

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 4, 2011

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

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

Pledge of Allegiance to the Flag.
Moment of Silence.

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period.

PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR FAST BREAKS, 1465 LISBON STREET

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

VOTE (242-2011)

Motion by Councilor Bernier, seconded by Councilor Butler:

To grant a Special Amusement Permit for dancing and entertainment to Fast Breaks, Inc., 1465 Lisbon Street. Passed - Vote 6-0

PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR SCHEMENGEEES, 551 LINCOLN STREET

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

VOTE (243-2011)

Motion by Councilor Bernier, seconded by Councilor Butler:

To grant a Special Amusement Permit for dancing and entertainment to Schemengees, 551 Lincoln Street. Passed - Vote 6-0

PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR FRIENDS LODGE, 724 MAIN STREET

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

VOTE (244-2011)

Motion by Councilor Bernier, seconded by Councilor Butler:

To grant a Special Amusement Permit for live entertainment to Friends Lodge, 724 Main Street.
Passed - Vote 6-0

**PUBLIC HEARING FOR SPECIAL AMUSEMENT PERMIT FOR MIDTOWN
ATHLETIC CLUB, 43 WALNUT STREET**

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

VOTE (245-2011)

Motion by Councilor Bernier, seconded by Councilor Butler:

To grant a Special Amusement Permit for live entertainment to the Midtown Athletic Club, 43 Walnut Street. Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE
OFFENSES AND MISCELLANOUS PROVISIONS ORDINANCDE REGARDING THE
SALE AND USE OF CONSUMER FIREWORKS**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Michael Lajoie of Old Greene Road, former Fire Chief and current member of the House of Representatives, addressed the Council regarding his concern with the proposed ordinance. Rep. Lajoie urged the Council to not approve the ordinance and instead to approve an outright ban on the sale and use of fireworks within the city limits. He noted he strongly spoke against the new state law to allow for the sale and use of fireworks statewide, and he cited past legislative actions regarding bans on fireworks. He also spoke about the dangers of fireworks, mentioned previous accidents and injuries to children, flash back situations for veterans and the problems created for the environment and animals. Rep. Lajoie noted Maine is a beautiful state and we don't want to ruin that. Mayor Gilbert then closed the hearing. Councilor Jean and Mayor Gilbert said they agreed with Rep. Lajoie about a complete ban for Lewiston.

Councilor Butler noted he is in support of the ordinance and feels that residents will be responsible with their use. He suggested implementing the new ordinance for one year to test its effectiveness. Councilor Poulin concurred and noted the residents can be educated on the safe use of the fireworks and should be trusted to be responsible and accountable. Councilors agreed to incorporate a friendly amendment for the ending time on July 4 to 11:30pm at the suggestion of Councilors Butler and Poulin.

VOTE (246-2011)

Motion by Councilor Butler, seconded by Councilor Bernier:

That the proposed amendment to the City Code of Ordinances, Chapter 50 "Offenses and

Miscellaneous Provisions”, Article VIII. “Sale and Use of Consumer Fireworks”, Sections 50-226 through 50-232, to create a new article regarding fireworks within the city limits, 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. Did Not Pass - Vote 2-4 (Councilors Butler and Poulin in favor; others opposed)

ORDER AUTHORIZING THE CITY ADMINSTRATOR TO DEMOLISH CERTAIN CITY-OWNED TAX ACQUIRED STRUCTURES

VOTE (247-2011)

Motion by Councilor Jean, seconded by Councilor Bernier:

To approve the Order authorizing the City Administrator to demolish certain city-owned, tax acquired structures:

Whereas, the City has acquired tax title to a number of structures which have been condemned, cannot be economically rehabilitated, pose a health and safety hazard to the public, and, given these considerations, must be demolished; and

Whereas, since the City has acquired ownership of both the structures and the land, there is the opportunity to either sell the land or find other appropriate uses for it, thus receiving some benefit to offset demolition costs; and

Whereas, the necessary funding for demolition has been made available through the Community Development Block Grant Program and a General Fund bond issue;

Now, therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to take the necessary steps to demolish the structures located at 187 and 191 Lincoln Street, where both the structures and land are owned by the City as a result of matured tax liens.

Passed - Vote 6-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW COLLECTIVE BARGAINING AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME COUNCIL #93) LOCAL 1458-00 ON BEHALF OF THE LEWISTON PUBLIC WORKS UNIT

VOTE (248-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To approve the Order authorizing the City Administrator to execute a new collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME Council #93) Local 1458-00, on behalf of the Lewiston Public Works Unit:

Whereas, the City and AFSCME union representatives have worked diligently over the last several months to develop a new collective bargaining agreement; and

Whereas, all who participated in the development of the AFSCME collective bargaining agreement believe that all sides have produced a contract which is sensitive to the current economic climate and reflects the organizational goals and objectives of both the city and AFSCME;

Now, therefore, Be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the new FY 2012-2013 AFSCME collective bargaining agreement and is authorized to approve any final administrative, non-monetary, and non-substantive amendments as needed.

Passed - Vote 6-0

APPROVAL OF THE ELECTION WARRANT FOR THE NOVEMBER 8 ELECTION

VOTE (249-2011)

Motion by Councilor Jean, seconded by Councilor Poulin:

Be It Ordered by the City Council that the Election Warrant be issued for the Regular Municipal Election to be held on Tuesday, November 8, 2011 for the purposes of voting for municipal officers; and

To approve the following recommendation from the City Clerk/Registrar of Voters on actions necessary to conduct the Municipal Candidate & State Referendum Election to be held on Tuesday, November 8, 2011:

A. That the hours for acceptance of registrations in person only, prior to the November 8 election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, October 19 through November 7, 2011; and additional hours of 4:30pm to 7:00pm on Thursday, November 3, 2011.

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, 4:00pm, 7:00pm, and any and all remaining shall be processed at 8:00pm, if necessary.

Passed - Vote 6-0

REPORTS AND UPDATES

The City Administrator noted the Finance Director distributed a financial report regarding the preliminary year-end financial status and they were pleased with the results so far.

OTHER BUSINESS

RESOLVE CALLING UPON THE VOTERS OF MAINE TO RECOGNIZE THE WISHES OF THE VOTERS OF LEWISTON AND APPROVE QUESTION 3 ON THE NOVEMBER BALLOT

VOTE (250-2011)

Motion by Councilor Butler, seconded by Councilor Poulin:

Whereas, in June 2010, the voters of the City of Lewiston overwhelmingly approved a ballot question authorizing a casino at the Mill 5 site in Lewiston; and

Whereas, the City has entered into an option agreement with Great Falls Entertainment, LLC that would allow a casino at this site; and

Whereas, if approved, Question 3 on the November state-wide ballot would allow this project to move forward; and

Whereas, the presence of a Casino on this site would provide the City of Lewiston with a variety of direct and indirect benefits; and

Whereas, direct benefits include designation of a percentage of casino revenues to the City's general fund, joint Lewiston-Auburn projects, downtown revitalization, funding the Lewiston Auburn Economic Growth Council, and renewable energy grants and loans; and

Whereas, casino revenues will also flow to Androscoggin County, partially offsetting the City's county tax; and

Whereas, the City may also benefit from casino revenues dedicated to other sources including water quality improvements to the Androscoggin River, rail improvements including improvements to the rail system in Bethel, and funding for a Lewiston-Auburn bike path; and

Whereas, the City will also see additional property tax revenues as a result of this project; and

Whereas, other benefits include: the creation of temporary construction jobs, the creation of permanent employment opportunities, the potential redevelopment of the Mill 5 property, and a jump-start to the City's efforts to develop our Riverfront Island area;

Now, therefore, Be It Resolved by the City Council of the City of Lewiston that, recognizing the wishes of the voters of Lewiston as expressed in the June 2010 election and the direct and indirect benefits that will accrue to the City and its citizens through the development of a casino on the Bates Mill 5 property, we hereby support the effort to establish a casino at this location and call on the voters of Maine to vote yes on question 3 on the November ballot.

Passed - Vote 5-1 (Councilor O'Connell opposed)

At this point, Councilor Bernier retired from the meeting for the evening.

EXECUTIVE SESSION – REAL ESTATE NEGOTIATIONS

VOTE (251-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

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 6-0

The Executive Session began at 8:00pm and ended at 8:20pm.

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN OPTION AGREEMENT WITH PARALLAX PARTNERS, INC. FOR PROPERTY LOCATED AT 15 AND 29 LINCOLN STREET

It was noted that item number 5 would be removed from the proposed Option Agreement document that was contained in the agenda packet material. The rest of the language in the Agreement would remain the same.

VOTE (252-2011)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to execute an Option Agreement with Parallax Partners, Inc. for property located at 15 and 29 Lincoln Street:

Whereas, the City currently owns the vacant property located at 15 and 29 Lincoln Street; and

Whereas, the Planning Board has reviewed this property and has sent a favorable recommendation for the City Council’s consideration of its disposition; and

Whereas, staff has been in discussion with Parallax Partners, Inc. regarding the potential use of this property for an economic development project; and

Whereas, Parallax has requested that the City enter into an option agreement with them for the potential sale and development of this property;

Now, therefore, Be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to enter into an option agreement with Parallax Partners, Inc. for the property located at 15 and 29 Lincoln Street in a form substantially as attached hereto.

Passed - Vote 5-0

EXECUTIVE SESSION TO DISCUSS LABOR NEGOTIATIONS REGARDING THE CITY’S SIX EMPLOYEE UNIONS

VOTE (253-2011)

Motion by Councilor Poulin, seconded by Councilor Cayer:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458. Passed - Vote 6-0

Executive Session started at 8:22pm and ended at 9:05pm

VOTE (254-2011)

Motion by Councilor Jean, second by Councilor Cayer:

To adjourn at 9:06 P.M. Passed - Vote 5-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine