

CITY OF LEWISTON

CITY COUNCIL

JUNE 6, 2006

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

THE HONORABLE LIONEL C. GUAY, JR., MAYOR, PRESIDING.

PRESENT: Councilors Mendros, Bernier, O'Brien, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Sarah Peters reported that this would be her final meeting since she will be graduating this weekend. She noted that the May 26 Youth Art Show was a success, with forty-four pieces of artwork and two performance artists making presentations. Miss Peters thanked Councilor Rousseau for lining up the door prizes for the evening. She said that ten members of LYAC are preparing to go to California to compete for the All-America City award this weekend. Interviews were held on June 1 for new members of LYAC - there will be seven returning members and five new members. She said the group met with the new principal of Lewiston High School to discuss the electronic message board project. One of the new issues that LYAC will be undertaking will be awareness of underage drinking. Councilors thanked Sarah for her work and dedication to LYAC over the past year and wished her well in her future endeavors.

VOTE (132-2006)

Motion by Councilor Jean, seconded by Councilor Samson:

To dispense with the reading of the minutes of the May 16 and May 23, 2006, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

APPOINTMENT TO THE VOTER REGISTRATION APPEALS BOARD

VOTE (133-2006)

Motion by Councilor Jean, second by Councilor Samson:

To appoint Gerald P. Berube, 34 Ashmount Street, as the chairperson of the Voter Registration Appeals Board for a four year term, said term to expire April 1, 2010; to appoint Diane Poirier, 1 Manning Avenue to serve as the Democratic party representative for a three year term, said term to expire April 1, 2009 and to appoint Douglas Hodgkin of 9 Sutton Place to serve as the Republican party representative for a three year term, said term to expire April 1, 2009. Passed - Vote 7-0

**RECOMMENDATIONS FROM THE CITY CLERK REGARDING
ABSENTEE BALLOTS FOR THE STATE CANDIDATE PRIMARY ELECTION
ON JUNE 13, 2006**

VOTE (134-2006)

Motion by Councilor Jean, second by Councilor Samson:

Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 4:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (135-2006)

Motion by Councilor Jean, second by Councilor Samson:

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 fifteen (15%) percent of the proceeds from the sale of five (5) acres in Brownfield, Maine or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Ross Wheaton, Corey Wheaton and Dan Swasey, CE-03-0011 (N-78), 05-DEA-449680; the transfer of fifteen (15%) percent of the proceeds from the sale of one hundred fifty five (155) acres in Brownfield, Maine or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Ross Wheaton, CE-03-0011 (N-77), 05-DEA-449684; the transfer of twenty percent (less administrative fee) of \$12,000 or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Unidentified, CE-06-0008, 06-DEA-467719; and the transfer of \$1,609.00 or any portion thereof, in the case of the State of Maine vs. Charles K Dent, CR-06-497. 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 People's Heritage Bank. Passed - Vote 7-0

**ADOPTION OF MEETING SCHEDULE FOR THE MONTHS OF
JUNE, JULY AND AUGUST**

VOTE (136-2006)

Motion by Councilor Jean, second by Councilor Samson:

To suspend Section 1,(a) of the Rules Governing the City Council, and to hold the second June Council meeting on Tuesday, June 27th at 6:30pm, to only hold one regular meeting during the month of July, said meeting to be held on Tuesday, July 25th at 6:30pm and to hold only one regular meeting during the month of August, said meeting to be held on Tuesday, August 15th at 6:30pm. Passed - Vote 7-0

The City Administrator noted that following the June 27 meeting, the Council will hold a workshop on issues regarding property taxes and revaluations and will work on ideas to share with the state legislature regarding changes to the property tax structure. At the July Council workshop, the Lewiston legislative delegation will be invited to discuss ideas for property tax changes.

FIRST PASSAGE OF THE FISCAL YEAR 2007 TAX RESOLVE

Councilor Bernier asked when the mil rate will be set. The City Administrator noted it is always set in July once the Assessing Department completes all of their work for the year. The projected mil rate for the coming year is \$26.65, but this still needs to be finalized.

VOTE (137-2006)

Motion by Councilor Samson, second by Councilor Jean:

That the Tax Resolve instructing the Chief Assessor to raise \$39,694,411.00 to finance the Fiscal Year 2007 budget have first passage by a roll call vote:

RESOLVED, That the Chief Assessor of the City of Lewiston, Maine be ordered to raise by assessment upon estates of residents of the City of Lewiston, and upon estates of non-resident proprietors in said City of Lewiston for the current fiscal year commencing July 1, 2006, the sum of Thirty-Nine Million Six Hundred Ninety-Four Thousand Four Hundred Eleven Dollars for the payment of the county tax, for ordinary indebtedness and expenses, for interest on the debt of the City of Lewiston, and for the payment of lawful debts and dues of the City of Lewiston.

Appropriation Resolve		\$81,984,056
LESS:		
Estimated Revenues	\$41,123,637	
Prior Years' Surplus	1,166,008	
Total Adjustments		\$42,289,645
Net Appropriation		\$39,694,411
TAX LEVY:		\$39,694,411

Interest on Real and Personal Taxes will be charged on all taxes which shall remain unpaid after the respective due dates of September 15, 2006 and March 15, 2007, at the rate of 11.0%.

Any taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of the overpayment plus interest from the date of overpayment at the rate of 7.0%.

Passed - Vote 7-0

**ORDER TO ABATE A MALFUNCTIONING DOMESTIC WASTE WATER
DISPOSAL FIELD LOCATED AT 83 NO NAME POND ROAD**

The City Administrator stated that the staff in the Code Enforcement Department is working with the homeowner regarding a new funding program available through Community Concepts, Inc. which could pay for the work to repair the failing system. It was suggested to postpone this item to the next Council meeting to allow time for the homeowner to explore this new funding option.

VOTE (138-2006)

Motion by Councilor Samson, second by Councilor Mendros:

To continue this item to the next Council meeting to allow the applicant time to explore other alternative options. Passed - Vote 7-0

**AUTHORIZATION FOR LOTS TO GARDENS TO CREATE A COMMUNITY
GARDEN IN UPPER FRANKLIN PASTURE**

The City Administrator noted that Lots to Gardens has been around for several years and is a successful program. The Council approves new lots if the lots are on city property and this proposal tonight has the endorsement of city staff, Mr. Bennett stated. Councilor Samson commented on a \$20,000 grant that Lots to Gardens received that must be used by September. Councilor Jean noted that his father maintained a garden plot on the same space that Lots to Gardens is seeking permission for this evening. Councilor O'Brien inquired about water sources for this area and a representative of Lots to Gardens stated they are still exploring their options. Councilor Samson inquired about the support received from St. Mary's and it was noted that Sisters of Charity Health Systems (SOCHS) is the parent company of Lots to Gardens. Councilor Bernier noted it is an exciting project and wished them luck; Councilor Mendros said that he applauds their efforts.

VOTE (139-2006)

Motion by Councilor Samson , second by Councilor Mendros:

To authorize the organization Lots to Gardens to create a community garden in Upper Franklin Pasture, final layout and design shall be determined jointly by Lots to Gardens representatives, the Director of Recreation & Parks and the Director of Public Works. Passed - Vote 7-0

REPORTS AND UPDATES

Mayor Guay noted that he just returned from the National Conference of Mayors convention where he accepted a national Livability Award on behalf of the City. He said that Lewiston was one of twenty municipalities in the country to receive such an award from over one hundred and fifty applicants.

OTHER BUSINESS

No other business was presented at this time.

VOTE (140-2006)

Motion by Councilor Paradis, second by Councilor Mendros:

To adjourn at 7:45 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine