

# CITY OF LEWISTON

CITY COUNCIL

APRIL 20, 2010

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

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors Butler, Bernier, Poulin, Jean, Bailey, Cayer, Morgan, City Administrator Edward Barrett and Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.  
Moment of Silence.

### MAYORAL PROCLAMATION – THE SILVER STAR FAMILIES OF AMERICA

The Mayor read the proclamation honoring the sacrifices of the men and women who serve in the armed forces as well as their families and proclaiming May 1, 2010 as Silver Star Banner Day in Lewiston.

### PUBLIC COMMENT PERIOD

No members of the public addressed the Council at this time.

### VOTE (123-2010)

Motion by Councilor Butler, seconded by Councilor Morgan:

To dispense with the reading of the minutes of the meeting of April 6, 2010 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### APPROVAL OF THE ELECTION WARRANT CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MAY 11, 2010, FOR THE SCHOOL BUDGET VALIDATION REFERENDUM AND RECOMMENDATIONS FROM THE CITY CLERK/REGISTRAR OF VOTERS ON ACTIONS NECESSARY TO CONDUCT SAID ELECTION

### VOTE (124-2010)

Motion by Councilor Jean, seconded by Councilor Morgan:

Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, May 11, 2010 for the purpose of voting for the School Budget Validation Referendum, and to approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Election :

- A. That the hours for acceptance of registrations in person only, prior to the May 11th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, April 21 through May 10, 2010.
- 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.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at

7:00am, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

- D. To appoint the City Clerk as the City's Election Warden and the Deputy Registrar of Voters as the City's Ward Clerk, for the May 11 election.

Passed - Vote 7-0

**AUTHORIZATION FOR CITY ADMINISTRATOR TO APPROVE OR DENY ALL REQUESTS TO PLACE TEMPORARY SIGNS, BANNERS, FLAGS AND DECORATIONIS IN THE PUBLIC RIGHT OF WAY, ON BEHALF OF THE MUNICIPAL OFFICERS**

**VOTE (125-2010)**

Motion by Councilor Jean, seconded by Councilor Morgan:

ORDERED, That the City Council hereby authorizes the City Administrator or Deputy City Administrator to review and approve or deny all requests to place temporary signs, banners, flags and other decorations in the public right of way, on behalf of the Municipal Officers, during the period of April 20, 2010 through January 10, 2012. Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (126-2010)**

Motion by Councilor Jean, seconded by Councilor Morgan:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of items as outlined on the attached listing, less administrative fees or any portion thereof, in the cases of US Department of Justice Drug Enforcement Administration vs the cases outlined on the attached listing. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at TD Bank. Passed - Vote 7-0

**PUBLIC HEARING ON A NEW APPLICATION FOR A LIQUOR LICENSE FOR MARCHE, 40 LISBON STREET**

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

**VOTE (127-2010)**

Motion by Councilor Cayer, seconded by Councilor Morgan:

To authorize the City Clerk's Office to approve a new liquor license application for Marche, 40 Lisbon Street. Passed - Vote 7-0

**APPROVAL OF REVISIONS TO THE CITY POLICY MANUAL FOR THE BUILDING PERMIT FEE SCHEDULE, ELECTRICAL PERMIT FEE SCHEDULE, PLUMBING**

**PERMIT FEE SCHEDULE AND ZONING AND LAND USE CODE APPLICATION  
FEE SCHEDULE**

**VOTE (128-2010)**

Motion by Councilor Butler, seconded by Councilor Jean:

To adopt the Resolve, effective July 1, 2010, to amend the City Policy Manual by repealing the following policies and by adopting and establishing the proposed replacement policies: Policy Manual 4 – Building Permit Fee Schedule; Policy Manual 16 – Electrical Permit Fee Schedule; Policy Manual 43 – Plumbing Permit Fee Schedule; and Policy Manual 71 – Zoning and Land Use Code Application Fee Schedule:

Be it Resolved By the City Council of the City of Lewiston that effective July 1, 2010, the Policy Manual for the City of Lewiston is amended by repealing the following policies and replacing them in their entirety with the revised policies as attached hereto and made a part hereof.

- Policy 4 -- Building Permit Fee Schedule
- Policy 16 -- Electrical Permit Fee Schedule
- Policy 43 -- Plumbing Permit Fee Schedule
- Policy 71 -- Zoning and Land Use Code Application Fee Schedule

Passed - Vote 7-0

**PUBLIC HEARING ON AN ORDER TO VACATE THE PROPOSED “PAPER”  
STREET KNOWN AS TERRACE AVENUE ON THE APPROVED SUBDIVISION  
PLAN OF SWITZERLAND TERRACE**

**VOTE (129-2010)**

Motion by Councilor Poulin, seconded by Councilor Cayer:

To adopt the Order to vacate the proposed “paper” street known as Terrace Avenue, on the approved subdivision plan of Switzerland Terrace, and to direct the City Clerk to file said Order with the Registry of Deeds in accordance with state statutes:

Whereas, a petition has been submitted to vacate Terrace Avenue, a proposed public way; and

Whereas, Terrace Avenue was never constructed or used as a public way and has not been accepted by the City; and

Whereas, this proposed way still appears on the official subdivision plan of Switzerland Terrace; and

Whereas, the Planning Board voted unanimously on April 12, 2010 to send a favorable recommendation to the City Council regarding the proposed vacation of this way; and

Whereas, the Public Services, Public Works, Fire, and Police Departments have expressed no concerns regarding vacating this way; and

Whereas, all required parties have been notified of the public hearing held before the City Council on April 20, 2010; and

Whereas, seeing that no public need exists for the continued existence of this way, Planning and Code Enforcement recommend that it be vacated;

Now, therefore, be it Ordered By the City Council of the City of Lewiston that Terrace Avenue, an unbuilt public way as shown on the Switzerland Terrace subdivision plan and recorded in the Androscoggin County Registry of Deeds, Book of Plans, Volume 2, and Page 47, is hereby vacated from the southerly corner of Lot 206 and 107 to the north corner of Lot 212 and 192 extending from Fitzgerald Avenue to Riverview Avenue.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT STAFF REDUCTIONS INCLUDED IN THE PROPOSED FY2011 BUDGET**

Councilors inquired about City Administration’s contact with the six employee unions for possible ideas for budget reductions in recognition of the pending lay offs of employees. Mr. Barrett stated he has not had any discussions with the unions as of yet since he needs clarification from the Council regarding their targeted and intended goal for the budget. Councilors urged Mr. Barrett to engage in dialog with the unions as soon as possible. Councilors also stated they need to see the list prepared by the City Administrator of the twenty positions that will be eliminated, in order to make an educated decision on this proposed lay offs. Mr. Barrett noted once the list is released it the Council, the list becomes public and he urged the Council to allow him time to communicate directly with the impacted employees before the information is known publicly.

**VOTE (130-2010)**

Motion by Councilor Bernier, seconded by Councilor Butler:

To direct City Administration to release the compiled list of twenty staff reductions immediately, but to only release the titles of the positions and not the names of the staff members holding the position. Did Not Pass - Vote 1-6 (Councilor Bernier in favor; others opposed)

**VOTE (131-2010)**

Motion by Councilor Poulin, seconded by Councilor Bernier:

To postpone action on this item to the May 4 Council meeting. Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A FINAL AGREEMENT WITH OXFORD NETWORKS TERMINATIONG CABLE TV SERVICES IN ACCORDNANCE WITH THE PROVISIONS OF THE DISCONTINUATION OF VIDEO TERM SHEET**

**VOTE (132-2010)**

Motion by Councilor Morgan, seconded by Councilor Jean:

To adopt the Order authoring the City Administrator to negotiate and execute an Agreement with Oxford Networks for the discontinuation of their cable television Franchise Agreement, based upon the Term Sheet:

Whereas, Oxford Networks will discontinue IPTV services on or before May 1, 2010; and

Whereas, the decision by Oxford Networks to terminate their Cable TV franchise agreement in advance of the expiration date of June 1, 2014 required that Oxford Networks negotiate the impact of the termination of IPTV services to the community; and

Whereas, the Auburn City Council voted to support this agreement, which was jointly negotiated with the cooperation of Auburn's Assistant City Manager, on March 22, 2010; and

Whereas, the negotiated Term Sheet between the City of Lewiston and Oxford Networks will provide over \$300,000 in value to the city through \$240,000 in telephone expense credits over the next 10 years; \$26,000 in cash payments over the next four years; and through the extension of Oxford Networks fiber optics to the Sabattus Street fire sub-station within 18 months from July 1, 2010;

Now, therefore, be it Ordered By the City Council of the City of Lewiston that the City Administrator is authorized to negotiate and execute an Agreement with Oxford Networks for the discontinuance of their CATV Franchise Agreement based upon the attached term sheet.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A TELECOMMUNICATIONS DUCT BANK EASEMENT WITH THE PRESIDENT AND TRUSTEES OF BATES COLLEGE ALLOWING THEM TO INSTALL A DUCT BANK CROSSING FRYE STREET**

**VOTE (133-2010)**

Motion by Councilor Butler, seconded by Councilor Poulin:

To adopt the Order authorizing the City Administrator to execute an easement with Bates College allowing the installation of a telecommunications duct bank crossing Frye Street between the properties of 10 and 17 Frye Street and directing the City Clerk to record said easement with the Registry of Deeds:

Whereas, Bates College is renovating the property at 10 Frye St for student apartments; and

Whereas, Bates College wishes to install new telephone/data service lines to the building from another building located across the street at 17 Frye St; and

Whereas, the Departments of Public Works and Public Services have reviewed the request and agree the ductwork installation will not impact other utilities or use of the street;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute an easement allowing the installation of a telecommunications duct bank crossing Frye St between the properties of 10 and 17 Frye St.

Passed - Vote 7-0

**ORDER AUTHORIZING STAFF TO PROCEED WITH THE REMOVAL OF EXCESS STREET LIGHTS LOCATED ON ARTERIAL STREETS IN SERVICE ZONE 2**

**VOTE (134-2010)**

Motion by Councilor Butler, seconded by Councilor Jean:

To adopt the Order authorizing the staff to proceed with the removal of eighty-nine street lights located on arterial streets within Service Zone 2:

Whereas, in 2009, the City Council adopted a street light policy outlining the placement and spacing of street lights; and

Whereas, this policy was adopted in an effort to establish a uniform lighting standard for the City and to allow for the removal of excess street lighting and a reduction in City expenses; and

Whereas, the initial phase of lighting reduction in Service Zone 3 was authorized in February 2010; and

Whereas, this effort will now be extended to various arterial streets located in Service Zone 2; and

Whereas, in order to simplify the removal process and allow for more rapid benefit from reduced electricity consumption, removal of designated lights should be done without the trial period previously used which required staff to visit each light at least twice;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that Staff is hereby authorized to undertake the removal of 89 lights located on arterials in Service Zone 2 in accordance with the standards found in the Streetlight Policy. Streets to be addressed include Main Street (26 lights), Sabattus Street (28 lights), Lisbon Street (27 lights), and Pine Street between Webster and Sabattus (8 lights) for an annual savings of approximately \$11,748. Given that these lights are located on arterial streets, the prior trial system for street light removal is waived for these removals.

Passed - Vote 7-0

**RESOLVE APPROVING THE DONATION OF AN EARLY MODEL DRILL PRESS TO MUSEUM L/A**

**VOTE (135-2010)**

Motion by Councilor Cayer, seconded by Councilor Morgan:

To approve the Resolve authorizing the donation to Museum L/A of an early model drill press, manufactured by J. E. Snyder & Sons Company, which is currently in the possession of the Public Works Department:

Be it Resolved by the City Council of the City of Lewiston that the donation to Museum L-A of an early model drill press manufactured by J.E. Snyder & Sons Co. and currently in the possession of Public Works is hereby approved.

Passed - Vote 7-0

**REPORTS AND UPDATES**

Councilor Butler stated the youth summit was held last Friday with 100 students in attendance and he said the students had a great time and he complimented the LYAC for doing a great job with the summit.

**OTHER BUSINESS**

Mayor Gilbert stated that anyone who did not mail back their census forms will receive an in-person visit from a census worker at their place of residence. Deputy City Administrator Phil Nadeau stated the census worker will be carrying the proper identification and citizens should ask to see it. It was noted Lewiston's return rate is 72% for the forms.

**EXECUTIVE SESSION**

**VOTE (136-2010)**

Motion by Councilor Jean, seconded by Councilor Cayer:

To enter into executive session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session began at 9:07pm and ended at 9:48pm.

**VOTE (137-2010)**

Motion by Councilor Bulter, second by Councilor Cayer:

To adjourn at 9:50 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine