

CITY OF LEWISTON

CITY COUNCIL

JUNE 27, 2006

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:30 P.M.

COUNCIL PRESIDENT RENEE A. BERNIER, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence. The Moment of Silence was held in memory of the four members of our community who lost their lives in the plane crash in Bethel last week - pilot William "Charlie" Weir and Lewiston High School Students Nicholas Babcock, Shannon Fortier and Teisha Loesburg.

VOTE (141-2006)

Motion by Councilor O'Brien, seconded by Councilor Samson:

To authorize the Finance Director and the City Administrator to transfer \$8,000 from available resources which they identify in the FY2006 budget to make a donation to the Lewiston School Department Memorial Fund to assist with the funeral expenses of the families of the Lewiston High School students who loss their lives in the recent airplane tragedy. Passed - Vote 6-0

PRESENTATION TO THE FINANCE DIRECTOR AND DEPUTY FINANCE DIRECTOR REGARDING THE CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION

At this time, Council President Bernier presented to Finance Director Richard Metivier and Deputy Finance Director Heather Hunter the plaque recognizing the Certificate of Achievement for Excellence in Financial Reporting, as presented by the national Government Finance Officers Association. City Administrator James Bennett noted the city has received this prestigious award consecutively for over 25 years, one of only very few municipalities in Maine that receive such a distinguished award.

Councilor Mendros arrived at this time.

VOTE (142-2006)

Motion by Councilor O'Brien, seconded by Councilor Jean:

To dispense with the reading of the minutes of the June 6, 2006, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**REQUEST FOR USE OF CITY SERVICES FOR THE FOURTEEN ANNUAL
GREAT FALLS BALLOON FESTIVAL**

VOTE (143-2006)

Motion by Councilor Jean, second by Councilor Samson:

To approve the request for the use of city services for the Great Falls Balloon Festival:

ROAD CLOSURES AND POSTINGS:

Friday, August 18, 2006 5:00pm - Sunday, August 20, 2006 7:00pm

Establishment of a one lane wide walking lane on the Longley Bridge (northbound or downstream side) to facilitate pedestrian movement between Festival activity areas in Auburn and Lewiston and for use by Festival logistical vehicles such as golf carts.

Friday, August 18, 2006 12:00pm - Sunday, August 20, 2006 7:00pm

Posted closure of Oxford Street from Cross Street to Chestnut Street, and posted closure of Beech Street, to facilitate safe pedestrian movement and access for festival logistical vehicles.

Sunday, August 20, 2006 11:30am - 12:30pm

Posted closure of Canal Street from Main Street to Chestnut Street for canal rubber duck race. Posted closure of one northbound lane of the Canal Bridge on Main Street for rubber duck race logistical set up.

OTHER REQUESTS:

Friday, August 18, 2006 12:00pm - Sunday, August 20, 2006 6:00pm

Authorization for the Police to ticket and tow away vehicles not in conformance with posted parking bans.

Permission for the Great Falls Balloon Festival, Inc. to control all food and product vendors on Main Street between Middle Street and Longley Memorial Bridge, on Canal Street from Main Street to Chestnut Street, on Chestnut Street from Canal Street to Oxford Street, and along Lisbon Street from Chestnut to Main Street, Lincoln Street from Main to Cedar Streets, Oxford Street from Cross Street to Cedar Street, North Street, Water Street, and the adjacent area between Cross Canal #1 and the Androscoggin River.

Permission for the Great Falls Balloon Festival to use Veterans Memorial Park, the former Libby parking lot, Railroad Park and Railroad Park North (along Water Street) from midnight, Thursday, August 18 to 12:00pm Monday, August 21 for Festival activities, specifically helicopter flights, and to control use, access and security in the area, subject to final approval from the Chief of Police, pending completion and submission of all appropriate forms with the City Recreation & Parks Department.

SECURITY:

The Lewiston Police Department shall be responsible for traffic control, security and crowd control in Lewiston activity areas.

TRASH REMOVAL:

The City shall supply one 50 yard dumpster at Railroad Park and waive the tipping fees.

LICENSES:

Fees for the food booths operated by non-profit organizations shall be waived by the City. Licensing fees for a carnival operated by a non-profit organization shall be waived by the City. Licensing fees for use of the parks, for the outdoor entertainment permits and for the sound amplification permits, all obtained in the name of the Great Falls Balloon Festival, shall all be waived by the City.

USE OF PUBLIC WORKS PERSONNEL:

Permission for Public Works personnel to erect (together with Auburn Public Works personnel) food booths in Auburn and Lewiston, and to provide assistance during the festival.

PARKING

Use of the Bates Mill parking lots that are city owned and/or controlled, the Chestnut Street parking garage, and the Canal Street parking garage, for festival and volunteer parking, and the new city parking lot on the corner of Lincoln Street and Chestnut Street, across from FX Marcotte Furniture, for volunteer parking, as per the requirements and procedures outlined in the City's Facilities Use Policy.

Passed - Vote 7-0

REQUEST FROM THE INDEPENDENCE DAY COMMITTEE FOR USE OF CITY SERVICES FOR THE LIBERTY FESTIVAL

VOTE (144-2006)

Motion by Councilor Jean, second by Councilor Samson:

To approve the request from the Independence Day Committee for the use of city services for the Liberty Festival to be held July 4, 2006 at Veterans' Memorial Park:

- 1) Use of Veteran's Memorial Park and Lower Lot A and B, subject to availability and completion of appropriate forms with the Recreation Department, during July 3rd (set-up), July 4th, and July 5th (tear down).
- 2) To allow parking in Chestnut Street garage and Lower Lots A and B to be by donation, subject to availability and completion of appropriate forms with City Administration.
- 3) The closing of one lane of the Longley Memorial Bridge at 8:00am on Tuesday, July 4, 2006, subject to the discretion of the Chief of Police and his designees.
- 4) The closing of two lanes of the Longley Memorial Bridge from 4:00pm - 11:00pm on Tuesday, July 4, 2006, subject to the discretion of the Chief of Police and his designees.

- 5) The closing of Mill Street from 7:00am - 11:00pm on Tuesday, July 4, 2006 for use for parking for festival organizers, vendors and entertainers, subject to the discretion of the Chief of Police and his designees.
- 6) Use of barriers from Public Works for the closure of the streets, subject to discretion of the Public Works Director and his designees.
- 7) To grant authorization for the Independence Day Committee to allow peddlers and/or vendors, on Main Street, between the Longley Bridge and Canal Street, Lincoln Street between Main Street and Cross Street, and on Mill Street, for the Liberty Festival Celebration from 4:00pm - 11:00pm on Tuesday, July 4, 2006, and to prohibit any peddlers and/or vendors in the defined area who are not authorized by the Independence Day Committee
- 8) Services of the Lewiston Fire Department, at the sole discretion of the Fire Chief and his designees, regarding public safety during fireworks display.
- 9) Use of a dumpster to be provided by Public Works for placement on Mill Street.
- 10) Waiver of any fees required by the Police Department and Public Works Department, wavier of any licensing fees for non-profit food booth vendors and waiver of licensing fees for use of the park, outdoor entertainment permit, peddler permit and sound amplification permit if obtained in the name of the IDC.

All of the above approvals are subject to the following conditions:

- 1) Security, satisfactory to the Police Chief, to be provided at the expense of the Independence Day Committee.
- 2) Portable toilet facilities and hand-washing units to be provided during the event, subject to the discretion of the City's Health Officer.
- 3) Area to be kept properly cleaned by the Independence Day Committee.

Passed - Vote 7-0

**REQUEST FROM THE MOXIE FESTIVAL COMMITTEE TO BORROW TABLES
AND CHAIRS FOR USE DURING THE FESTIVAL**

VOTE (145-2006)

Motion by Councilor Jean, second by Councilor Samson:

To approve the request from the Moxie Festival Committee to borrow forty tables and two hundred chairs from the Lewiston Recreation Department for use during the Moxie Festival on July 7, 8 and 9, 2006. Passed - Vote 7-0

FORMAL REQUEST TO THE PLANNING BOARD TO INITIATE AMENDMENTS TO THE LAND USE CODE REGARDING ADDING ASSOCIATE MEMBERS TO THE HISTORICAL PRESERVATION REVIEW BOARD

VOTE (146-2006)

Motion by Councilor Jean, second by Councilor Samson:

To request that the Planning Board review and consider changes to the Land Use Code regarding adding associate members to the Historic Preservation Review Board.

Passed - Vote 7-0

AMENDMENT TO THE POLICY MANUAL FOR THE RULES TO GOVERN THE CITY COUNCIL REGARDING THE COUNCIL’S HOUSING COMMITTEE

VOTE (147-2006)

Motion by Councilor Jean, second by Councilor Samson:

To amend Section 6a of the Policy Manual, Policy Number Six “Rules to Govern the City Council” to amend the structure of the Housing Committee to allow for one member from the Empower Lewiston Board of Directors, one member from the Lewiston/Auburn Landlord Association, one member of the Lewiston Housing Authority staff and one citizen member. Passed - Vote 7-0

FINAL PASSAGE OF THE FISCAL YEAR 2007 TAX RESOLVE

VOTE (148-2006)

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 final 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

PUBLIC HEARING REGARDING ADOPTION OF BOND RESOLUTION FOR THE FISCAL YEAR 2007 CAPITAL IMPROVEMENT PROGRAM PROJECTS

City Administrator James Bennett noted that a few projects were removed from the LCIP, such as the Kennedy Park Master Plan funds, the Lisbon Street Fire Station Study and the Police Department Expansion Study, noting these projects will be funded in operating costs, not capital expenditures. Mr. Bennett recommended adding \$300,000 to the LCIP for the restroom renovations at the Colisee, noting this is part of the renovations to the building. Rearranging and expanding the restroom area will allow for additional space to be used backstage which will allow for larger acts to contract with the Colisee.

VOTE (149-2006)

Motion by Councilor Jean, second by Councilor O'Brien:

To add \$300,000 to the Bond Issue Order for the restroom renovation at the Colisee.

Passed - Vote 6-1 (Councilor Mendros opposed)

Council President Bernier then opened up the floor to allow residents to comment on the LCIP bond issue projects. At the request of Councilor Jean, Diane Lamoreau of 23 Bushey Circle and Amy Burns of 25 Bushey Circle addressed the Council regarding their concerns with the lack of clean water from the city's water pipes. They noted that their water is brown and is unusable for drinking, cooking, bathing or laundry. They noted the water has been this way for months, if not years, and they have complained numerous times and the problem has not been corrected. They stated they are hoping that some of the projects in the LCIP will fix the water issues. Charles Soule, 170 Bartlett Street, spoke and suggested the City use CDBG funds to clean up the water. With no other residents interested in speaking, Council President Bernier then closed the hearing.

Councilor O'Brien noted the Empower Lewiston Board is pleased with the projects in the LCIP and are looking forward to the completion of these projects for the betterment of the community. Councilor Mendros expressed concern about the current debt load of the city, stating it is high based upon the amount we are paying off, and concerns about adding

additional debt. Councilor Rousseau enforced the need to upgrade the ice compressor at the Colisee, stating that the building has been burning up compressors since they are small and not adequate. Councilors also expressed concerns about the brown water in the city pipes and asked to have this as a discussion item on the next meeting agenda.

VOTE (150-2006)

Motion by Councilor Samson, second by Councilor Jean:

To approve the Order to authorize the Bond Resolution to finance the Fiscal Year 2007 Capital Improvement Program projects, in the amount of \$15,810,000:

CITY COUNCIL BOND RESOLUTION ORDER

ORDERED: That \$15,810,000 be appropriated for financing the following Capital Improvement Programs:

DEPARTMENT	PROJECT	AMOUNT
LMRC/Bates	Operating Subsidy	\$575,000
	Project Infrastructure	900,000
Public Services	Canal Street Parking Garage Rehab.	450,000
	ADA Improvements	30,000
	City Buildings Window Replacement Project	40,000
	Island Point Development - Public Infrastructure	235,000
	Gendron Business Park Road & Utilities	2,600,000
	Grand Trunk Parking Lot	220,000
Public Works	Russell Street Traffic Calming & Pedestrian Modifications & Repairs to Leachate System	160,000
	Landfill 1st Cover to Cell 3	200,000
	Replace Head Gates - Upper A	155,000
Colisee	Ice Resurfacer	80,000
	New Compressor Upgrade	265,000
	Portable Staging - Main Floor	90,000
	Boiler Rehab.	65,000
	Restrooms Renovation	300,000
Municipal Sub-Total		6,565,000
Storm Water	Storm Drain Rehab.	150,000
	NPDES - Phase II Permit	60,000
	Dill/Hart Brook Watershed Management Plan	70,000
	Combined Sewer Overflow Storage	2,900,000
Storm Water Sub-Total		3,180,000

School	Dingley Building - Boiler, A/C & Ventilation	450,000
	High School - Floor Replacement (Cafeteria)	50,000
	Middle School - Main Roof Replacement	195,000
	Middle School - Masonry Restoration	685,000
School Sub-Total		1,380,000
Water	Water Treatment Program	325,000
	Main St. and Central Ave. Pump Stations Equipment Upgrade	140,000
	Large Main Replacement	850,000
	Small Main Replacement	85,000
Water Sub-Total		1,400,000
Sewer	Randall Road Station Rehab.	385,000
	Combined Sewer Overflow Storage	2,900,000
Sewer Sub-Total		3,285,000
GRAND TOTAL		\$15,810,000

FURTHER ORDERED, That to meet this appropriation, \$15,810,000 shall be raised by a Public Improvement Bond Issue;

FURTHER ORDERED, That the City Council instruct the Finance Director to advertise for bids for \$15,810,000 Public Improvement Bonds; to award the loan, and to employ Edwards, Angell, Palmer & Dodge to furnish the legal opinion of the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank; and provided further, the amount to be financed for the Colisee projects may be sold on a negotiated basis;

FURTHER ORDERED, That the bonds shall be signed by the City Treasurer and Mayor;

FURTHER ORDERED, That the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director; and

FURTHER ORDERED, That bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 7-0

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE FOR AN
AMENDMENT TO THE UTILITIES ORDINANCE REGARDING
STORMWATER MANAGEMENT**

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing. City Administrator Bennett stated this ordinance sets out the framework for the utility and does not contain any fees, which will be adopted by policy at the July or August Council meeting. This passage sets the framework to establish the utility.

VOTE (151-2006)

Motion by Councilor O'Brien, second by Councilor Jean:

That the proposed amendments to the Utilities Ordinance, Article IV. Stormwater Utility, Sections 74-300 through 74-314, regarding the establishment of a stormwater management utility district, receive first passage by a roll call vote. Passed - Vote 6-1 (Councilor Mendros opposed)

VOTE (152-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 7-0

VOTE (153-2006)

Motion by Councilor Samson, second by Councilor Jean:

That the proposed amendments to the Utilities Ordinance, Article IV. Stormwater Utility, Sections 74-300 through 74-314, regarding the establishment of a stormwater management utility district, receive final passage by a roll call vote. Passed - Vote 6-1 (Councilor Mendros opposed)

At this time, Council President Bernier took agenda items 10 - 15 out of order and addressed them at this time.

**PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE
AMENDMENTS REGARDING CHILD CARE FACILITY STANDARDS**

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

VOTE (154-2006)

Motion by Councilor Rousseau, second by Councilor Jean:

That the proposed amendments to Appendix A, Article XII "Performance Standards", Section 20 "Child care facility standards" of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of July 25, 2006 for final passage. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR MOM & POP'S PLACE, 339 LISBON STREET

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

VOTE (155-2006)

Motion by Councilor Samson, second by Councilor Paradis:

To grant a special amusement permit for dancing and entertainment to Mom & Pop's Place, 339 Lisbon Street. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR THE ACME SOCIAL CLUB, 255 PARK STREET

Council President Bernier opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Council President Bernier then closed the hearing. Councilor President Bernier then asked the applicant, Marc Mason, about the incident at the Acme Club where a police officer was assaulted. He stated that he did not recall the incident, but does not believe that any officers were assaulted at his club. She noted the date in the police department log and stated that this is an unacceptable action from the patrons and to ensure that this type of activity does not occur again, or the license will not be approved in the future. Mr. Mason noted that he has barred over one hundred people this year from entering the club as patrons and that he does pay to have an officer at the club for security purposes.

VOTE (156-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To grant a special amusement permit for dancing and entertainment to the Acme Social Club, 255 Park Street. Passed - Vote 7-0

PUBLIC HEARING FOR AN OUTDOOR ENTERTAINMENT PERMIT FOR GREAT FALLS BALLOON FESTIVAL

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

VOTE (157-2006)

Motion by Councilor O'Brien, second by Councilor Jean:

To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Railroad Park on August 18-20, 2006, contingent upon positive recommendations

from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.
Passed - Vote 7-0

**PUBLIC HEARING FOR AN OUTDOOR ENTERTAINMENT PERMIT FOR
THE LIBERTY FESTIVAL**

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

VOTE (158-2006)

Motion by Councilor Jean, second by Councilor Samson:

To conduct a public hearing on an application from the Independence Day Committee for outdoor musical concerts to be held at Veteran's Memorial Park on July 4 as part of the Liberty Day Festival, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Independence Day Committee for the outdoor music concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances. Passed - Vote 7-0

**PUBLIC HEARING FOR AN OUTDOOR ENTERTAINMENT PERMIT FOR
OUTDOOR NOONTIME CONCERTS AT COURTHOUSE PLAZA**

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

VOTE (159-2006)

Motion by Councilor O'Brien, second by Councilor Jean:

To conduct a public hearing on an application from L/A Arts for the noon-time outdoor concerts to be held at Courthouse Plaza on Thursdays during the month of July, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to L/A Arts for the noon-time outdoor concerts, contingent upon positive recommendations from the Recreation Department, Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.
Passed - Vote 7-0

At this time, the Council took a ten minute recess.

**PUBLIC HEARING AND FIRST AND FINAL PASSAGE FOR AMENDMENTS
TO THE SOLID WASTE ORDINANCE**

Council President Bernier opened the public hearing to receive citizen input and comment. Michael Reed of Oak Street spoke and expressed concerns about the annual billing and requested a change to either quarterly or semi-annual billing instead. Council President Bernier then closed the hearing. Councilor Rousseau stated he was also concerned with the annual billing, noting that the solid waste collection fees have increased and there is already an impact on property owners with increases in insurance, gas, heating oil, etc. He stated that the city needs to be supportive of our businesses and changing the billing to semi-annual would be a help to them. Councilor Paradis noted he would support a semi-annual billing, but not a quarterly billing, due to the additional staff time necessary to prepare and track the billing cycles.

VOTE (160-2006)

Motion by Councilor Rousseau, second by Councilor Samson:

To amend the ordinance to eliminate “annual” billing and to change it to “semi-annual” billing. Passed - Vote 7-0

VOTE (161-2006)

Motion by Councilor Jean , second by Councilor Paradis:

That the proposed amendments to the Solid Waste Ordinance receive first passage by a roll call vote. Passed - Vote 6-1 (Councilor Mendros opposed)

VOTE (162-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 7-0

VOTE (163-2006)

Motion by Councilor Jean, second by Councilor Rousseau:

That the proposed amendments to the Solid Waste Ordinance receive final passage by a roll call vote. Passed - Vote 6-1 (Councilor Mendros opposed)

AMENDMENTS TO THE SOLID WASTE FEE SCHEDULE POLICY

VOTE (164-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To approve the proposed amendments to the Solid Waste Fee Schedule Policy as recommended by the Public Works Director and the Solid Waste Superintendent. Passed - Vote 7-0

**AMENDMENTS TO THE CITY POLICY MANUAL REGARDING FALSE
POLICE ALARMS POLICY**

VOTE (165-2006)

Motion by Councilor Jean, second by Councilor Rousseau:

To approve the amendments to the City Policy Manual - Policy Number 45, False Police Alarm Policy, as recommended by the City Administrator and the Police Chief.

Passed - Vote 7-0

**AMENDMENTS TO THE CITY POLICY MANUAL REGARDING
FIRE ALARMS POLICY**

VOTE (166-2006)

Motion by Councilor Samson, second by Councilor Jean:

To approve the amendments to the City Policy Manual - Policy Number 30, Fire Alarms Policy, as recommended by the City Administrator and the Fire Chief . Passed - Vote 7-0

**ADOPTION OF ORDERS ON SCHOOL FUNDING FOR THE PERIOD OF
JULY 1, 2006 TO JUNE 30, 2007**

Councilor Mendros thanked the Council for working with School Committee to develop and support a budget that was workable for everyone.

VOTE (167-2006)

Motion by Councilor Samson, second by Councilor Jean:

ORDERED, That this City Council hereby authorizes the School Committee to expend appropriated monies per line in support of educational programs during Fiscal Year 2006-2007 as follows:

LINE	DESCRIPTION	AMOUNT
1	Undistributed	\$ 12,276,096.00
2	Elementary Education - Instructional	6,811,035.00
3	Elementary Education - All Other	2,456,326.00
4	Middle School - Instructional	2,177,354.00
5	Middle School - All Other	749,372.00
6	High School - Instructional	4,161,076.00
7	High School - All Other	1,143,409.00

8	Special Education	8,010,988.00
9	Vocational - Instructional	1,533,200.00
10	Vocational - All Other	590,003.00
11	Student Activities	624,667.00
12	Adult Education	554,996.00
13	TOTAL	\$ 41,088,522.00

Passed - Vote 7-0

VOTE (168-2006)

Motion by Councilor Samson, second by Councilor Jean:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes to appropriate the sum of \$40,533,526 for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and to raise the sum of \$13,186,340 as the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A section 15688.

Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

Passed - Vote 7-0

VOTE (169-2006)

Motion by Councilor Samson, second by Councilor Jean:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes to raise and appropriate the sum of \$1,083,578 for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects and minor capital projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed to repay the annual payments on Lewiston's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the City Council.

Passed - Vote 7-0

VOTE (170-2006)

Motion by Councilor Samson, second by Councilor Jean:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby agrees to raise and appropriate the sum of \$172,100 in additional local funds for school purposes under Maine Revised Statutes, Title 20-A, Section 15690.

Explanation: The additional local funds are those locally raised funds over and above the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual debt service payment on previously approved non-state-funded school construction projects and the non-state-funded portion of school construction projects and minor capital projects that will help achieve the City budget for educational programs.

Passed - Vote 7-0

VOTE (171-2006)

Motion by Councilor Samson, second by Councilor Jean:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to expend the sum of \$923,008 for the fiscal year beginning July 1, 2006 and ending June 30, 2007 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under Maine Revised Statutes, Title 20-A, Section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools. Passed - Vote 7-0

VOTE (172-2006)

Motion by Councilor Samson, second by Councilor Jean:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes to appropriate the sum of \$554,996 for adult education for the fiscal year beginning July 1, 2006 and ending June 30, 2007, and to raise the sum of \$370,862 as the local share for adult education. Passed - Vote 7-0

VOTE (173-2006)

Motion by Councilor Samson, second by Councilor Jean:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to expend additional state, federal and other funds received during the fiscal year 2006-2007 for school purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated. Passed - Vote 7-0

VOTE (174-2006)

Motion by Councilor Samson, second by Councilor Jean:

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to accept the categories of funds listed below as provided by the Maine State Legislature.

CATEGORY	ESTIMATED AMOUNT
Title I A Disadvantaged	\$ 1,895,069.00
Title V Innovative	25,078.00
Local Entitlement, Part B, P.L. 101-476	1,128,408.00
Emergency Shelter Program	112,435.00
Drug Free School Program (Title IV)	51,165.00
Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (P.L. 101-392)	174,100.00
Pre-Apprenticeship	5,000.00
Maine Career Advantage	5,000.00
Adult Basic Education	72,235.00
Title II D - Technology	55,148.00
Title II A Teacher Quality	430,912.00
Learning Results	48,350.00
ESTIMATED TOTAL	\$ 4,005,900.00

Passed - Vote 7-0

**CONDITIONAL ORDER OF DISCONTINUANCE OF CHALLENGER DRIVE,
ATLANTIS WAY AND A CENTRAL MAINE POWER EASEMENT ON
CHALLENGER DRIVE**

VOTE (175-2006)

Motion by Councilor Jean, second by Councilor Samson:

That the Order vacating and discontinuing Challenger Drive, Atlantis Way and a Central Maine Power (CMP) easement on Challenger Drive, as shown on the attached map and described in the legal description contained within the Conditional Order of Discontinuance, be adopted, subject to the conditions outlined in the Order. Passed - Vote 7-0

COMMITMENT OF WATER AND SEWER UTILITY FEES

VOTE (176-2006)

Motion by Councilor Jean, second by Councilor Paradis:

In accordance with MRSA Title 38, Section 1208 and Title 35-A, Section 6111-A, all sewer and water rates, tolls, rents and other charges for Fiscal Year 2007, for each respective utility, are committed to the Finance Director/Treasurer of the City of Lewiston for collection in support of the appropriations for the Water Utility and Sewer Utility.

Passed - Vote 7-0

**TO DETERMINE THAT AN AMENDMENT TO THE CITY CHARTER TO
ELIMINATE THE PERSONNEL BOARD SHOULD BE CONSIDERED AND TO
ESTABLISH A PUBLIC HEARING ON A PROPOSED CHARTER AMENDMENT
TO ELIMINATE THE PERSONNEL BOARD**

City Administrator James Bennett said that this is recommended to save money from the stipends paid to the Personnel Board members, since much of their work is already done by the full time Human Resources Department, it is redundant to have the Personnel Board doing work that the HR staff could be doing. In addition, it was also noted that the civil service process has evolved over the years and the traditional work of the Personnel Board such as administering the testing and civil service exams, is no longer necessary.

VOTE (177-2006)

Motion by Councilor Samson, second by Councilor Jean:

ORDERED, that an amendment to the City Charter to eliminate the Personnel Board should be considered and that a public hearing be held on Tuesday, July 25, 2006 at 6:30pm for the purpose of determining if a special municipal election should be held to provide for an amendment to the City Charter regarding the elimination of Section 4.03 Personnel Board.

Passed - Vote 7-0

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

VOTE (178-2006)

Motion by Councilor Bernier, second by Councilor Samson:

To continue this item to the next regular Council meeting. Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

City Administrator James Bennett informed the Council of the remarkable job that the Public Works and Public Services crews did regarding the large sinkhole on Lisbon Street on June 12. He noted that this portion of the street was closed for about one week due to the extensive work that had to be done to repair the damage. Mr. Bennett also noted that the editorial in this week's Lewiston Sun Journal was highly unfair to criticize the city by mentioning the city spent too much time on the All America City award process rather than focusing on the joint efforts as recommended by the Joint Services Commission.

The Council meeting ended at 9:15pm. At this time, the Council took a ten minute recess and the workshop began at 9:25pm.

WORKSHOP

The Council entered into a workshop for a discussion of property tax valuations and changes to propose to the State Legislature regarding property tax valuation procedures.

VOTE (179-2006)

Motion by Councilor Samson, second by Councilor Jean:

To adjourn at 10:35 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine