

**CITY OF LEWISTON**

**CITY COUNCIL**

**JUNE 15, 2004**

**EXECUTIVE SESSION HELD IN THE  
EXECUTIVE CONFERENCE ROOM AT 6:00 P.M.**

THE HONORABLE LIONEL C. GUAY, MAYOR, PRESIDING.

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

The City Council meeting was called to order by Mayor Guay at 6:05 pm in a public session.

**VOTE (215-2004)**

Motion by Councilor Connors, seconded by Councilor Bernier:

To enter into executive session to discuss Labor Negotiations. Passed - Vote 7-0

Executive Session began at 6:07 pm and ended at 7:05 pm.

**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, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (216-2004)**

Motion by Councilor Jean, seconded by Councilor Mendros:

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 \$2,600.00, or any portion thereof, in the case of the State of Maine vs. Dana Brousseau, CR-03-3939 Court Records, and the transfer of twenty percent of the proceeds from the sale of a 1994 BMW 318is or any portion thereof, in the case of the State of Maine vs. Richard Hanks, CE-04-0025. 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

**AMENDMENTS TO THE CITY POLICY MANUAL REGARDING PROMOTION  
PROCESS FOR POLICE DEPARTMENT**

**VOTE (217-2004)**

Motion by Councilor Jean, seconded by Councilor Mendros:

To approve the amendments to the City Policy Manual - Policy Number 44, Appointment and Promotion in the Police Department, as recommended by the Personnel Board and the Human Resources Director. Passed - Vote 7-0

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

**VOTE (218-2004)**

Motion by Councilor Jean, seconded by Councilor Mendros:

To approve the request from the Independence Day Committee for the use of city services for the Liberty Festival to be held July 4, 2004 at the Veteran's Memorial Park and to authorize the following for the Liberty Festival 2004:

- 1) Use of Veteran's Memorial Park and Lower Lot A and B, subject to completion of appropriate forms with the Recreation Dept.
- 2) To allow parking in Lower Lots A and B to be by donation, subject to completion of appropriate forms with City Administration.
- 3) The closing of one lane of the Longley Memorial Bridge at 8:00am on Sunday, July 4, 2004, 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 Sunday, July 4, 2004, subject to the discretion of the Chief of Police and his designees.
- 5) The closing of Mill Street from 7:00am - 11:00pm 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 Sunday, July 4, 2004, 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) The Festival organizers shall not use, or permit vendors and others affiliated with the Festival, to use the Gateway Park area which is currently under construction.

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 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

**DISCONTINUANCE OF A PORTION OF CANAL STREET ALLEY**

**VOTE (219-2004)**

Motion by Councilor Jean, seconded by Councilor Mendros:

That the Order discontinuing a portion of Canal Street Alley, be adopted.

Passed - Vote 7-0

**RESOLUTION TO RENEW THE HOME INVESTMENT PARTNERSHIP AGREEMENT TO FORM A CONSORTIUM WITH THE CITY OF AUBURN**

**VOTE (220-2004)**

Motion by Councilor Jean, seconded by Councilor Mendros:

To adopt the Resolution to renew the Home Investment Partnership Agreement with the City of Auburn and to authorize the City Administrator to execute the Mutual Consortium Agreement:

WHEREAS Lewiston has some of the oldest inner-city housing stock in the Northeast; and

WHEREAS Lewiston currently has a dilapidated and decaying housing stock; and

WHEREAS Lewiston’s inner-city is characterized by a high degree of absentee landlords; and

WHEREAS The City of Lewiston is making a major commitment to creating owner occupied, mixed housing in its inner city; and

WHEREAS The City of Lewiston's situation is not unique, but is shared with municipalities of varying size across the state; and

WHEREAS These municipalities, including Lewiston, will need resource assistance in investing in the improvement of inner-city housing,

NOW, THEREFORE, Be It Resolved by the City Council of the City of Lewiston, that the City Council authorizes the City Administrator to sign the Mutual Cooperation Agreement to form a Consortium between the City of Lewiston and the City of Auburn under the HOME Investment Partnership Program.

Passed - Vote 7-0

**REQUEST FROM MOXIE FESTIVAL COMMITTEE TO BORROW  
CITY EQUIPMENT**

**VOTE (221-2004)**

Motion by Councilor Jean, seconded by Councilor Mendros:

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 9, 10 and 11, 2004. Passed - Vote 7-0

**TO POSTPONE A RESOLUTION OF CONDEMNATION FOR THE PROPERTIES  
AT 323 LISBON STREET AND 299-305 LISBON STREET**

**VOTE (222-2004)**

Motion by Councilor Jean, seconded by Councilor Mendros:

To continue the hearing and to postpone action on the Resolution of Condemnation for the properties at 323 Lisbon Street and 299-305 Lisbon Street to the City Council meeting of July 20, 2004. Passed - Vote 7-0

At this time, Mayor Guay announced that agenda items 19, 20, and 22 would be addressed at this time. Mayor Guay also announced that agenda item 23, Hearing on an appeal for a denial of a Food Service Establishment license for Vincent Thomas, is removed from the agenda at the request of the applicant.

**LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR LEWISTON  
RACEWAYS, WINNER'S CIRCLE OTB AND SPARETIME RECREATION,  
729 MAIN STREET**

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

**VOTE (223-2004)**

Motion by Councilor Jean, seconded by Councilor Mendros:

To authorize the City Clerk's Office to approve the applications for a liquor license and special amusement permit for dancing and entertainment for Lewiston Raceways, Winner's Circle OTB and Sparetime Recreation, 729 Main Street. Passed - Vote 7-0

**LIQUOR LICENSE APPLICATION FOR C & J CATERING,  
711 WEBSTER STREET**

Stan Pelletier, the applicant, addressed the Council and explained his request for a liquor license, stating it would be a catering license for events held at C & J Hall. Currently, parties can rent C & J Hall and have either BYOB or hire a local bar/restaurant to cater in the liquor during events. The owner is planning to hold a liquor license so parties that rent the hall will purchase the alcohol from him, rather than needing to cater with an outside business. He noted that the liquor license will only be used when scheduled functions and events that are held in the Hall, and will not operate as a traditional bar where anyone could stop in for a drink.

Mayor Guay opened the public hearing. Two residents who are abutters spoke against this item, stating that the business has never held a liquor license in the past and that zoning was changed years ago to allow the business to operate as a BYOB. The speakers stated this is a residential area and they do not feel this type of business would be a good fit. One of the gentleman noted the close proximity to the church and stated he does not have a concern with a BYOB operation, but feels that a bar would lead to many problems. Mayor Guay then closed the hearing. Councilor Rousseau stated he is sensitive to the residents in the area and hopes that the business owner will plan to be a good neighbor to the residential abutters.

**VOTE (224-2004)**

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

To authorize the City Clerk's Office to approve the liquor license application for C & J Catering, 711 Webster Street. Passed - Vote 7-0

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

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Councilor Paradis noted the police calls have dropped during the past year from 73 to 43. Councilor Mendros commended the business owner for hiring police officers to be on duty during the times the bar is operating.

**VOTE (225-2004)**

Motion by Councilor Jean, seconded by Councilor Mendros:

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

**PUBLIC HEARING AND FINAL PASSAGE FOR AMENDMENTS TO  
BUSINESS LICENSING ORDINANCE AND THE AMUSEMENTS &  
ENTERTAINMENTS ORDINANCE**

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

**VOTE (226-2004)**

Motion by Councilor Jean, seconded by Councilor Connors:

That the proposed amendments to the City Code of Ordinances, Chapter 10 “Amusements and Entertainment” and Chapter 22 “Businesses”, receive final passage by a roll call vote.  
Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR AMENDMENTS TO THE  
AMUSEMENTS & ENTERTAINMENT ORDINANCE REGARDING SPECIAL  
AMUSEMENT PERMITS**

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

**VOTE (227-2004)**

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

That the proposed amendments to the City Code of Ordinances, Chapter 10 “Amusements and Entertainment”, receive final passage by a roll call vote.  
Passed - Vote 6-1 (Councilor Mendros opposed.)

**PUBLIC HEARING AND FINAL PASSAGE FOR REZONING A PORTION OF  
PROPERTY AT 1222 SABATTUS STREET**

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

**VOTE (228-2004)**

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

That the proposed amendment to re-zone a portion of the property at 1222 Sabattus Street from the Resource Conservation (RC) 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 REZONING PROPERTIES ON  
THE WEST SIDE OF MAIN STREET TO THE RAILROAD RIGHT-OF-WAY,  
FROM STRAWBERRY AVENUE SOUTH TO THE RUSSELL STREET  
OVERPASS**

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

**VOTE (229-2004)**

Motion by Councilor Mendros, seconded by Councilor Jean:

That the proposed amendment to re-zone the properties on the west side of Main Street to the Maine Central Railroad right-of-way, from Strawberry Avenue south to the Russell Street overpass, from the Neighborhood Conservation “B” (NCB) District and Office Residential (OR) District to the Community Business (CB) District, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR THE CONDITIONAL REZONING OF THE PROPERTY AT 578 MAIN STREET**

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

To approve final passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 578 Main Street, from the Neighborhood Conservation “B” (NCB) District to the Community Business (CB) District, subject to a conditional agreement.

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. It was noted by city staff that this agenda item and the previous agenda item were connected, and since the previous agenda item was approved, this item is obsolete and is no longer needed or necessary. It was recommended that this item be postponed indefinitely.

**VOTE (230-2004)**

Motion by Councilor Mendros, seconded by Councilor O’Brien:

To postpone this item indefinitely. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR REZONING THE PROPERTIES ON THE EAST SIDE OF MAIN STREET FROM BROOKS AVENUE TO THE RUSSELL STREET OVERPASS**

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

**VOTE (231-2004)**

Motion by Councilor Jean, seconded by Councilor Mendros:

That the proposed amendment to re-zone the properties on the east side of Main Street from Brooks Avenue to the Russell Street overpass, from the Neighborhood Conservation “A” (NCA) District and Neighborhood Conservation “B” (NCB) District to the Office Residential (OR) District, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING REGARDING ADOPTION OF BOND RESOLUTION FOR THE FISCAL YEAR 2005 CAPITAL IMPROVEMENT PROGRAM PROJECTS**

Mayor Guay opened the public hearing. No members of the public spoke for or against this issue. Mayor Guay then closed the hearing. Councilor Mendros inquired about the City’s current debt amounts as well as future debt these projects will create, as well as the debt reduction schedule regarding the payment of current and future debt loads.

**VOTE ( 232-2004)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To approve the Order to authorize the Bond Resolution to finance the Fiscal Year 2005 Capital Improvement Program projects, in the amount of \$15,290,000:

**CITY COUNCIL BOND RESOLUTION ORDER**

**ORDERED:** That \$15,290,000 be appropriated for financing the following Capital Improvement Program:

<u><b>Department</b></u>	<u><b>Project</b></u>	<u><b>Amount</b></u>
<b>Assessing</b>	City Wide Equalization Project	\$325,000
<b>Economic Development</b>	Western Gateway - Acquisition, Demolition & Planning	450,000
	Southern Gateway - Pontiac Bldg. Rehab. Eng.	200,000
<b>LMRC/Bates</b>	Parking - Surface Lots	180,000
<b>Recreation</b>	Railroad Park	72,000
<b>Library</b>	Cultural Learning Center Completion	265,000
<b>Public Services</b>	Southern Gateway Garage	4,000,000
	Public Building Improvements	78,000
	Gully Brook Drainage - CSO	250,000
	Androscoggin River Area Downtown - CSO	75,000
<b>Public Works - Highway</b>	Canal Street Improvements - Southern Gateway	190,000
	Sabattus St: Russell St. To Laurier (local)	86,000
	A. Plourde Parkway: Goddard Rd Improvements (local)	84,000
	Sabattus Street Re-Surfacing (local)	35,000
<b>Public Works - Solid Waste</b>	Landfill Regulatory Requirements	160,000
	<b>SUB-TOTAL</b>	<b>6,450,000</b>
<b>School</b>	High School Re-Roofing	290,000
	Dingley Building Renovation	430,000
	<b>SUB-TOTAL</b>	<b>720,000</b>

<b>Water</b>	Main Street - Central Ave. Pump Stations	250,000
	Large Main Replacement	505,000
	Water Storage Facility	4,500,000
	<b>SUB-TOTAL</b>	<b>5,255,000</b>
<b>Sewer</b>	Gully Brook Drainage - CSO	250,000
	Androscoggin Area Downtown - CSO	75,000
	<b>SUB-TOTAL</b>	<b>325,000</b>
<b>Colisee</b>	Transition Improvements	1,040,000
	Office/Pro Shop Addition	1,500,000
	<b>SUB-TOTAL</b>	<b>2,540,000</b>
	<b>TOTAL</b>	<b>\$15,290,000</b>

**FURTHER ORDERED**, That to meet this appropriation, \$15,290,000 shall be raised by a Public Improvement Bond Issue;

**FURTHER ORDERED**, That the City Council instruct the Finance Director to advertise for bids for \$15,290,000 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, 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 6-1 (Councilor Mendros opposed.)

**PUBLIC HEARING ON A PROPOSED INCREASE IN SEWERAGE SYSTEM  
USE CHARGES**

Mayor Guay opened the public hearing. No members of the public spoke for or against this issue. Mayor Guay then closed the hearing. Public Services Director Chris Branch and Deputy Public Services Director Kevin Gagne presented information to the Council. Councilor Jean confirmed this action item was just for a sewer rate increase and not for a water rate increase as well.

**VOTE (233-2004)**

Motion by Councilor Paradis, seconded by Councilor Jean:

To accept the recommendation of the Public Services Director and City Administrator, and to amend the Sewer System Use Charges as follows:

In accordance with the Code of Ordinances of the City of Lewiston, Chapter 74, Section 74-67, the following rates are hereby established effective July 1, 2004:

**SEWERAGE SYSTEM USE CHARGES  
READY-TO-SERVE RATES**

<u>METER SIZE</u>	<u>RATE</u>	
5/8"	\$ <del>21.00</del>	<u>22.00</u>
3/4"	<del>34.00</del>	<u>36.00</u>
1"	<del>61.00</del>	<u>64.00</u>
1 1/2"	<del>137.00</del>	<u>144.00</u>
2"	<del>244.50</del>	<u>257.00</u>
3"	<del>550.00</del>	<u>577.50</u>
4"	<del>978.00</del>	<u>1,027.00</u>
6"	<del>2,202.00</del>	<u>2,312.00</u>
8"	<del>3,913.00</del>	<u>4,109.00</u>

First 800 cubic feet or part thereof, ~~\$1.47~~ 1.54 per 100 cubic feet.

Over 800 cubic feet at ~~\$2.42~~ 2.54 per 100 cubic feet.

Surcharge for B.O.D. concentration above 250 ppm., ~~15.012~~ 15.763 cents per lb. of B.O.D.

Surcharge for suspended solids concentration above 300 ppm., ~~19.441~~ 20.413 cents per lb. of suspended solids.

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

Passed - Vote 6-1 (Councilor Mendros opposed)

**PUBLIC HEARING AND APPROVAL OF A RESOLUTION REGARDING THE  
LEWISTON PINE TREE DEVELOPMENT ZONE**

Mayor Guay opened the public hearing. No members of the public spoke for or against this item. Mayor Guay then closed the hearing. Deputy Economic and Community Development Director Lincoln Jeffers explained this item is step two of a two step process, noting the Council has already approved the establishment of a Pine Tree Development zone a few months ago.

**VOTE (234-2004)**

Motion by Councilor Jean, seconded by Councilor Paradis:

Be It Hereby Resolved by the City Council of the City of Lewiston, that the City of Lewiston intends to participate in the Androscoggin Valley Region Pine Tree Development Zone Program as was determined at a Public Hearing and by City Council Resolution on January 20, 2004. Let it be hereby further resolved that the City of Lewiston agrees to adopt the proposed Pine Tree Zone Development Plan, that the City agrees to maintain at least one pre-permitted development site, defined as a site suitable for development as determined by the City within the designated local Pine Tree Zone parcels, and that neither the City or its Pine Tree Zone administrative agent, the Androscoggin Valley Council of Governments, will use the benefits of a Pine Tree Development zone to encourage or facilitate the transfer of existing positions or property of a qualified business or affiliated business into a zone from a location elsewhere in the State.

Passed - Vote 7-0

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

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

**VOTE (235-2004)**

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

To conduct a public hearing on an application from the Liberty Festival for outdoor musical concerts to be held at Veteran's Memorial Park on July 4, 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 Liberty Festival 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

Mayor Guay recused himself from the next two items, citing a conflict of interest. Council President Bernier assumed the position of chair for the following two items.

**PUBLIC HEARING ON AN OUTDOOR ENTERTAINMENT PERMIT FOR FESTIVAL DE JOIE**

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

**VOTE (236-2004)**

Motion by Councilor Jean, seconded by Councilor Mendros:

To conduct a public hearing on an application for an outdoor entertainment event permit for the Festival de Joie, 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 Festival de Joie Committee for outdoor music concerts for the annual Festival Prelude to be held on Lisbon

Street and Courthouse Plaza on July 28 and 29, and for the annual Festival at Railroad Park on July 30, 31 and August 1, 2004, contingent upon positive recommendations from the 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

**SPECIAL AMUSEMENT PERMIT FOR FESTIVAL DE JOIE**

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

**VOTE (237-2004)**

Motion by Councilor Jean, seconded by Councilor Rousseau:

To grant a special amusement permit for dancing and entertainment to the Festival de Joie Committee for the annual Festival to be held at Railroad Park on July 30, 31 and August 1, 2004. Passed - Vote 7-0

Mayor Guay announced that agenda item 23, Hearing on an appeal for a denial of a Food Service Establishment license for Vincent Thomas, is removed from the agenda at the request of the applicant. It was noted that Mr. Thomas signed a consent decree earlier this afternoon regarding the license for his new business.

**SKATEBOARD PARK INITIATIVE AND SITE SELECTION FOR CITY  
SKATEBOARD PARK**

Councilors discussed the pros and cons of the two locations that were presented - Kennedy Park and Marcotte Park. It was noted that Kennedy Park is a visible location, near the Police Station, is not in a highly residential area, and is easy to access with parking. It was noted that private fundraising efforts are underway to raise money to construct the park.

**VOTE (238-2004)**

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

To select Kennedy Park as the location for the city skateboard park site. Passed - Vote 7-0

**APPROVAL OF JOINT DEVELOPMENT AGREEMENT WITH  
COMMUNITY CONCEPTS, INC.**

Councilor Rousseau recused himself from this item. Assistant City Administrator Greg Mitchell presented the project to the Council and outlined that area involved, and noted the partnership that will be developed with Community Concepts.

**VOTE (239-2004)**

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

To authorize the City Administrator to execute the Joint Development Agreement with Community Concepts, Inc., 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 6-0-1 (Councilor Rousseau abstained.)

**ADOPTION OF ORDERS ON SCHOOL FUNDING FOR THE PERIOD OF  
JULY 1, 2004 TO JUNE 30, 2005**

**VOTE (240-2004)**

Motion by Councilor Paradis, seconded by Councilor Rousseau:

ORDERED, That this City Council hereby authorizes the School Committee to expend appropriated monies per line in support of educational programs during Fiscal Year 2004-2005 as follows:

LINE	DESCRIPTION	AMOUNT
1	Undistributed	\$ 10,158,110.00
2	Elementary Education - Instructional	6,146,186.00
3	Elementary Education - All Other	2,239,974.00
4	Middle School - Instructional	2,214,242.00
5	Middle School - All Other	665,648.00
6	High School - Instructional	3,902,672.00
7	High School - All Other	1,157,886.00
8	Special Education	7,417,642.00
9	Vocational - Instructional	1,280,200.00
10	Vocational - All Other	593,901.00
11	Student Activities	527,876.00
12	Adult Education	500,500.00
13	TOTAL	\$ 36,804,837.00

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes an appropriation from the foundation allocation for school purposes the sum of \$32,864,340 and to raise as the local share of the foundation the sum of \$12,345,479.

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes an appropriation from the debt service allocation for school purposes, the sum of \$88,478 and to raise as the local share of the debt service, the sum of \$47,097.

ORDERED, That upon recommendation of the Department of Education, this City Council hereby agrees to appropriate \$2,238,225 in additional local funds under the provisions of 20-A, M.R.S.A., Section 15614.

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes the Lewiston School Committee to expend \$36,804,837 for the fiscal year beginning July 1, 2004 and ending June 30, 2005 from the state foundation allocation (\$20,518,860), state debt service allocation (\$41,381), student activities (\$15,000), rentals - classrooms and auditoriums (\$12,000), state agency clients - special education (\$150,000), surplus-prior year (\$536,295), Medicaid reimbursement (300,000), English as a Second Language (\$100,00), and local appropriation (\$14,630,801) for the support of schools.

ORDERED, That upon recommendation of the Department of Education, this City Council hereby authorizes an appropriation of \$500,500 for adult education for the fiscal year beginning July 1, 2004 and ending June 30, 2005, from state allocation (\$194,134), and to raise as the local share for adult education the sum of \$306,366.

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	\$ 1,677,392.00
Title V Innovative	50,160.00
Local Entitlement, Part B, P.L. 101-476	883,300.00
Emergency Shelter Program	109,160.00
Drug Free School Program (Title IV)	49,981.00
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	66,791.00
Title II D - Technology	55,148.00
Title II A Teacher Quality	418,569.00
Learning Results	46,050.00
ESTIMATED TOTAL	\$ 3,540,651.00

Passed - Vote 7-0

**EXTENSION OF TEMPORARY CLOSURE OF A PORTION OF PINE STREET**

**VOTE (241-2004)**

Motion by Councilor Jean, seconded by Councilor Connors:

To authorize the City Administrator, on the Council’s behalf, to approve an extension of the closure of the northern lane of Pine Street from Lisbon Street to Park Street for the renovation work related to the Lewiston Public Library project, to a date to be determined, subject to addressing the public safety issues. Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE**

**VOTE (242-2004)**

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

To adopt the proposed amendments to the Traffic Schedule regarding the regulation of parking times for a portion of North Bardwell Street:

**Section 19 - Parking Time Regulated, 15 Minutes - 4:00am to 9:00pm**

NORTH BARDWELL ST      Odd numbered side, east side, beginning at a point 25' from the northeast corner of the intersection of Russell Street and North Bardwell Street and extending northerly on North Bardwell Street to a point 25' south of the intersection of North Bardwell Street and Pettingill Street.

**Section 50 - Parking Prohibited, All Times - Intersections, Tow Away Zone**

~~NORTH BARDWELL ST~~      ~~Odd numbered side, east side, beginning at a point 25' from the northeast corner of the intersection of Russell Street and North Bardwell Street and extending northerly on North Bardwell Street to a point 25' south of the intersection of North Bardwell Street and Pettingill Street.~~

Passed - Vote 7-0

**TRANSFER OF PROPERTY AT 33 MAPLE STREET TO THE PUBLIC THEATRE**

Councilor Rousseau inquired about the property at 271 Park Street, noting the Council previously voted to transfer this property, but it was never done. Assistant City Administrator Greg Mitchell noted this transfer of 33 Maple Street is in place of the 271 Park Street project.

**VOTE (243-2004)**

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

Be It Resolved by the City Council that the City Administrator be and hereby is authorized to dispose of the city owned property at 33 Maple Street, and to transfer the property at 33 Maple Street to The Public Theatre, under the terms as outlined in the Real Estate Conveyance Agreement, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and all related documents, substantially in the form as presented, as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

Passed - Vote 7-0

**REPORTS AND UPDATES**

No updates or reports were presented at this time.

**OTHER BUSINESS**

Councilor Bernier asked to have an update on the status of the Walmart project. The City Administrator noted that a conference call is scheduled for tomorrow morning, and the project is still a "go", and said that the developers are negotiating with the contractors regarding prices, noting the bids submitted were higher than anticipated. He stated that a groundbreaking ceremony should occur in the month of July.

**EXECUTIVE SESSION**

**VOTE (244-2004)**

Motion by Councilor Jean, seconded by Councilor Connors:

To enter into an executive session to discuss contract negotiations regarding the City Administrator's employment contract.

Passed - Vote 7-0 Session began at 9:40pm and ended at 10:06pm.

**AMENDMENT TO CITY ADMINISTRATOR'S EMPLOYMENT CONTRACT**

**VOTE (245-2004)**

Motion by Councilor Jean, seconded by Councilor Paradis:

Be It Resolved by the City Council that the Council hereby approves an amendment to the City Administrator's employment contract, said amendment entitled "Second Amendment to the Contract Dated March 5, 2002 Between the City of Lewiston and James A. Bennett", and to authorize the Mayor to sign the contract amendment on behalf of the City Council.

Passed - Vote 7-0

**VOTE (246-2004)**

Motion by Councilor Mendros, second by Councilor Bernier:

To adjourn at 10:10 P.M. Councilor Mendros asked that the Council adjourn in memory of the Fortieth President, Ronald Reagan. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine