

# CITY OF LEWISTON

CITY COUNCIL

OCTOBER 1, 2002

## REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00PM

THE HONORABLE LAURIER T. RAYMOND, JR., MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.  
Moment of Silence.

### **VOTE (285-2002)**

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

To dispense with the reading of the minutes of the September 17, 2002, meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

### **PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING DEVELOPMENT WITHIN THE NO NAME POND WATERSHED**

Motion by Councilor Philippon, second by Councilor O'Brien,

That the proposed amendment to Appendix A, Article XI "District Regulations", Section 20, "No Name Pond" and Article XII "Performance Standards", Section 21 "Stormwater management", of the City Zoning and Land Use Code, concerning development within the No Name Pond Watershed, receive final passage by a roll call vote.

Mayor Raymond opened the public hearing. Councilor Bernier stated that she heard from several land owners in the area of the No Name Pond Watershed that did not receive a notice about this meeting or the Planning Board hearings. City Planner Jim Lysen reviewed the mailing list and confirmed the names that Councilor Bernier had mentioned were indeed included in the mailing. Greg McMorrill of Thorndike addressed the Council and stated he owns property on the Pond and he did not receive a notice. He stated he is very concerned about the recommended amendments concerning development restrictions on the watershed and stated these changes will render his land virtuously useless. Mr. McMorrill asked Council to postpone this issue until the landowners have time to review the impact with the City Planner.

City Planner Jim Lysen stated the No Name Pond Watershed Management Plan and the Committee both called for these stronger restrictions to protect the water quality of the Pond. These are regulatory changes and are similar to the recommendations for Lake Auburn, to protect that body of water. The City Planner stated these new standards are for

new construction only and for new septic systems, not current systems. These standards are to protect against system failures. He stated some of these changes will reduce people's use of their land, yet it is a policy decision to protect the water quality to preserve the City's only pond. Resident Mike Emmi addressed the Council and stated he lives on the Pond and owns the property and he also did not receive a notice. Mr. Emmi stated he is in favor of cleaning up the Pond yet he is not in favor of these restrictions. He mentioned that his business is pumping septic systems, so he understands when systems fail and he has not seen any evidence of this in the area of the Pond. He stated the ordinance changes need to be re-written, they will be costly to property owners.

Councilor Rousseau stated he is reluctant to vote on this issue this evening since citizens have addressed the Council and stated they were not notified of the meetings and have not had a chance to discuss the technical changes with the City Planner. Al Curran, a landowner and chairperson of the No Name Pond Association stated the Association members have worked with Mr. Lysen regarding these recommended changes, but the changes are not time sensitive and since some residents were not aware of the changes, it is fine with the Association to postpone this issue until a later date. Mr. Curran stated the goal of the Association is to have a solution that will be a long term benefit for the Pond and the water quality, and the Association would like to have all land owners in support of the proposal. Councilor Paradis mentioned the City Code does not require mailing a notice to all landowners for any change like this. He stated there were legal advertisements in the newspaper and a mailing list was developed a few years ago for issues regarding No Name Pond, but this is not required. Councilor Bernier recommended a public meeting be held by the City Planner for all landowners in the watershed, so the technical changes can be reviewed and discussed and then it can be brought back to the City Council for a final vote.

Mayor Raymond then closed the hearing.

**VOTE (286-2002)**

Motion by Councilor Rousseau, second by Councilor Mason:

To table this issue until a future Council meeting. Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR SPARETIME RECREATION**

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

**VOTE (287-2002)**

Motion by Councilor Rousseau, second by Councilor Philippon:

To grant a Special Amusement Permit for Dancing and Entertainment to Sparetime Recreation, 729 Main Street, pending final approval from the state background check. Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR ROCK ‘N ROBINS**

Mayor Raymond opened the public hearing. Raymond Beaudoin, resident of Summit Avenue, addressed the Council regarding his concerns with loud noise late at night from The Outer Limits nightclub. The Mayor noted this public hearing is regarding the business Rock ‘N Robins and not The Outer Limits. Mr. Beaudoin stated since the business owners are the same and the businesses are located next door to each other, he felt the issue should be considered. He noted that about seven residents of Summit Avenue are in attendance at this meeting and share these concerns. Councilor Paradis asked that the issue of citizen concerns regarding noise levels at the Outer Limits be an agenda topic for the next Council meeting. Mayor Raymond then closed the hearing.

**VOTE (288-2002)**

Motion by Councilor Philippon, second by Councilor Mason:

To grant a Special Amusement Permit for Dancing and Entertainment to Rock ‘N Robins, 855 Lisbon Street. Passed - Vote 7-0

**INDUCEMENT RESOLUTION FOR THE TRI COUNTY MENTAL HEALTH SERVICES PROJECT**

Finance Director Dick Metivier stated this action does not have any liability on the city’s finances. This is a financial resource tool that other businesses in town have used in the past. The City acts as the issuer of the bonds, but this action does not reflect against the City’s debt schedule.

**VOTE (289-2002)**

Motion by Councilor Jean, second by Councilor Philippon:

That the City Council hereby approves the Inducement Resolution for the Order authorizing the Finance Director to Execute an Inducement Agreement between the City of Lewiston and Tri- County Mental Health Services, Inc. pertaining to the City’s Revenue Obligation Securities in the Aggregate Principal of \$1,000,000. 00 and authorizing the Finance Director to prepare and submit an application to the Finance Authority of Maine seeking approval for the issuance of such Revenue Obligation Securities.

