

# CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 5, 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, Deputy City Administrator Phil Nadeau, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

### UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Kelin Sevit said that in August the new LYAC members held an orientation, an outing to No Name Pond and assisted the Mayor with a presentation of a Mayoral Citation of Excellence for the New York artist who painted the American flag on a roof on Sabattus Street. He noted the election of officers had contested races this year and some of the goals for this year include the electronic message board and awareness issues regarding underage drinking.

### VOTE (209-2006)

Motion by Councilor Jean, seconded by Councilor Mendros:

To dispense with the reading of the minutes of the July 25 and August 15, 2006, meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY BOARD OF TRUSTEES

### VOTE (210-2006)

Motion by Councilor Jean, second by Councilor Rousseau:

To confirm the Mayor's nomination of Fernand Rodrigue of 16 Deforge Street and to appoint Mr. Rodrigue as a member of the Board of Trustees of the Lewiston Housing Authority for a five year term, said term to expire September 17, 2011. Passed - Vote 7-0

### APPOINTMENT TO THE BOARD OF LIBRARY TRUSTEES

### VOTE (211-2006)

Motion by Councilor Jean, second by Councilor Rousseau:

To confirm the Mayor's nomination of Marcus Bruce of 68 Russell Street, to serve as a member of the Board of Library Trustees and to appoint Mr. Bruce as a member of the Board of Library Trustees for a six year term, said term to expire January 6, 2009. Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (212-2006)**

Motion by Councilor Jean, second by Councilor Rousseau:

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 forty percent (less administrative fees) of \$5,290, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Mark Atwater, CD-05-0021 and 06-DEA-470837. 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

**APPROVAL FOR THE LEWISTON FARMER'S MARKET ASSOCIATION TO PLACE TEMPORARY DIRECTIONAL SIGNS IN THE PUBLIC RIGHT OF WAY**

**VOTE (213-2006)**

Motion by Councilor Jean, second by Councilor Rousseau:

To authorize the Lewiston Farmer's Market Association to place five temporary, directional signs in the public right of ways, three on traffic islands, at the intersections of Lincoln Street and Main Street, Main Street and Lisbon Street, and Sabattus Street and Hammond Street and to authorize the placement of two additional signs at the corner of Park Street and Pine Street by City Hall and at the corner of Ash Street and Park Street, from 10am to 8pm on Tuesdays until October 31, during the days the market is operating. Passed - Vote 7-0

**APPROVAL FOR THE GREEK FESTIVAL TO PLACE ONE DIRECTIONAL SIGN IN THE PUBLIC RIGHT OF WAY**

**VOTE (214-2006)**

Motion by Councilor Jean, second by Councilor Rousseau:

To authorize the organizers of the Greek Festival to place one temporary, directional sign in the public right of way, on a traffic island, at the intersection of Lisbon Street and Main Street, from September 5 to September 10, 2006. Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING PROHIBITED ON A PORTION OF GODDARD ROAD**

**VOTE (215-2006)**

Motion by Councilor Jean, second by Councilor Rousseau:

To approve the proposed amendments to the Traffic Schedule for a portion of Goddard Road which would prohibit parking on both sides of the street from Alfred A. Plourde Parkway to Atlantis Way, as outlined on the attached vote sheet. Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING PARKING PROHIBITED ON A PORTION OF ALFRED A. PLOURDE PARKWAY**

**VOTE (216-2006)**

Motion by Councilor Jean, second by Councilor Rousseau:

To approve the proposed amendments to the Traffic Schedule for a portion of Alfred A. Plourde Parkway which would prohibit parking on both sides of the street from Pleasant Street to River Road, as outlined on the attached vote sheet. Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING REGULATION OF PARKING TIMES FOR A PORTION OF CANAL STREET**

**VOTE (217-2006)**

Motion by Councilor Jean, second by Councilor Rousseau:

To adopt the proposed amendments to the Traffic Schedule regarding the regulation of parking times for a portion of Canal Street, as outlined on the attached vote sheet. Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE REGARDING REGULATION OF PARKING TIMES FOR A PORTION OF MAIN STREET**

**VOTE (218-2006)**

Motion by Councilor Jean, second by Councilor Rousseau:

To adopt the proposed amendments to the Traffic Schedule regarding the regulation of parking times for a portion of Main Street, as outlined on the attached vote sheet. Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE TO DESIGNATE A HANDICAPPED PARKING SPACE ON MAIN STREET**

**VOTE (219-2006)**

Motion by Councilor Jean, second by Councilor Rousseau:

To approve an amendment to the Traffic Schedule for Main Street to designate one handicapped parking space as outlined on the attached vote sheet. Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE TO DESIGNATE TWO  
HANDICAPPED PARKING SPACES ON CAMPUS AVENUE**

**VOTE (220-2006)**

Motion by Councilor Jean, second by Councilor Rousseau:

To approve an amendment to the Traffic Schedule for Campus Avenue to designate two handicapped parking spaces as outlined on the attached vote sheet. Passed - Vote 7-0

**PUBLIC HEARING REGARDING AN AMENDMENT TO THE CITY CHARTER  
TO ELIMINATE THE PERSONNEL BOARD**

Mayor Guay opened the public hearing for the purpose of receiving citizen input and comment on a proposed amendment to the City Charter to eliminate the Personnel Board, said amendment will be on the November 7, 2006 municipal ballot. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO  
THE LAND USE CODE TO ADD TWO ASSOCIATE MEMBERS TO THE  
HISTORIC PRESERVATION REVIEW BOARD**

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

**VOTE (221-2006)**

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

That the proposed amendments to Appendix A, Article XV "Historic Preservation Review Board", of the City Zoning and Land Use Code, concerning the addition of two associate members to the Board, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of September 19, 2006 for final passage.  
Passed - Vote 7-0

**PUBLIC HEARING REGARDING ADOPTION OF BOND RESOLUTION FOR A  
PUBLIC IMPROVEMENT BOND ISSUE REGARDING THE SMALL WATER  
MAIN REPLACEMENT PROGRAM**

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing.

**VOTE (222-2006)**

Motion by Councilor Jean, second by Councilor Samson:

To approve the attached Bond Resolution to finance the public improvements regarding the Small Water Main Replacement Program through a Bond Issue in the amount of \$30,000:

Ordered, That \$30,000 be appropriated to finance the Small Water Main Replacement Program.

Further Ordered, That to meet this appropriation, \$30,000 shall be raised by a Public Improvement Bond Issue;

Further Ordered, That the City Council instruct the Finance Director to advertise for bids for \$30,000 Public Improvement Bonds; to award the loan; and to employ Palmer & Dodge to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

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, places 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;

Further Ordered, That bonds issues hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 7-0

**GRANTING OF AN EASEMENT ON MILL STREET TO BATES MILL LLC FOR CONSTRUCTION OF STAIRS FOR MILL NUMBER 2 WING AND STOREHOUSE**

**VOTE (223-2006)**

Motion by Councilor Jean, second by Councilor Samson:

Be It Ordered, that the City Council shall authorize the City Administrator to sign all documents and agreements on behalf of the City to grant an easement on a portion of city owned land in the public right of way along Mill Street, and to execute a Quitclaim Deed without Covenant, to Bates Mill, LLC, for an easement along that portion of land on Mill Street, as described in the Deed, and to hereby grant, allow and establish this portion of land as an easement to Bates Mill, LLC, and that the City Administrator be and hereby is authorized to make, execute and deliver other such documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

**REQUEST TO PURCHASE THE CITY OWNED PROPERTY AT  
64 NO NAME POND ROAD**

Steven Herrin of 66 No Name Pond Road submitted a request to the city to purchase the city owned land at 64 No Name Pond Road. He noted he is an abutter to the property and he

wishes to expand his current camp building into a year round house on the property, as well as maintain the back portion of the 64 No Name Pond Road property as conservation land. Mr. Herrin stated he recently purchased a deed for the property at 64 No Name Pond Road and believes property belongs to him and is not owned by the city.

Councilor O'Brien noted the only complete body of water in the city is No Name Pond and anytime the Council has an opportunity to acquire or retain land that abuts this Pond, it should do so for conservation purposes. Councilor Bernier echoed these comments. City Planner David Hediger noted the Planning Board voted previously to recommend the Council retain the entire parcel of land for conservation land and to not sell the property, citing the objectives of the Comprehensive Plan as well as Council's past action to retain this and other parcels for conservation land.

**VOTE (224-2006)**

Motion by Councilor Bernier, second by Councilor Samson:

To retain the city owned property at 64 No Name Pond Road. Passed - Vote 7-0

**AUTHORIZATION FOR DEMOLITION OF CITY OWNED PROPERTY AT  
308 LISBON STREET**

Brian Banton of 27 Spruce Street asked why the City wanted to tear the building down, noting a building standing is more valuable than an empty lot, and suggested the Council consider this an opportunity to preserve the building. He reminded the Council that parcels where previous buildings once stood and are now demolished, such as the Ritz Café and the St. Dom's High School, are still vacant pieces of land and are unsightly and unused at this point. He suggested retaining the building at 308 Lisbon Street rather than having another vacant lot. Doug Pappa of Pine Street recommended to the Council the police use the area as a staging area for large events, since the land abuts the police station.

Deputy City Administrator Phil Nadeau outlined the City's history of retaining, renovating and restoring historical buildings in town such as the Bates Mill complex, Music Hall and the Pontiac Building. Councilor Rousseau commented on the liability to the City to have a vacant building on a site.

**VOTE (225-2006)**

Motion by Councilor Jean, second by Councilor Samson:

To authorize the demolition and removal of the city owned building located at 308 Lisbon Street and to authorize the City Administrator to initiate the process to proceed with the demolition of said building. Passed - Vote 7-0

**PRESENTATION OF RESULTS AND FINDINGS FROM THE TEST OF A SPEED  
TABLE (RAISED CROSSWALK) ON COLLEGE STREET IN FRONT OF  
PETTINGILL ELEMENTARY SCHOOL**

Since Public Works Director Paul Boudreau was unable to attend this meeting, this item was postponed to the September 19 Council meeting.

**AUTHORIZATION FOR THE INSTALLATION OF A SPEED TABLE (RAISED INTERSECTION) AT THE INTERSECTION OF COLLEGE STREET AND MOUNTAIN AVENUE**

Motion by Councilor Jean, second by Councilor Samson:

To authorize the Public Works Department to install a speed table (raised intersection) on College Street, at the intersection of College Street and Mountain Avenue.

Councilor Bernier requested to have information from the Police Department regarding any activity in the police log regarding this area of College Street, such as any speeding issues and so forth, to see if a raised crosswalk is merited in this location. Councilor O'Brien noted that neighbors were not notified of this meeting regarding this item. Director of Public Services Dave Jones stated that Bates College requested the raised crosswalk for increased pedestrian safety and will also pay for and install the raised crosswalk. Bob Bremm, Director of the Physical Plant for Bates College, stated this project went through the Planning Board view and was also reviewed by the Fire Department. Since Public Works Director Paul Boudreau was unable to attend this meeting, the Council suggested continuing this item to the next Council meeting.

**VOTE (226-2006)**

Motion by Councilor Bernier, second by Councilor Mendros:

To continue this item to the September 19, 2006 Council meeting. Passed - Vote 7-0

**UPDATE ON THE CITY'S PURCHASING CARD PROGRAM AND REQUEST FOR APPROVAL OF PROGRAM EXTENSION**

Finance Director Richard Metivier and Purchasing Director Norman Beauparlant made a presentation to the Council regarding the new purchasing card program, which was implemented about one year ago. It was noted there has been a savings of approximately \$50,000 to the City and very little to no abuse of the cards. It was recommended to continue with the purchasing card program.

**VOTE (227-2006)**

Motion by Councilor Samson, second by Councilor Jean:

To approve Section 3.4.2 "Purchasing Card Program" of the City's Purchasing Policy, Policy Manual Number 46. Passed - Vote 7-0

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

Councilor Jean asked to have the request from the Franco American Heritage Center for three handicapped parking spaces to be on the next agenda for discussion. Councilor Paradis asked to have an update from the Solid Waste Task Force at an upcoming meeting and also for a report from Public Works regarding the costs to install traffic related signs.

**VOTE (228-2006)**

Motion by Councilor Jean, second by Councilor Bernier:

To adjourn at 9:10 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine