. Mary's Health Systems-Clinical – term expires 10/22/2010
- 8 MaryAnn Amrich - Maine CDC - District Health Officer – term expires 10/22/2013
- 9 Ronella Paradis - Maine CDC - Public Health Nurse – term expires 10/22/2013
- 10 Connie Jones - Seniors Plus – term expires 10/22/2013
- 11 Joanne Potvin - Androscoggin County EMA – term expires 10/22/2014
- 12 Qamar Bashir - Catholic Charities Maine – term expires 10/22/2014
- 13 **VACANT** - Mental Health Representative – term expires 10/22/2014
- 14 Fatuma Hussein - Ethno Based MAA/United Somali Women of Maine – term expires 10/22/2013
- 15 **VACANT** - Auburn City Council Representative – term expires December 2013
- 16 Ronald Jean - Lewiston City Council Representative – term expires January 2012
- 17 Dr. Brenda Joly - Research Associate and Faculty,USM,Portland - General Public/Auburn Resident or Non-resident/City of Auburn – term expires 10/22/2013
- 18 Heather Lindkvist - Bates Adjunct Prof - Non-resident General Public/Lewiston Resident or Non-resident City of Lewiston – term expires 10/22/2013
- 19 Larry Marcoux - General Public/City Resident Only City of Auburn – term expires 10/22/2014
- 20 **VACANT** - Lewiston or Auburn Business Sector – term expires 10/22/2014
- 21 Marcia Miller - Maine DHHS - Maine Care – term expires 10/22/2014
- 22 Dot Meagher - Auburn Local Health Officer – term expires 10/22/2014
- 23 Gil Arseneault - Lewiston Local Health Officer – term expires 10/22/2014
- 24 Heidi Mallis - Maine CDC - Western Maine Epidemiologist – term expires 10/22/2014
- 25 Sgt. James Lawlor - Auburn Police Department – term expires 10/22/2014
- 26 Lt. Michael McGonagle - Lewiston Police Department – term expires 10/22/2014
- 27 **VACANT** - Androscoggin Sheriff Department – term expires 10/22/2014
- 28 Dr. Karen Palin - Health Research/Data Liaison Bates College – term expires 10/22/2014
- 29 Phil Nadeau - Media Representative City of Lewiston – term expires 10/22/2014

**City of Lewiston & City of Auburn**  
**Approved Interlocal Agreement – AMENDED DRAFT FINAL**  
**10.4.11**

This Agreement is made and entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2007 by and between the Cities of Lewiston and Auburn, both political subdivisions of the State of Maine, in accordance with Chapter 115 of Title 30-A of the Maine Revised Statutes.

WHEREAS the Lewiston-Auburn Public Health Steering Committee, a group of concerned citizens representing a wide variety of healthcare providers, assembled for the purpose of articulating a new community vision to address our public health system of care through a mechanism that will greatly improve coordination and collaboration between healthcare providers, the public health sector, business, public schools, and local, county and state government;

WHEREAS the steering committee issued a September 2007 report entitled “Report to the Mayors and City Councils of Lewiston and Auburn: Recommendation to Approve the Creation of a Lewiston-Auburn Public Health Committee” which acknowledged existing budgetary constraints, provided a new blueprint which will enhance healthcare networking, partnerships and planning, and improves the delivery of public health services in Lewiston and Auburn;

WHEREAS the steering committee has provided for critical resident review through two public hearings in both cities and have received the input and endorsement of the major healthcare providers on the September 2007 report to the Mayors and City Councils of Lewiston-Auburn;

WHEREAS the Cities of Lewiston and Auburn agree to authorize the creation of a new joint standing committee for our community identified as the “Lewiston-Auburn Public Health Committee,” endorses the short-term and long-term goals proposed by the steering committee, and authorizes the implementation of its Constitution and By-Laws which shall read as follows:

**LEWISTON-AUBURN PUBLIC HEALTH COMMITTEE  
CONSTITUTION AND BY LAWS**

**ARTICLE I – NAME**

The name of this organization shall be the “Lewiston-Auburn Public Health Committee” or herein referred to as the “LAPHC”.

**ARTICLE II – MISSION STATEMENT**

“To create public health partnerships that promote physical and mental health and prevent disease, injury, and disability.”

### ARTICLE III – AUTHORITY

The LAPHC shall be a public health advisory body to the City Councils and Mayors for the Cities of Lewiston and Auburn. The LAPHC shall engage in those public health activities that are consistent with the “ten essential public health services” articulated in its vision and mission statement. The LAPHC shall be granted the authority to coordinate and plan public health activities, conduct public health campaigns utilizing funds and resources authorized by the City Councils of Lewiston and Auburn and made available by outside agencies.

### ARTICLE IV – MEMBERSHIP

Section 1. “Representative” shall be used to identify those appointed individuals who shall be entitled to voting privileges as outlined in these by-laws. ~~Voting representatives and their organizations may not appoint alternates to serve in place of the appointed representative~~

Section 2. Voting membership, equaling one vote, shall be appointed by a vote, conducted separately or jointly, by the eCity eCouncils of Lewiston and Auburn. ~~All organizations~~ The LAPHC, unless otherwise noted in Section ~~34 and 5 of these by-laws~~ is Article, shall submit one nominee for appointment by the eCity eCouncils. ~~Any organization~~ The LAPHC, unless otherwise noted in Section ~~3 and 5 and 6~~, whose appointee is not ratified by the City Councils shall be entitled to submit other nominees until such time as one is ratified.

In the specific case that the ~~voting Representative or their organization/position/area of focus terminates operations, relocates outside of Lewiston or Auburn~~ is terminated, significantly changes service operations, moves operations from outside the Lewiston Auburn area, is acquired by another entity, or in the opinion of both City Councils no longer fits or represents the mission of the LAPHC, the authority to amend these by-laws shall require a majority vote of both City Councils (done separately or jointly) to approve the selection of another organization/position/individual to fill the position unless otherwise specified in this Agreement.

The following organizations/positions/areas of focus shall make up the voting Representatives of the LAPHC:

- Healthy Androscoggin
- Lewiston Public Schools (note Section 4)
- Auburn Public Schools (note Section 4)

- Mental health ~~(note Section 3)~~
- Central Maine Medical Center – Administration
- Central Maine Medical Center - Clinical
- Sisters of Charity Health Systems – Administration
- Sisters of Charity Health Systems – Clinical
- New MeDHHS/Maine CDC District Public Health Officer
- MeDHHS/Maine Center for Disease Control - Public Health Nurses
- ~~MeDHHS/Office of Immigration and Multicultural Services~~
- SeniorsPlus
- Auburn City Councilor or Auburn Mayor (Section 5)
- Lewiston City Councilor or Lewiston Mayor (Section 5)
- Ethno based mutual assistance agency ~~(note Section 3)~~
- Business sector ~~(note Section 3)~~
- Androscoggin Emergency Management Agency
- Catholic Charities Maine/Refugee Immigrant Services
- General public/non-resident or resident – Auburn ~~(note Section 3)~~
- General public/non-resident or resident – Lewiston ~~(note Section 3)~~
- General public/resident only ~~(note Section 3)~~
- Maine Care
- Local Health Officer – Auburn
- Local Health Officer – Lewiston
- Maine CDC - Western Maine Regional Epidemiologist
- Auburn Police Department
- Lewiston Police Department
- Androscoggin Sheriff Department
- Health research/data liaison (note Section 6)

Section 3. ~~All Representatives to which this section applies shall unless otherwise noted in this Article, shall be appointed by the City Councils of both cities. The LAPHC may submit nominee recommendations to both City Councils utilizing a public selection process of the City Councils choosing. Membership to the “General public/resident only” position shall alternate between both cities and will begin with the selection of an Auburn resident to fill the first term.~~

Section 4. The Lewiston and Auburn School Boards shall submit their nominees representing the Lewiston and Auburn public school systems. The nominees may be a school board member or any other employee of the respective public school systems.

~~Section 5. Non-voting membership. The purpose of the non-voting Representative is to provide input and advice to the voting Representatives of the LAPHC.~~

~~In the specific case that the non-voting Representative or their organization/position is terminated, significantly changes service operations, moves operations from outside the Lewiston Auburn area, is acquired by another entity, or in the opinion of both City Councils no longer fits the mission of the LAPHC, the authority to amend these by-laws shall require a majority vote of both City Councils (done separately or jointly) to approve the selection of another organization/position/individual to fill the position.~~

~~All organizations, unless otherwise noted below, shall submit one nominee to for appointment by the city councils. Any organization/position/individual (unless otherwise noted below) whose appointee is not ratified by the City Councils shall be entitled to submit other nominees until such time as one is ratified.~~

- ~~• Maine Care~~
- ~~• Local Health Officer — Auburn~~
- ~~• Local Health Officer — Lewiston~~
- ~~• Maine CDC — Western Maine Regional Epidemiologist~~
- ~~• MeDHHS/Maine Center for Disease Control — Office of Minority Health~~
- ~~• Auburn Police Department~~
- ~~• Lewiston Police Department~~
- ~~• Androscoggin Sheriff Department~~
- ~~• Health research/data liaison (note Section 6)~~
- ~~• Media representative (note Section 6)~~

Section 65. ~~All City Council Representatives to which this section applies shall be appointed by their respective joint City Councils utilizing a public selection process of the City Councils choosing.~~

Section 76. Vacancies: Representative organizations specifically identified in this Agreement may nominate temporary alternates to fulfill the unexpired term of any Council approved Representative. These temporary alternates will be subject to approval by the LAPHC. The Chair may, with the approval of the LAPHC, appoint individuals not represented by specific organizations in this Agreement and are not subject to those exceptions noted in this Article.

In the event that the Chair has not received a nomination for the unexpired term of a Representative within thirty (30) days of any vacancy, the Chair shall be authorized to immediately appoint an individual to fill the unexpired term.

Only ~~the~~ City Councils shall ~~fill an existing vacancy~~ have the authority to appoint an individual for any LAPHC vacancy which remains unfilled after the full term of a Representative has expired. ~~to complete the un-~~

~~expired term of a committee member who has, for any reason, vacated the position either temporarily or permanently.~~

The Lewiston and Auburn City Clerks must be notified in writing by the LAPHC Chair or his/her designee ~~in writing~~ when such any vacancies vacancy occurs and be given applicable notice as to whom was appointed by the LAPHC Chair or nominated by the LAPHC to fill the vacant position.

## ARTICLE V – ORGANIZATION

Section 1. Conducting Business: The affairs of the LAPHC may be conducted by the members assembled at any authorized Regular or Special meeting of the ~~e~~Committee in which a quorum of the LAPHC is present.

Section 2. Officer terms, elections, vacancies: The two (2) officer positions of the LAPHC shall be as follows: Chairperson and Vice-Chairperson. Terms shall be three (3) year terms. Elections shall be conducted by the LAPHC representatives at any regularly scheduled meeting.

Section 3. ~~Committee~~LAPHC Representative terms:

A. The terms of all ~~members~~Representatives ~~of~~of the LAPHC with the exception of LAPHC Officers, City Councilors and Mayors, shall be set in staggered three (3) year terms set according to a schedule outlined in sub-section ~~BC~~ of this Section.

A.B. The terms of City Councilors or Mayors shall be two years and shall coincide with the municipal elections of both cities.

B.C. The terms of the ~~LAPHC members~~Representatives, with the exception of those in sub-section B of this section, shall be established according to the following schedule: At the inaugural meeting, those representatives nominated and elected as officers shall be immediately assigned to three (3) year terms. Prior to the inaugural meeting, ten voting representatives, selected randomly by the city councils, with the exception of the Chairperson and Vice-Chairperson, shall be assigned to three (2) year terms which shall subsequently become three (3) year terms thereafter. All other ~~LAPHC voting~~Representatives, with the exception of those listed in Sections A and B of this Article, ~~and non-voting representatives~~ shall be assigned to three (3) year terms that shall remain three (3) year terms thereafter.

## ARTICLE VI – DUTIES, RESPONSIBILITIES AND OTHER COMMITTEES

Section 1. Duties of the Chairperson and Vice-Chairperson:

A. Chairperson: Shall call all Regular, and Special meetings of the organization; will appoint ~~member~~Representatives to ad-hoc committees; and provide leadership to the organization.

- B. Vice-Chairperson: Shall provide assistance to the Chairperson and will serve as Chair in his/her absence.
- C. Committees: The LAPHC Chairperson may appoint ~~member~~ Representatives to, and create, ad hoc committees on an "as needed" basis. The ~~member~~ Representatives of those committees shall select chairpersons for all standing or ad hoc committees.

## ARTICLE VII – MEETINGS

- Section 1. Regular Meetings: Regular meetings shall be held as needed. All regular meetings are open to the public.

The Chairperson shall have the responsibility to ensure that notice/agendas for the Regular Meeting be forwarded to the general public and membership within a reasonable amount of time but no less than ~~seven days prior to the meeting date.~~ time but no less than forty eight (48) hours prior to the meeting date

- Section 2. Special Meetings: The Chairperson may call special meetings and each member and the media shall be notified by mail, email, fax or other communication. Email or faxed notices shall require written or verbal confirmation of attendance.

The Chairperson may call a special meeting for any purpose. The Chairperson shall make every reasonable effort to notify the media and membership of such meetings within twenty-four (24) hours of the scheduled date and time.

- Section 3. Standing and Ad Hoc Committee Meetings: The Chairperson, or his/her designee, of all standing and ad hoc committees shall provide reasonable notice to all ~~committee~~ LAPHC members and the media in the event of any scheduled standing or ad hoc committee meeting. Meeting rules and other such business shall be set by the ~~committee~~ LAPHC.

- Section 4. Quorum:
- A. Regular and Special Meetings: A quorum for all Regular and Special meetings of the LAPHC shall consist of those who are in attendance but shall be no less than ~~fifty~~ twenty-five (50/25) percent of the total membership. All affirmative votes of the LAPHC must receive no fewer than ~~twelve~~ seven (12/7) votes to be binding.
  - B. Standing and Ad Hoc Committees: There shall be no quorum requirements for any standing or ad hoc committee.

- Section 5. Voting: A binding vote of the LAPHC shall occur with a quorum present or may occur by email vote given that the item was posted on the

meeting's agenda in accordance with Sections 1 and 2 of this Article and that the votes are cast by those eligible Representatives identified within these by-laws. Proxy voting shall not be authorized for email voting.

Section 6. Proxy Voting: Proxy voting may be exercised by any Representative no more than three times per calendar year. All Proxy Representatives must be physically present at a properly posted meeting of the LAPHC to cast a vote. The Proxy Representative must be employed/associated with the Representative's organization, discipline or community position. In the absence of the Chair's or the LAPHC verifying the identity of the Proxy Representative, the Representative must provide written or verbal confirmation to the LAPHC of the Proxy's identity to allow the Chair or his/her designee to verify the validity of the vote.

Section 7. Meeting absences: Representatives must provide notice to the Chair or his/her designee of any meeting absence. Failure by the Representative or his/her Proxy to provide notice will be considered and unexcused absence.

If a member has three (3) or more unexcused absences, the Chair, with notice to the Representative and to the LAPHC, may terminate the Representative upon an affirmative vote of the LAPHC and pursue an interim replacement to fulfill the vacancy in accordance with Article 4, Section 6.

In the event that a Representative and his/her Proxy has six (6) or more excused absences, the Chair, with notice to the Representative and to the LAPHC, may terminate the individual upon an affirmative vote of the LAPHC and pursue an interim replacement to fulfill the vacancy in accordance with Article 4, Section 6.

## **ARTICLE VIII – BY-LAWS AMENDMENTS**

The LAPHC may, by majority vote, submit recommendations for by-laws changes to the City Councils which shall be delivered to the City Clerks of both cities. By-Laws shall only be amended with the approval of both City Councils (either conducted jointly or separately).

## **ARTICLE IX – RULES OF ORDER**

The current edition of Robert's Rules of Order shall govern the proceedings of all meetings of the LAPHC and its constituent parts except as provided by these by-laws.

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NOW, THEREFORE, the Cities of Lewiston and Auburn agree that this Agreement shall be governed by and construed in accordance with the laws of the State of Maine specifically including, but not limited to, Chapter 115 of Part 2 of Title 30-A of the Maine Revised Statutes. It shall be liberally construed to effect the purposes for which the Lewiston-Auburn Public Health Committee was created;

AND that the Lewiston City Administrator's Office shall provide basic administrative support services while the City Administrator in Lewiston and the City Manager in Auburn develop a mutually agreeable plan to develop other administrative support systems that will be submitted to both City Councils no later than six months from the date of this agreement;

AND that the existence of the Lewiston-Auburn Public Health Committee shall commence upon the latter of: (1) enactment of resolutions authorizing this Agreement by the City Councils of Lewiston and Auburn; and (2) the filing of this Agreement with the City Clerks of Lewiston and Auburn and the Secretary of State for the State of Maine in accordance with 30-A M.R.S.A., Section 2204;

AND that the modification of this Agreement may occur at any time by a duly enacted resolution of both City Councils of Lewiston and Auburn. Notification of any action to modify this Agreement must be delivered in writing to the Chairperson of the LAPHC and to the City Clerks in Lewiston and Auburn no later than fourteen (14) days prior to any scheduled vote of the City Councils in Lewiston and Auburn;

AND that the existence of the LAPHC shall continue until such time as either City Council in Lewiston or Auburn terminate this agreement;

AND that the termination of this Agreement may occur at any time by a duly enacted resolution of the City Council of Lewiston or the City Council of Auburn. Notification of any City Council action to terminate this Agreement must be delivered in writing to the Chairperson of the LAPHC and to the City Clerks in Lewiston and Auburn no later than fourteen (14) days prior to any scheduled vote of the City Council in either Lewiston or Auburn;

AND that in the event any provision of this is declared to be invalid or illegal, the remaining portions shall remain enforceable in accordance with their terms.

Motion for passage:  
Vote:

Seconded by:

Action by \_\_\_\_\_ City Council:  
ATTEST:

Date:

**LEWISTON CITY COUNCIL**  
**MEETING OF NOVEMBER 15, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Disposition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**LEWISTON CITY COUNCIL**  
**MEETING OF NOVEMBER 15, 2011**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**SUBJECT:**

Executive session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter regarding the annual evaluation of the City Administrator.

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

Entering into executive session is permitted and defined under Maine State Statutes.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To enter into an executive session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter regarding the annual evaluation of the City Administrator.