

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 7, 2012

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D'Auteuil, Libby, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

EXECUTIVE SESSIONS

VOTE (39-2012)

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 Real Estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 6-0

Executive session began at 6:02pm and ended at 6:12pm.

VOTE (40-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

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

Executive Session began at 6:13pm and ended at 6:48pm.

Regular Meeting began at 7:00pm.

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (41-2012)

Motion by Councilor Libby, seconded by Councilor Butler:

To dispense with the reading of the minutes of the meetings of January 24 and 31, 2012 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0

PUBLIC COMMENT PERIOD

Charles Soule of 135 Bartlett Street stated that the Court Justices scolded the Lewiston Police Department for losing evidence in a recent court case and he stated their action was obstructing a Maine state investigation. He noted there is a court case pending against him and he has

requested records from the Police Department which he stated they have not released to him. Mr. Soule noted there is evidence that will exonerate him and he has filed charges against the officer that arrested him.

Mayor Macdonald advised Mr. Soule that personnel matters are confidential issues under state statutes and cannot be discussed during an open session of the City Council. The Mayor asked Mr. Soule to cease his discussion of this topic. When Mr. Soule continued, the Mayor declared a five minute recess.

AUTHORIZATION OF ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (42-2012)

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

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 \$6,720.00, or any portion thereof, in the case of the State of Maine vs. Daniel McKeigue, CR-11-1174 Court Records. 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' account.

Passed - Vote 6-0

APPOINTMENTS TO THE BOARD OF ASSESSMENT REVIEW

VOTE (43-2012)

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

To accept the City Administrator's nominations of Gary Savard of 1241 Sabattus Street and William Healey Jr. of 1 Ridge Road and to appoint Mr. Savard and Mr. Healey as members of the Board of Assessment Review, each for a three year term, said terms to expire December 17, 2014. Passed - Vote 6-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE CAGE,
97-99 ASH STREET**

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

VOTE (44-2012)

Motion by Councilor Butler, seconded by Councilor Libby:

To grant a Special Amusement permit for live entertainment to The Cage, 97-99 Ash Street.
Passed - Vote 6-0

**PUBLIC HEARING FOR A SPECIAL AMUSEMENT PERMIT FOR THE FRANCO
AMERICAN HERTIAGE CENTER, 46 CEDAR STREET**

Mayor Macdonald opened the public hearing to receive citizen input and comment. No members

of the public spoke for or against this item. Mayor Macdonald then closed the hearing.

VOTE (45-2012)

Motion by Councilor Butler, seconded by Councilor D'Auteuil:

To grant a Special Amusement permit for dancing and entertainment to the Franco American Heritage Center, 46 Cedar Street. Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE FOR LAND USE CODE AMENDMENTS
CONCERNING PERMITTED SIGNS**

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

VOTE (46-2012)

Motion by Councilor Cayer, seconded by Councilor Saddlemire:

That the proposed amendment to Appendix A, Zoning and Land Use Code, Article XII "Performance Standards", Section 16, "Signs", of the City Zoning and Land Use Code, concerning requirements for signs, receive final passage by a roll call vote.
Passed - Vote 6-0

**PUBLIC HEARING FOR FISCAL YEAR 2013 LEWISTON CAPITAL
IMPROVEMENT PROGRAM**

Mayor Macdonald opened the public hearing to receive citizen input and comment. Raymond Merrow of 37 Leavitt Avenue spoke in support of funding the Jepson Brook project noting the outdated lines need to be replaced. He said the catch basin in front of this house backs up into his basement and floods. He noted the City has been over several times to fix the problem, but he noted their work has not fixed the problems. Mr. Merrow stated that Public Works employees have told him the pipes are too small to handle the flow. Mayor Macdonald then closed the hearing.

**PUBLIC HEARING AND ADOPTION OF THE COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM (CDBG) CITIZENS PARTICIPATION PLAN**

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

VOTE (47-2012)

Motion by Councilor Saddlemire, seconded by Councilor Libby:

To approve the Citizens Participation Plan for the Community Development Program, City Policy Manual Number 13, as recommended by the City Administrator and the Interim Economic and Community Development Director. Passed - Vote 6-0

**RESOLVE AUTHORIZING THE SALE OF 299 WEBSTER STREET BY A PUBLIC
BID OFFERING**

VOTE (48-2012)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the Resolve authorizing the sale of 299 Webster Street by a public bid offering:

Whereas, a 2009 tax lien has matured on the property located at 299 Webster Street, and the City is owed a total of \$21,191.45 in past taxes from fiscal year 2006 forward; and

Whereas, the City is also owed delinquent stormwater fees of \$440.76; and

Whereas, the City has incurred approximately \$6,000 in expenses to remove debris from the property and secure the building; and

Whereas, the City has and continues to incur legal fees associated with the property; and

Whereas, the City wishes to dispose of this tax acquired property and return it to the tax rolls;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston, that the Budgeting and Purchasing Director is hereby authorized to seek public bid offerings for the sale of 299 Webster Street with an established minimum bid of \$30,000 and a bid security deposit requirement of \$1,000;

Be It Furthered Ordered that the Budgeting and Purchasing Director award the sale to the highest bidder that has secured financing and meeting the bid requirements;

Be It Furthered Ordered that the City Administrator is authorized to execute the necessary purchase and sale agreement and all closing documents required to conclude the sale.

Passed - Vote 6-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Councilor Libby presented a Resolve regarding the MaineCare fund shortfall and asked the Council to consider adopting it as a show of support for the two Lewiston hospitals which are facing a large loss with the unreimbursed expenses. He noted the hospitals may have to start major staff layoffs to compensate for the lack of reimbursed funds.

VOTE (49-2012)

Motion by Councilor Libby, second by Councilor Butler:

To suspend the Rules of the City Council and to add an item to the agenda at this time.
Passed – Vote 6-0

VOTE (50-2012)

Motion by Councilor Libby, second by Councilor Butler:

To approve the Resolve calling upon the State of Maine to address the MaineCare Funding Shortfall in a manner which minimizes negative impacts on local health care providers, the private insurance market and the General Assistance program:

Whereas, the Mainecare program currently faces a biennial funding shortfall estimated at \$220 million; and

Whereas, while recognizing the significance of this problem, steps to address it must take into account the impact of program changes on health care providers, the private insurance market, and the General Assistance Program; and

Whereas, a proposal under consideration would eliminate individuals from coverage and implement rate cuts and caps on hospital stays and outpatient visitors, reducing reimbursements to local hospitals by an estimated \$20 million; and

Whereas, a significant portion of these cuts will be covered through unreimbursed care provided by hospitals through increased emergency room visits and other services; and

Whereas, this may, in turn, require budget reductions and staff cuts at local hospitals which are the top two employers in the City of Lewiston with over 4,000 employees and a payroll of \$230 million; and

Whereas, changes in the MaineCare program may also result in an increase in the cost of privately funded health insurance as revenues lost by health care providers are addressed through increased charges for privately funded services; and

Whereas, the impact of health care costs on low and moderate income individuals may also result in an increased demand for support through the locally administered General Assistance program;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that we call upon the Governor and the State Legislature to work together to identify steps to address the budget shortfall in MaineCare while minimizing the negative effects that such steps may have on Lewiston's hospitals and health care providers, the private insurance market, and the locally administered General Assistance Program.

Passed - Vote 6-0

Councilor Cayer commented about the interaction during the Public Comment section of the agenda and noted that citizens are welcome to address the Council with their concerns but matters involving personnel cannot be addressed in a public forum and should be reviewed with

the City Administrator.

The City Administrator reviewed a few potential dates for the Council planning session as well as the joint agencies budget process.

EXECUTIVE SESSION

VOTE (51-2012)

Motion by Councilor Libby, seconded by Councilor Butler:

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

VOTE (52-2012)

Motion by Councilor Butler, second by Councilor Libby:

To adjourn at 8:54 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine