

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 6, 2011

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., MAYOR, PRESIDING.

PRESENT: Mayor Gilbert, Councilors Butler, Bernier, Poulin, Jean, O'Connell, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

EXECUTIVE SESSIONS

VOTE (214-2011)

Motion by Councilor Butler, seconded by Councilor Jean:

To enter into Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session began at 6:00pm and ended at 6:23pm.

VOTE (215-2011)

Motion by Councilor Butler, seconded by Councilor Cayer:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Disposition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session began at 6:25pm and ended at 6:54pm.

REGULAR MEETING BEGAN AT 7:00PM

PRESENT: Mayor Gilbert, Councilors Butler, Bernier, Poulin, Jean, O'Connell, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

PUBLIC COMMENT PERIOD

Approximately 20 residents of the Montello Street neighborhood were in attendance to discuss their concerns with motorcycle noise and speeding vehicles. Mrs. Pelletier of 188 Montello Street spoke on behalf of the group and presented a petition with 46 signatures which asked the Council to direct the Police Department to enforce the new state law regarding motorcycles. She noted the motorcycles speed from Central Avenue to East Avenue and it interferes with the quality of life for the residents of Montello Street since the noise and speed impact their sleeping,

safety in crossing the road to retrieve their mail, recreational walking and safely pulling in and out of their driveways. Crystal Ward of 171 Montello Street noted her family owns motorcycles so she is not “anti-motorcycle”, but they operate the vehicles safely and do not remove the muffler pipe. She said the motorcycles travel at such a speed that the windows in their homes rattle and wake residents up at night. Representative Peggy Rotundo of 446 College Street said the quality of life for residents is why the recent laws were enacted by the Legislature, and she recently sent those new laws along to the City Administrator. She noted the Kennebunk Police Department has sound meters to determine decibel levels for motorcycles. Nancy Delsander said the stop sign at East and Montello needs to be more prominent and many drivers do not come to a full stop at this location. Richard Pelletier of Montello Street said his grandchildren are too scared to sleep over at his house anymore because the roar of the motorcycle noise wakes them up and they are petrified.

PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE CARRIAGE HOUSE PLUS, 1119 LISBON STREET

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

VOTE (216-2011)

Motion by Councilor Morgan, seconded by Councilor Poulin:

To grant a Special Amusement permit for dancing and entertainment to The Carriage House Plus, 1119 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING FOR AN OUTDOOR ENTERTAINMENT PERMIT FOR THE DEMPSEY CHALLENGE

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

VOTE (217-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To conduct a public hearing on an application from The Dempsey Challenge Committee for outdoor musical concerts to be held at Simard-Payne Memorial Park on October 8th and 9th, as part of The Dempsey Challenge, 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 organizing 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 AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE BUILDINGS AND BUILDING REGULATIONS ORDINANCE REGARDING THE ELECTRICAL CODE

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

VOTE (218-2011)

Motion by Councilor Cayer, seconded by Councilor Jean:

That the proposed amendments to the City Code of Ordinances, Chapter 18 “Building and Building Regulations”, Article V, “Electrical Code”, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE
FIRE PREVENTION AND PROTECTION ORDINANCE**

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

VOTE (219-2011)

Motion by Councilor Butler, seconded by Councilor Cayer:

That the proposed amendment to the City Code of Ordinances, Chapter 38 “Fire Prevention and Protection”, Article II, “Fire Prevention Code”, Section 38-26 “Code Adopted”, receive first passage by a roll call vote and the public hearing on said ordinance be continued to the next regular City Council meeting for final passage. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE
OFFENSES AND MISCELLANEOUS ORDINANCE REGARDING FIRE
DEPARTMENT SUPERVISION AT PUBLIC GATHERINGS**

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

VOTE (220-2011)

Motion by Councilor Butler, seconded by Councilor Bernier:

That the proposed amendment to the City Code of Ordinances, Chapter 50 “Offenses and Miscellaneous”, Section 50-12, “Fire Supervision of Public Gatherings”, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting. Passed - Vote 7-0

**AMENDMENTS TO THE FACILITIES USE POLICY REGARDING THE ADDITION
OF FIRE GUARD PERSONNEL AT EVENTS HELD IN CITY FACILITIES**

VOTE (221-2011)

Motion by Councilor Bernier, seconded by Councilor Morgan:

To approve the proposed amendments to the Facilities Use Policy, Policy Manual Number 28, as

recommended by the City Administrator and the Fire Chief. Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A LEASE FOR THE USE OF THE HOLY FAMILY FIELD

VOTE (222-2011)

Motion by Councilor Butler, seconded by Councilor Poulin:

To approve the Order authorizing the City Administrator to enter into a lease agreement with the Roman Catholic Diocese of Portland for the use of the Holy Family field by the City's Recreation and School Departments:

Whereas, Holy Family Field is owned by the Roman Catholic Diocese of Portland; and

Whereas, the City of Lewiston entered into a Lease for the use of Holy Family Field with the Roman Catholic Bishop of Portland as early as 1990; and

Whereas, from time to time, it is necessary to enter into a new lease at the point where the prior lease expires; and

Whereas, this field has the capacity to host athletic activities sponsored by the Recreation and School Departments as well as other community sport organizations; and

Whereas, a significant community-wide demand exists for multi-use fields over and above what can be provided by City-owned facilities; and

Whereas, this Lease will benefit both the City and local non-profit sport organizations; and

Whereas, this Lease is substantially the same as the expiring one it is replacing;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to enter into a Lease, in substantially the form as is attached hereto, with the Roman Catholic Bishop of Portland to allow for the use of Holy Family Field by the City's Recreation Department.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW LEASE WITH CATHOLIC CHARITIES MAINE FOR USE OF LEWISTON CITY HALL AND FOR ITS SHARE OF THE COST OF THE SOCIAL SERVICES DEPARTMENT RECEPTIONIST

VOTE (223-2011)

Motion by Councilor Morgan, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to execute a new lease with Catholic

Charities Maine for use of Lewiston City Hall and for its share of the cost of the Social Services Department receptionist:

Whereas, in February 2011, the City entered into a one year lease agreement with Catholic Charities Maine to provide space in City Hall to provide immigrant services for Lewiston residents; and

Whereas, continued cutbacks in federal immigrant funding have necessitated a reduction in Catholic Charities Maine personnel and services; and

Whereas, the new one year lease will be for reduced office space in City Hall and a smaller annual payment but maintains Catholic Charities Maine's original commitment to fund fifty percent of the part-time Social Services Department receptionist position; and

Whereas, these are the only changes to the existing lease;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute a new lease with Catholic Charities Maine for use of Lewiston City Hall and its payment share for the Social Services Department receptionist.

Passed - Vote 7-0

**RESOLVE AUTHORIZING THE USE OF COMMUNITY DEVELOPMENT BLOCK
GRANT FUNDS FOR A DOWNTOWN RESIDENTIAL NEIGHBORHOOD
TRANSPORTATION FLOW STUDY**

Councilor Poulin inquired which streets will be included in the study. It was stated that Main Street to Webster Street, as well as Birch and Park Streets and the residential areas of Pine Street to Webster Street.

VOTE (224-2011)

Motion by Councilor Butler, seconded by Councilor Bernier:

To approve the Resolve authorizing the use of Community Development Block Grant funds for a Downtown Residential Neighborhood Transportation Flow Study:

Whereas, in 2009, the Downtown Neighborhood Task Force issued a report identifying issues facing the Downtown Residential Neighborhood and making recommendations to address them; and

Whereas, one section of the report dealt with transportation and included a series of recommendations dealing with transportation and circulation including improving streetscapes, narrowing certain roads, and intersection improvements; and

Whereas, while discussing a proposal to change Horton Street from two-way to one-way, the Council indicated that it was uncomfortable making such a change without an overall traffic and

circulation plan for the area; and

Whereas, as a result of this concern, staff worked to including funding for developing such a plan in the Androscoggin Transportation Resource Center's (ATRC) proposed work plan; and

Whereas, ATRC has designated \$32,000 for such a study which must be matched by \$8,000 from City resources; and

Whereas, in FY 2009, the Council appropriated Community Development Grant Funds to a Downtown Neighborhood Improvement Reserve to assist in implementing the Action Plan; and

Whereas, the Downtown Neighborhood Advisory Committee has recommended that the City use these funds for the local share of this project;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that \$8,000 in previously appropriated Community Development Block Grant funds from the Downtown Neighborhood Improvement Reserve is hereby authorized for use as the local share for a Downtown Neighborhood Transportation Flow Study.

Passed - Vote 7-0

RESOLVE AMENDING THE NAME OF THE "JUDGE ARMAND A. DUFRESNE, JR. PLAZA" TO NOW READ "CHIEF JUSTICE ARMAND A. DUFRESNE, JR. PLAZA"

VOTE (225-2011)

Motion by Councilor Morgan, seconded by Councilor Bernier:

To approve the Resolve to amend the name of "Judge Armand A. Dufresne, Jr. Plaza" to now read "Chief Justice Armand A. Dufresne, Jr. Plaza":

Whereas, on July 15, 2008, the City Council voted to approve the renaming of "Courthouse Plaza" to read "Judge Armand A. Dufresne, Jr. Plaza"; and

Whereas, Mayor Laurent F. Gilbert, Jr. has requested that the name of the plaza be amended to now read "Chief Justice Armand A. Dufresne, Jr. Plaza" to properly reflect the last position held by Chief Justice Dufresne;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the park formerly known as "Judge Armand A. Dufresne, Jr. Plaza" now be renamed "Chief Justice Armand A. Dufresne, Jr. Plaza".

Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

The City Administrator noted the Council will be holding a workshop on the issue of the Kennedy Park gazebo on Sept. 27. He also stated additional workshop topics to be scheduled will be a discussion of the city's debt, a presentation from the School Superintendent on the capital needs of the School Department and the issue of the raised crosswalk on College Street.

VOTE (226-2011)

Motion by Councilor Morgan, second by Councilor Jean:

To adjourn at 8:00P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine