

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 5, 2013

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D' Auteuil, Libby, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

EXECUTIVE SESSIONS

VOTE (1)

Motion by Councilor Butler, seconded by Councilor Christ:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (C) to discuss Acquisition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session started at 6:01pm and ended at 6:45pm.

VOTE (2)

Motion by Councilor Butler, seconded by Councilor D' Auteuil:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.
Passed - Vote 7-0

Session started at 6:45pm and ended at 7:00pm.

7:00pm Regular Meeting

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D' Auteuil, Libby, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance.
Moment of Silence.

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period.

ANNUAL AUTHORIZATION FOR THE PUBLIC WORKS DEPARTMENT TO POST CERTAIN ROADS FROM MARCH 1 TO MAY 1 PROHIBITING VEHICLES HAVING A GROSS VEHICLE WEIGHT OF OVER 23,000 POUNDS

VOTE (3)

Motion by Councilor Cayer, seconded by Councilor Christ:

To authorize the Public Works Department to post the following roads prohibiting vehicles having a gross vehicle weight of over 23,000 pounds:

From March 1, 2013 to May 1, 2013:

- Ferry Road - From Cottage Road to River Road
- River Road - From Ferry Road to Solid Waste Facility
- Dyer Road - From Lisbon Road to Ferry Road
- Pinewoods Road - From Ferry Road to Town Line
- Gayton Road - From Lisbon Road to Town Line
- Webster Road - From Old Lisbon Road to Crowley Road
- Merrill Road - From College Road to Main Street
- Sleeper Road - From Merrill Road to Town Line
- Randall Road - From Sunrise Lane to Grove Street
- Grove Street - From Randall Road to Town Line
- Old Greene Road - From North Temple Street to Town Line
- No Name Pond Road - From Old Greene Road to Town Line
- Pond Road - From Cherrywood Drive to No Name Pond Road

Passed - Vote 7-0

RESOLVE ACCEPTING THE CITY OF LEWISTON'S COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED JUNE 30, 2012

VOTE (4)

Motion by Councilor Cayer, seconded by Councilor Christ:

To adopt the Resolve accepting the City of Lewiston's Comprehensive Annual Financial Report for the year ending June 30, 2012:

Be It Resolved by the City Council of the City of Lewiston that the City of Lewiston's Comprehensive Annual Financial Report, including its General Purpose Financial Statements for the year ended June 30, 2012 as prepared by City Finance staff and the Independent Auditor's Report thereon prepared by Runyon, Kersteen Ouellette, is hereby accepted in its entirety.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE MUNICIPAL OFFICERS OF THE CITY OF LEWISTON TO SETTLE WITH THE CURRENT TAX COLLECTOR, NANCY I. MENNEALY, FOR THE PAYMENTS RECEIVED AND OUTSTANDING/UNCOLLECTED PROPERTY TAXES FOR TAX YEARS 2004 THROUGH 2013

VOTE (5)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Resolve authorizing the Municipal Officers of the City of Lewiston to settle with the current Tax Collector, Nancy I. Mennealy, for the payments received and outstanding/uncollected property taxes for Tax Years 2004 through 2013:

Whereas, the current Tax Collector/Investment Officer, Nancy I. Mennealy, is retiring as of February 28, 2013, after 43 years of service with the City of Lewiston; and

Whereas, Title 36 M.R.S.A. ss 763 provides that: “When a Tax Collector is resigning the position of Tax Collector before the time set for perfecting his collections, said officers may settle with him for the money he has received on his tax lists, demand and receive from him such tax lists of outstanding taxes and discharge him therefrom;” and

Whereas, the outstanding and uncollected property taxes for tax years 2004 through 2013 as of January 29, 2013 are as follows:

2004	\$277.99
2005	\$1,350.52
2006	\$2,426.52
2007	\$4,724.81
2008	\$7,348.19
2009	\$12,789.32
2010	\$135,488.47
2011	\$146,707.37
2012	\$778,186.25
2013	<u>\$23,249,173.73</u>
TOTAL	\$24,338,473.17

Now, therefore, be it resolved by the City Council of the City of Lewiston that under the authority contained in Title 36 M.R.S.A. ss 763 as amended, we hereby discharge the current Tax Collector, Nancy I. Mennealy, from further liability or obligation to collect the balance due of the 2004 to 2013 property taxes in the amount of \$24,338,473.17.

Passed - Vote 7-0

RESOLVE AUTHORIZING THE MUNICIPAL OFFICERS OF THE CITY OF LEWISTON TO RECOMMIT OUTSTANDING AND UNCOLLECTED PROPERTY TAXES FOR TAX YEARS 2004 TO 2013 TO NEWLY APPOINTED TAX COLLECTOR/DEPUTY TREASURER PAMELA M. LABELLE

VOTE (6)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Resolve authorizing the Municipal Officers of the City of Lewiston to recommit outstanding and uncollected property taxes for Tax Years 2004 to 2013 to newly appointed Tax

Collector/Deputy Treasurer Pamela M. LaBelle:

Whereas, there has been a change in the Tax Collector’s office as a result of the retirement of the current Tax Collector, Nancy I. Mennealy, and the appointment of Pamela M. LaBelle as the new Tax Collector/Deputy Treasurer; and

Whereas, the total outstanding property taxes for tax years 2004 through 2013 as of January 29, 2013, is as follows:

2004	\$277.99
2005	\$1,350.52
2006	\$2,426.52
2007	\$4,724.81
2008	\$7,348.19
2009	\$12,789.32
2010	\$135,488.47
2011	\$146,707.37
2012	\$778,186.25
2013	<u>\$23,249,173.73</u>
TOTAL	\$24,338,473.17; and

Whereas, Title 36 M.R.S.A. ss 763 authorizes the Municipal Officers in a Primary Assessing Area to recommit outstanding taxes to the newly appointed Tax Collector/Deputy Treasurer, Pamela M. LaBelle; and

Whereas, Joseph Grube, the City of Lewiston’s Chief Assessor, will perform the actual recommitment and complete the Certificate of Recommitment;

Now, therefore, be it resolved by the City Council of the City of Lewiston that there is hereby committed, and newly appointed Tax Collector/Deputy Treasurer, Pamela M. LaBelle, is hereby authorized to collect, the aforementioned uncollected property taxes in the amount of \$24,338,473.17 for tax years 2004 through 2013, and Chief Assessor, Joseph Grube is authorized to complete the Certificate of Recommitment.

Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR FRANCO AMERICAN HERITAGE CENTER,
46 CEDAR STREET**

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

VOTE (7)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To grant a Special Amusement permit for live entertainment to the Franco American Heritage Center, 46 Cedar Street. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE
PARKS & RECREATION ORDINANCE AND THE ANIMALS ORDINANCE
REGARDING THE RENAMING OF PIERCE STREET PARK TO
THE MARK W. PARADIS PARK**

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

VOTE (8)

Motion by Councilor Christ, seconded by Councilor Libby:

That the proposed amendments to the City Code of Ordinances, Chapter 54 “Parks and Recreation” and Chapter 14 “Animals” regarding the renaming of Pierce Street Park and the Multi-Purpose Center playground, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

Passed - Vote 7-0

**PUBLIC HEARING FOR THE FISCAL YEAR 2014 LEWISTON CAPITAL
IMPROVEMENT PROGRAM**

The Mayor opened the hearing to receive citizen input and comment. No members of the public spoke for or against this item. The Mayor then closed the hearing. The City Administrator stated there are two amendments to be considered at the next meeting – one regarding Public Works and another regarding the School Department for \$104,000 for door lock replacements for security purposes.

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE PARKING
AGREEMENTS WITH TWIN CITIES, LLC AND TD BANK**

Councilor D’Auteuil recused himself from this item citing a conflict of interest regarding his employment. The City Administrator provided background on this issue.

VOTE (9)

Motion by Councilor Cayer, seconded by Councilor Christ:

To approve the Order authorizing the City Administrator to execute parking agreements with Twin Cities, LLC and TD Bank:

Whereas, Twin Cities LLC owns Bates Mill #3 and leases space to TD Bank; and

Whereas, Twin Cities and TD Bank have recently renegotiated this space lease and extend it through October 2025; and

Whereas, under the previous lease, the City provided parking to TD Bank at a variety of monthly rates; and

Whereas, in order to assist in the renegotiation and extension of the lease, the City has worked

with Twin Cities and TD Bank to consolidate prior parking agreements into a new monthly structure; and

Whereas, the revised rates will ensure the City a continued parking revenue stream, simplify the rate structure, and increase parking income over the term of the lease; and

Whereas, working with Twin Cities and TD Bank to allow for the banks continued presence and employment in Lewiston is in the best interest of the City;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute agreements with Twin Cities LLC and TD Bank relating to parking for TD Bank employees and visitors at their Bates Mill location in a form as substantially attached hereto.

Passed - Vote 6-0 (Councilor D'Auteuil recused himself)

ORDER AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER TWO TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF LEWISTON AND EDWARD A. BARRETT

VOTE (10)

Motion by Councilor Butler, seconded by Councilor Cayer:

To approve the Order authorizing the Mayor to execute Amendment Number Two to the employment agreement between the City of Lewiston and Edward A. Barrett:

Whereas, the City entered into an agreement with Edward A. Barrett on December 1, 2009 under which he assumed the position of City Administrator; and

Whereas, in accordance with that agreement, the City Council has evaluated the performance of the City Administrator; and

Whereas, based upon that evaluation, the City Council wishes to extend the term of the employment agreement for two years from June 30, 2014 to June 30, 2016; and

Whereas, the Council also wishes to adjust the Administrator's salary by 2% effective in January 2013, the same increase provided to other non-represented employees of the City;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the Mayor is authorized to execute a second amendment to the employment agreement with Edward A. Barrett, a copy of which is attached hereto.

Passed - Vote 7-0

RESOLVE SUPPORTING A PORTLAND NORTH PASSENGER TRANSIT SERVICE LINKING THE MUNICIPALITIES FROM PORTLAND TO LEWISTON AND AUBURN

VOTE (11)

Motion by Councilor Saddleire, seconded by Councilor Cayer:

To approve the Resolve supporting a Portland North Passenger Transit Service linking the municipalities from Portland to Lewiston and Auburn:

Whereas, the City of Lewiston wishes to study and evaluate the feasibility of developing high-quality passenger transit service between Portland and Lewiston-Auburn; and

Whereas, there is a growing need for fast, economical, and environmentally sound transit service between Portland, Lewiston, and Auburn that will support employment, medical, and entertainment opportunities within our neighboring regions; and

Whereas, the municipalities of both regions support the goal of reducing single-passenger vehicle trips and working toward developing transit service utilizing existing transit corridors; and

Whereas, MaineDOT conducted the Portland North Project, part of a New Starts Federal Transportation Program, in 2010 with a focus on addressing congestion mitigation in communities north of Portland; and

Whereas, Federal New Starts and Small Starts Transportation Programs have recently instituted new and broader standards designed to achieve land use, economic development, environmental, congestion mitigation, and economic opportunity goals; and

Whereas, the municipalities of Portland and Lewiston-Auburn regions view this study as part of a broader collaboration where communities can assist each other in addressing commuting, employment, and other sustainable practices that enhances livability; and

Whereas, the participating municipalities desire to work through the Portland region MPO, Portland Area Comprehensive Transportation System (PACTS), and the Lewiston-Auburn MPO, Androscoggin Transportation Resource Center (ATRC), to jointly conduct and manage the study;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the municipalities of Lewiston, Auburn, and Portland hereby endorse this Resolve and look forward to collaborative efforts through ATRC and PACTS toward seeking project funding and management and to work together on completing the feasibility evaluation of future high quality passenger commuter service between Portland, Lewiston, and Auburn; and

Be It Further Resolves, that the Lewiston City Council hereby directs the City Administrator to take whatever steps are necessary to work with officials of PACTS, ATRC, the municipalities of Auburn and Portland, and other communities within these regions on seeking program funding to advance this project toward implementation.

Passed - Vote 7-0

**RESOLVE EXTENDING THE TERM OF THE AD-HOC ADVISORY COMMITTEE
ON DOWNTOWN NEIGHBORHOOD ACTION**

VOTE (12)

Motion by Councilor Butler, seconded by Councilor Saddlemire:

To approve the Resolve extending the term of the Ad-Hoc Advisory Committee on Downtown Neighborhood Action:

Whereas, the Advisory Committee on Downtown Neighborhood Action was established on September 21, 2010; and

Whereas, the purpose of this committee is to work toward the implementation of the Downtown Neighborhood Action Plan and monitor its progress; and

Whereas, among the projects undertaken by the committee are the repeal of the overnight winter parking ban and associated efforts to educate downtown residents about the change; improvements to Paradis park; providing advice to City staff on downtown infrastructure projects such as the Walnut Street reconstruction project and the addition of bike lanes on Pine, Ash, and Park Street; and working with the City Arborist to identify locations for additional trees; and

Whereas, the committee's initial term of existence expired on January 1, 2013; and

Whereas, the committee is recommending that its term be extended for an additional two years until January 1, 2015;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that in accordance with the September 21, 2010 Resolve establishing an Ad-Hoc Advisory Committee on Downtown Neighborhood Action (attached) and the recommendation of the Committee, the Committee's term is hereby extended for an additional two years until January 1, 2015.

Passed - Vote 7-0

REPORTS AND UPDATES

The City Administrator outlined the process for the Joint Agencies budget. The Mayor shared that he recently had a good meeting with the local representatives of the refugee community.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

It was noted the Executive Session held at 6:30pm was not completed due to the 7pm start time of the regular meeting and therefore the Executive Session needed to be continued until the end of this meeting.

VOTE (13)

Motion by Councilor Butler, second by Councilor Libby:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.

Passed - Vote 7-0

Session started at 7:25pm and ended at 8:05pm.

VOTE (14)

Motion by Councilor Butler, second by Councilor Libby:

To adjourn at 8:05P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine