

# CITY OF LEWISTON

**CITY COUNCIL**

**JUNE 21, 2005**

## **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, Connors, Paradis, Rousseau, Assistant City Administrator Phil Nadeau, and Deputy City Clerk Kelly Mercier

Pledge of Allegiance to the Flag.  
Moment of Silence.

### **PRESENTATION BY THE NO NAME POND WATER SHED MANAGEMENT ASSOCIATION**

Jeanne Raymond thanked the City Council on behalf of the No Name Pond Water Shed Management Association for their support in assisting in the implementation of the Water Shed Management. She said that the support from the Planning Board and the City Council inspired them to apply for a Department of Environmental Protection 319 Clean Water Act two year grant. This grant was approved in April. They are currently working on the improvement of the water quality at No Name Pond.

Jeanne who refers to herself as Public Works' number one fan thanked them for all they do to help with the water shed. She noted that recently the Fire Department tested their water drawing equipment at the pond. Jeanne praised Land Use Inspector Eric Cousens for always willingly lending his assistance and attending all meetings. Eric was presented with a picture of No Name Pond and angel food cake for being their pond "guardian." She also gave "gratitude" cookies to the Council.

Elaine Hemenway, a member of the No Name Pond Water Shed Management Association and a member of the Pond Ridge Acres Homeowners Association presented the Mayor and the City Council with a framed picture of No Name Pond. Assistant City Administrator Phil Nadeau said the picture will be hung in the Council Chambers. Mayor Guay expressed the City Council's gratitude for the picture.

Phil Nadeau expressed thanks and gratitude for the partnership between the City and the No Name Pond neighborhood to help clean up illegal dumping in the area. Phil stated that the city would partner with any neighborhood willing to provide the man hours to rid their neighborhood of debris.

### **MONTHLY REPORT FROM THE LEWISTON YOUTH ADVISORY COUNCIL**

LYAC member Katie Lauze updated the Council on the fund-raising efforts for the electronic community message board. Their efforts have included manning the June 16<sup>th</sup> Business to Business Trade Show table, selling raffle tickets, sending fund-raising letters to area businesses and applying for a \$5,000 LIBRA Future Fund Grant.

**PRESENTATION TO THREE OUTGOING LYAC MEMBERS**

Councilor Rousseau, who serves as representative to the Lewiston Youth Advisory Council, praised outgoing seniors Katie Lauze, Ryan Reed and Jonathan Isacco for their contributions to the Youth Council for the past three years. He recognized them for their efforts on the noise pollution awareness campaign, the relocation of the 1891 E. Howard clock at City Hall, the “Is Your Number Up” campaign, and now the electronic community message board project.

Community Relations Coordinator/LYAC Co-Advisor Dottie Perham-Whittier read personalized messages on “Certificates of Appreciations” that Councilor Rousseau presented to each outgoing member.

**VOTE (216-2005)**

Motion by Councilor Connors, seconded by Councilor Jean:

To dispense with the reading of the minutes of the June 7, 2005 meetings and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**CONTINUATION OF PUBLIC HEARING REGARDING THE REQUEST FOR THE CONDITIONAL RE-ZONING OF 193 CROWLEY ROAD**

**VOTE (217-2005)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To continue the public hearing for First Passage, regarding the request for the conditional rezoning of the property at 193 Crowley Road to allow the sale of used automobiles and an automobile garage, to the Council meeting of July 19, 2005. Passed - Vote 7-0

**CONTINUATION OF CONDEMNATION HEARING REGARDING THE PROPERTY AT 52 KING AVENUE**

**VOTE (218-2005)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To continue the condemnation hearing regarding the property at 52 King Avenue to the City Council meeting of July 19, 2005. Passed - Vote 7-0

**APPROVAL OF REQUEST FOR USE OF CITY SERVICES FOR THE LIBERTY FESTIVAL**

**VOTE (219-2005)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve the request from the Independence Day Committee for the use of city services

for the Liberty Festival to be held July 4, 2005 at Veterans' Memorial Park.  
Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR RE-ZONING OF  
444 PLEASANT STREET AND 29 MITCHELL STREET REAR**

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

**VOTE (220-2005)**

Motion by Councilor Connors, seconded by Councilor Paradis:

That the proposed amendment to re-zone a portion of the property at 444 Pleasant Street and 29 Mitchell Street Rear from the Industrial (I) District to the Highway Business (HB) District, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR RE-ZONING OF THE  
PROPERTY AT 1045 MAIN STREET**

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

**VOTE (221-2005)**

Motion by Councilor Jean, seconded by Councilor Paradis:

That the proposed amendment to re-zone the property at 1045 Main Street from the Medium Density Residential (MDR) District to the Highway Business (HB) District, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING ON A PROPOSED INCREASE IN WATER RATES AND  
METER INSTALLATION CHARGES**

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

As required by the Public Utility Commission regulations, for public disclosure purposes, the Deputy City Clerk read Title 35-A of the Maine Revised Statutes Annotated, section 6104, subsections 1-11. It was noted that the Public Services Director and the City Administrator are recommending an increase in the water rates and meter installation charges. It is recommended that the rates be increased by fifteen percent, effective August 1, 2005. Finance Director Richard Metivier noted the average residential user will see an increase of approximately \$19.68 per year. This increase will generate approximately \$374,117 in additional revenues annually. The increase is largely due to the additional debt services associated with the recent issue of \$5,255,000 of bonds of which \$4.5 million was for the two storage tanks to be located in South Lewiston. Malcolm Horton, CPA, serves as

the City’s consultant on the water rate changes and working with the PUC on the requirements and regulations. Mr. Horton provided additional background material for the Council regarding this issue.

**VOTE (222-2005)**

Motion by Councilor Connors, seconded by Councilor Paradis:

To accept the recommendation of the Public Services Director and the City Administrator, and to amend the Water Rates & Meter Installation Charges as follows:

In accordance with Maine Revised Statutes Annotated, Title 35A, Section 6104, the following charges are hereby established, effective August 1, 2005:

For the first 1,200 cu. ft per quarter	\$	<del>27.60</del>	<u>30.60</u>
For the next 9,000 cu. ft per quarter		<del>1.46</del>	<u>1.70</u> per 100 cu. ft.
For all over 10,200 cu. ft per quarter		<del>1.08</del>	<u>1.36</u> per 100 cu. ft.

QUARTERLY MINIMUM CHARGES

5/8" Meter	\$	<del>27.60</del>	<u>30.60</u>
3/4" Meter		<del>40.74</del>	<u>45.90</u>
1" Meter		<del>62.64</del>	<u>71.40</u>
1 ½" Meter		<del>115.20</del>	<u>132.60</u>
2" Meter		<del>178.44</del>	<u>208.08</u>
3" Meter		<del>308.04</del>	<u>371.28</u>
4" Meter		<del>437.64</del>	<u>534.48</u>
6" Meter		<del>826.44</del>	<u>1,024.08</u>
8" Meter		<del>1,604.04</del>	<u>2,003.28</u>

SPRINKLERS	\$	<del>74.00</del>	<u>85.00</u> per inch per year
PRIVATE HYDRANTS	\$	<del>592.00</del>	<u>680.00</u> each per year
PUBLIC HYDRANTS	\$	<del>382,400.00</del>	<u>425,600.00</u> per year plus cost for each additional hydrant installed after December 31, <del>2003</del> <u>2005</u> .

NOTE: Additional are underlined, deletions are ~~struck out~~.

Passed - Vote 6-1 (Councilor Mendros opposed)

**GRANTING OF SPECIAL AMUSEMENT PERMIT FOR DANCING & ENTERTAINMENT FOR SPARETIME RECREATION**

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

**VOTE (223-2005)**

Motion by Councilor Paradis, seconded by Councilor Jean:

To grant a Special Amusement Permit for Dancing & Entertainment to Sparetime Recreation, 729 Main Street. Passed - Vote 7-0

**GRANTING OF SPECIAL AMUSEMENT PERMIT FOR DANCING & ENTERTAINMENT FOR THE ACME SOCIAL CLUB, INC.**

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

**VOTE (224-2005)**

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

To grant a Special Amusement Permit for Dancing & Entertainment to the Acme Social Club, Inc., 255 Park Street. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF OUTDOOR ENTERTAINMENT PERMIT FOR THE LIBERTY FESTIVAL**

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

**VOTE (225-2005)**

Motion by Councilor Connors, seconded by Councilor Jean:

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

**ACQUISITION OF PROPERTY AT 39 MAPLE STREET**

Jim Andrews, Economic and Community Development Director, answered questions from Councilor Paradis regarding notification of the relocation assistance to the residential

tenants. Councilor Bernier voiced concerns about unsafe conditions at the property which might put the City in a compromising position if the closing on the property would happen prior to the relocation of the tenants. Gil Arsenault, Planning and Code Enforcement Director, addressed Councilor Bernier's concerns about the unsafe conditions at the property and indicated that it is the City's goal to have the tenants relocated prior to the closing.

**VOTE (226-2005)**

Motion by Councilor Jean, seconded by Councilor Paradis:

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to purchase the property at 39 Maple Street for the purchase price of \$275,000; to approve the acquisition of the property as defined in the Purchase and Sale Agreement between the City of Lewiston and Roland Doucette; and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

Passed - Vote 7-0

**RESOLUTION REGARDING PROVIDING GAP FINANCING TO THE  
LEWISTON-AUBURN ECONOMIC GROWTH COUNCIL AND THE LEWISTON  
DEVELOPMENT CORPORATION FOR RENOVATION OF THE PONTIAC  
BUILDING FOR THE BUSINESS DEVELOPMENT CENTER**

Greg Mitchell, Assistant City Administrator, stated that the overall commitment from the Council will help move this process ahead to finalized the construction budget and really propel this project forward. The commitment asked for from the Council is basically backup or gap financing and will only be needed if federal, state and other conventional sources do not materialized. It was clarified that if the money is needed that it will be a loan not a grant.

**VOTE (227-2005)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To adopt the following Resolution to provide gap financing to the Lewiston-Auburn Economic Growth Council (LAEGC) and the Lewiston Development Corporation (LDC):

*Whereas*, the Lewiston City Council established a Southern Gateway Development District Program in July, 2003, and

*Whereas*, the Pontiac Building was gifted to the City by Franklin Property Trust to support its renovation as a Business Development Center, and

*Whereas*, the Androscoggin County Chamber of Commerce Board of Directors endorsed the relocation of the Chamber of Commerce to the first floor of the Pontiac Building, and

*Whereas*, the LAEGC Board of Directors has committed to acquire and relocate LAEGC to the fourth floor of the Pontiac Building, and

*Whereas*, the LDC Board has committed to purchase and manage the second and third floors to attract new business investment to downtown Lewiston, and

*Whereas*, the City has publicly committed to the redevelopment of the Pontiac Building;

***NOW, THEREFORE BE IT RESOLVED*** by the City Council of the City of Lewiston that the City Administrator:

1. Is authorized to enter into an agreement with the Lewiston-Auburn Economic Growth Council and the Lewiston Development Corporation to provide gap financing for the Pontiac Building Renovation Project in an amount not to exceed \$1,150,000 from a combination of City resources, and
2. The financing will be provided only in the event the Lewiston-Auburn Economic Growth Council and the Lewiston Development Corporation are unable to secure financing from other federal, state and/or private funding institutions.

Passed - Vote 7-0

**ESTABLISHMENT OF THE KENNEDY PARK MASTER PLAN COMMITTEE  
AND APPOINTMENTS TO THE COMMITTEE**

**VOTE (228-2005)**

Motion by Councilor Paradis, seconded by Councilor Jean:

To approve the establishment of the Kennedy Park Master Plan Committee and to approve the following committee membership: 1) a member of the Downtown Advisory Board (DAB) or their appointed representative; 2) a member of the Empower Lewiston Board or their appointed representative; 3) a local student appointed by the Lewiston Youth Advisory Council; 4) a member of the City Council, 5) a member of the Planning Board and six citizens to be appointed by the Mayor and Council President. Passed - Vote 7-0

**VOTE (229-2005)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To nominate and appoint Councilor Connors to serve as the Council representative to the Kennedy Park Master Plan Committee. Passed - Vote 7-0

**RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT WITH THE  
LEWISTON POLICE SUPERVISORY COMMAND UNIT**

**VOTE (230-2005)**

Motion by Councilor Paradis, seconded by Councilor Jean

To ratify the Collective Bargaining Agreement between the City of Lewiston and the Lewiston Police Supervisory Command Unit, said agreement being for the period of July 1,

2004 to June 30, 2007, and to authorize the Mayor to sign the agreement on behalf of the City of Lewiston. Passed - Vote 7-0

**REPORTS AND UPDATES**

Phil Nadeau, Assistant City Administrator, briefed the Council on the recent work that was done on the State budget. City staff and various State agencies will meet concerning the anticipated impact it may have on the City budget.

**OTHER BUSINESS**

Councilor Rousseau asked about a letter that was received in his council packet concerning the BRAC Task Force. Mayor Guay indicated that he will be talking to Jim Bennett about this when he returns from vacation.

**VOTE (231-2005)**

Motion by Councilor Paradis, second by Councilor Jean:

To adjourn at 8:41 P.M. Passed - Vote 7-0

A true record, Attest:

Kelly J. Mercier, CMC  
Deputy City Clerk  
Lewiston, Maine