Passed - Vote 7-0

**INTERLOCAL AGREEMENT FOR MUTUAL AID SERVICES WITH AUBURN WATER DISTRICT AND THE LEWISTON AUBURN WATER POLLUTION CONTROL AUTHORITY**

**VOTE (290-2002)**

Motion by Councilor Jean, second by Councilor Mason:

To authorize the City Administrator to sign all appropriate documents to allow the City to enter into the Interlocal Agreement for Mutual Aid with the Auburn Water District and the Lewiston Auburn Water Pollution Control Authority. Passed - Vote 7-0

**MAINE STATE LIBRARY GRANT APPLICATION FOR  
NEW CENTURIES PROJECT**

Library Director Rick Speer stated this is a win-win proposition for everyone. This is to partner with the Maine Memory Network with the Maine Historical Society and the City will be a Regional History Center for the Society. Mr. Speer stated the grant is for 12 months and it should take approximately 12 months to get this program set up and running, so no additional staff members should be required after the grant expires.

**VOTE (291-2002)**

Motion by Councilor Jean, second by Councilor Philippon:

To authorize the City Administrator and Library Director to submit a grant application to the Maine State Library for a \$20,000 New Century grant for financial assistance in establishing a Regional History Center and Archives within the Lewiston Public Library. Passed - Vote 6-0-1 (Councilor Rousseau was out of the room during this vote.)

**AMENDMENT TO RULES GOVERNING CITY COUNCIL**

**VOTE (292-2002)**

Motion by Councilor Paradis, second by Councilor Rousseau:

To amend the Rules to Govern the City Council for the period of January 2002 to January 2004 to amend Section 14. Workshops, subsection a, to set the time for Council workshops to begin at 6:00pm. Passed - Vote 7-0

**RESOLUTION SUPPORTING AN ACT TO REDUCE LOCAL PROPERTY  
TAXES STATEWIDE**

Councilor Jean stated he is opposed to this Resolution and he feels these changes will multiply taxes and there are too many unanswered questions. Councilor Jean stated this looks good on paper but in reality it will hurt the local taxpayers. Councilor Philippon said that if the statewide initiative is approved by the voters, it would result in a tax shift, but the state is falling short of their commitment to fund education and this will require it. Councilor O'Brien stated this is a first step in the process of resolving the tax reform issue. Councilor Rousseau stated he agrees with Councilor Philippon.

**VOTE (293-2002)**

Motion by Councilor Bernier, second by Councilor Philippon:

To support the proposed tax reform initiative of the “Citizens to Reduce Local Property Taxes Statewide” and to adopt the Resolution Supporting “An Act to Reduce Local Property Taxes Statewide”. Passed - Vote 6-1 (Councilor Jean opposed).

Assistant Administrator Phil Nadeau stated that City Administrator Bennett will have a proposal for the next Council meeting regarding the city’s involvement and participation in the collection of signatures at the polls on November 5.

**ELECTION HOURS**

**VOTE (294-2002)**

Motion by Councilor Paradis, second by Councilor Rousseau:

To approve the following recommendation from the City Clerk/Registrar of Voters on actions necessary to conduct the State General and Special Municipal Election to be held on Tuesday, November 5, 2002:

- A. That the hours for acceptance of registrations in person only, prior to the November 5<sup>th</sup> election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, October 22 through November 4, 2002; and additional hours of 8:00am to 11:00am Saturday, November 2, 2002.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B, except the day prior to the election when they shall be recorded in accordance with subsec. 7A.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 7:00am, 10:00am, 2:00pm, 4:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 7-0

**MEETING SCHEDULE FOR NOVEMBER AND DECEMBER**

**VOTE (295-2002)**

Motion by Councilor Paradis, second by Councilor Rousseau:

To suspend Section 1,(a) of the Rules Governing the City Council and to hold one regular meeting during the month of November and one regular meeting during December, said meetings to be held on Tuesday, November 12<sup>th</sup> and Tuesday, December 10<sup>th</sup>.

Passed - Vote 7-0

**REPORT FROM THE SCHOOL COMMITTEE**

No report was presented at this time.

**OTHER BUSINESS**

Councilor Mason brought up the issue of the traffic light on East Avenue. He stated he would like to have the City Council revisit the issue again and stated that \$100,000 is a great deal of money to spend and he wants to ensure that all possible avenues were explored before spending this money. Councilor Bernier stated the issue of traffic problems with the high school has been an issue for twelve years and the traffic light is the best solution. She noted this topic has been studied time and time again and an access road is too expensive. Councilor Mason stated there are 180 school days and for \$100,000, it would be much cheaper to have a police officer at the school in the afternoon directing traffic. Councilor Paradis stated he agrees with Councilor Bernier, and stated there have been three traffic studies on this issue and they all recommend the installation of a traffic light. He noted that having a police officer direct traffic for one hour each afternoon is not going to solve the traffic problems since there are after school activities, sports, adult education classes at night, and so forth. Councilor O'Brien stated it is not fair to be discussing this issue since there was no prior notice provided. Councilor Rousseau stated he applauds the efforts of Councilor Mason for wanting to save the City money, yet stated this has been studied for twelve years and this seems to be the best solution for the community.

**VOTE (296-2002)**

Motion by Councilor Jean, second by Councilor Mason :

To rescind Votes 276 and 277 from the September 17, 2002 Council meeting.  
Failed - Vote 1- 6 (Councilor Mason in favor, other Councilors opposed).

**VOTE (297-2002)**

Motion by Councilor Jean, second by Councilor Mason:

To adjourn at 8:25 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine