

**CITY OF LEWISTON**

**CITY COUNCIL**

**JANUARY 15, 2008**

**REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.**

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

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.  
Moment of Silence.

Councilor Reed noted that he was in attendance at the December 18 meeting and the minutes appear to accurately reflect the actions of the 2005-2007 Council during this meeting. The Mayor stated he was also in attendance at that meeting and he concurred.

**VOTE (5-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To dispense with the reading of the minutes of the December 18, 2007 meeting and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

Councilor T. Peters noted some vote errors in the Inaugural meeting minutes, noting that Councilors and School Committee members nominated to serve in various leadership positions did not cast a vote for themselves. The City Clerk will adjust the vote numbers in the minutes accordingly.

**VOTE (6-2008)**

Motion by Councilor Reed, seconded by Councilor N. Peters:

To dispense with the reading of the minutes of the January 7, 2008 meeting and to accept and place them on file as prepared by the City Clerk, as amended. Passed - Vote 7-0

**ADOPTION OF THE RULES TO GOVERN THE CITY COUNCIL FOR THE  
ENSURING COUNCIL YEAR**

Councilors T. Peters and Poulin both presented a few amendments to the Council's Rules. Councilor T. Peters agreed to incorporate Councilor Poulin's amendments in with his proposed amendments.

**VOTE (7-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

To incorporate the following amendments into the Rules:

- 1) Section 5 (a) add to the end, after the words “or by Charter” “and may be suspended by a majority vote of the city council at any time.”
- 2) Section 6 after the paragraph that begins “before any item which requires action...its recommendation”, add the following “unless otherwise voted by a majority of the city council members present”.
- 3) Section 10 change to read as follows “A majority vote of the city council or approval by the council president, or the Mayor in the absence of the council president, is required in order for an individual councilor to obtain an opinion from the City Attorney.”
- 4) Section 9 (a) add the words “in an official capacity” after the phrase “out of state travel” and delete Section 9 (b).
- 5) Change Section 13 to read: “Citizens are welcome, and highly encouraged, to attend and participate in workshops, however, discussion maybe limited by the Mayor, if deemed appropriate.”

Passed - Vote 7-0

**VOTE (8-2008)**

Motion by Councilor Reed, seconded by Councilor Theriault:

To adopt the Rules to Govern the City Council for the period of January 15, 2008 to January 5, 2010, as amended. Passed - Vote 7-0

**PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION AND SPECIAL AMUSEMENT PERMIT FOR WILLY BEANS COFFEE, INC., 70 LINCOLN STREET**

Mayor Gilbert opened the public hearing. Attorney Paul Murphy addressed the Council and stated he is representing the applicants. Mayor Gilbert then closed the hearing.

**VOTE (9-2008)**

Motion by Councilor Reed, seconded by Councilor T. Peters:

To authorize the City Clerk’s Office to approve a new liquor license application and special amusement permit for Willy Beans Coffee, Inc., 70 Lincoln Street. Passed - Vote 7-0

**GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR FUEL, INC., 49 LISBON STREET**

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

**VOTE (10-2008)**

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To grant a special amusement permit for live entertainment to Fuel, Inc., 49 Lisbon Street.

Passed - Vote 7-0

**PUBLIC HEARING AND ACCEPTANCE OF THE COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM (CDBG) - CITIZEN PARTICIPATION PLAN FOR THE  
HUD FY2008 ACTION PLAN**

Mayor Gilbert opened the public hearing. Dave McDonald of 101 Birch Street stated he had some questions regarding the HUD guidelines as well as housing related questions, specifically how much of the funds are assisting homeless residents and residents with mental illness issues. It was suggested that Mr. McDonald meet with James Andrews, Economic and Community Development Director. Mayor Gilbert then closed the hearing.

**VOTE (11-2008)**

Motion by Councilor Poulin, seconded by Councilor Bailey:

To approve the Citizens Participation Plan for the FY2008 Community Development Program, City Policy Manual Number 13, as recommended by the Economic and Community Development Department. Passed - Vote 7-0

**ADOPTION OF THE HOMEBUYER LOAN PROGRAM GUIDELINES AND  
HOMEOWNERS REHABILITATION LOAN PROGRAM GUIDELINES**

Councilors inquired about the program, how well used it is, the background of the program, the income guidelines and if it is possible to incorporate other towns in the county into this program.

**VOTE (12-2008)**

Motion by Councilor T. Peters, seconded by Councilor Dube:

To adopt the Homebuyer Loan Program Guidelines and the Homeowner Rehabilitation Loan Program Guidelines Policy, Policy Number 12. Passed - Vote 7-0

**AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO  
APPROVE AND SIGN ALL APPLICATIONS TO OPERATE BEANO, BINGO AND  
OTHER GAMES OF CHANCE, ON BEHALF OF THE MUNICIPAL OFFICERS**

**VOTE (13-2008)**

Motion by Councilor Theriault, seconded by Councilor Dube:

Ordered, that the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications to operate beano, bingo or other games of chance on behalf of the Municipal Officers, during the period of January 15, 2008 through January 5, 2010.

Passed - Vote 7-0

**AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL PERMITS FOR CIRCUSES AND CARNIVALS, ON BEHALF OF THE MUNICIPAL OFFICERS**

**VOTE (14-2008)**

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

Ordered, that the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all permits for a circus or carnival on behalf of the Municipal Officers, during the period of January 15, 2008 through January 5, 2010. Passed - Vote 7-0

**AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL LIQUOR LICENSE APPLICATIONS, ON BEHALF OF THE MUNICIPAL OFFICERS**

Robert Lambert of 94 Summit Avenue inquired why this process is changing, it was noted that it is not changing. He then inquired about the status of the liquor license for Rock N' Robins, 855 Lisbon Street. The City Clerk will follow up with Mr. Lambert.

**VOTE (15-2008)**

Motion by Councilor Reed, seconded by Councilor Bailey:

Ordered, that the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all liquor license applications on behalf of the Municipal Officers, during the period of January 15, 2008 through January 5, 2010. Passed - Vote 7-0

**AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL APPLICATIONS FOR UTILITY POLE PERMITS, ON BEHALF OF THE MUNICIPAL OFFICERS**

**VOTE (16-2008)**

Motion by Councilor Theriault, seconded by Councilor Dube:

Ordered, that the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all applications for utility pole permits on behalf of the Municipal Officers, during the period of January 15, 2008 through January 5, 2010. Passed - Vote 7-0

**AUTHORIZATION FOR THE CITY CLERK AND/OR DEPUTY CITY CLERK TO APPROVE AND SIGN ALL LICENSES FOR CLOSE OUT SALE PERMITS, ON BEHALF OF THE MUNICIPAL OFFICERS**

**VOTE (17-2008)**

Motion by Councilor N. Peters, seconded by Councilor Reed:

Ordered, that the City Council hereby authorizes the City Clerk and/or Deputy City Clerk to approve and sign all licenses for close out sale permits on behalf of the Municipal Officers, during the period of January 15, 2008 through January 5, 2010. Passed - Vote 7-0

**AUTHORIZATION FOR THE FINANCE DIRECTOR, TAX COLLECTOR AND DEPUTY TREASURER TO ACT ON BEHALF OF THE MUNICIPAL OFFICERS**

Councilors asked for some additional information regarding this item and it was provided by the Finance Director.

**VOTE (18-2008)**

Motion by Councilor Reed, seconded by Councilor Dube:

Ordered, That the City Council hereby authorizes the Finance Director, Tax Collector or Deputy Treasurer to withhold monies payable by the City of Lewiston to cover taxes due pursuant to MRSA Title 30-A, section 905; to sign on behalf of the City, the necessary deeds and liens and tax settlements; and to invest funds in accordance with Maine Revised Statutes Annotated, Title 30-A, Section 5706; to apply all tax payments to the oldest outstanding tax obligation pursuant to MRSA Title 36, section 906, during the period January 15, 2008 through January 5, 2010.

Passed - Vote 7-0

**AUTHORIZATION FOR CITY ADMINISTRATION TO APPROVE OR DENY ALL REQUESTS TO HANG BANNERS ON MUNICIPAL PROPERTY, ON BEHALF OF THE MUNICIPAL OFFICERS**

Councilor Theriault inquired if a policy exists regarding types of banners that can be displayed. The Mayor noted there is a draft policy that was prepared by DAB regarding banners on city street light posts.

**VOTE (19-2008)**

Motion by Councilor Reed, seconded by Councilor Theriault:

Ordered, That the City Council hereby authorizes the City Administrator or Deputy City Administrator to review and approve or deny all requests to hang banners on city property, on behalf of the Municipal Officers, during the period of January 15, 2008 through January 5, 2010.

Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

Councilor T. Peters inquired about the administrative fees and which agency receives these fees. Chief Welch noted the fees are distributed amongst the agencies that are involved with the case, such as the police department, state district attorneys office, and so forth. He said the fees go into a dedicated fund and can only be used for a law enforcement purpose pertaining to drug enforcement. Resident Dave McDonald of 101 Birch Street commented about the response time on some police calls that he has witnessed. It was suggested he meet with the Chief to discuss his concerns.

**VOTE (20-2008)**

Motion by Councilor T. Peters, seconded by Councilor Reed:

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 the proceeds of the sale of one Smith & Wesson PM 40 firearm, serial #MPB7393, less administrative fees, or any portion thereof, in the case of the State of Maine vs. Justin Moody, CR-07-551; the transfer of \$7,116, less administrative fees, or any portion thereof, in the case of State of Maine vs. Derek Abe Owen, CR-07-906; the transfer of 13.34% of \$9,400 and 13.34% of \$9,000, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Kristy Nadeau, CE-07-0013, Ex N-3, 08-DEA-492465 and CE-07-0013, Ex N-4, 08-DEA-492466 and the transfer of 16% of \$5,000, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Earl Peralta CE-07-0034, Ex N-11, 08-DEA-493027. 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

At this point, the Council took a 5 minute recess.

**CREATION OF A CITIZEN BUDGET ADVISORY COMMITTEE**

Mayor Gilbert stated he is interested in appointing a citizen budget advisory committee so a group of citizens can review the city budget and offer their thoughts and comments, noting they will advise and assist the Council in decisions regarding the budget. Mayor Gilbert explained that many other towns in Maine have such committees and these are beneficial, since more eyes are scrutinizing the figures. Councilor Reed stated he has no objection to the creation of such a committee, but felt the timing was poor and it should be created in the fall, to allow time for the group to become familiar with the budgeting process. He stated to expect them to learn everything and be brought up to speed in just a few months is unfair to the citizens and to staff. Councilors T. Peters and Theriault stated they echo Councilor Reed's comments. Councilor Reed emphasized the Council wants to have public input into the budget, and they are welcome to attend and speak at all public hearings, workshops and meetings related to the budget, however to ask a group of citizens to work so indepth on the budget without time to learn about the process is unfair.

Motion by Councilor Poulin, second by Councilor T. Peters:

To create a citizen budget advisory committee to be established in the fall.

The Mayor stated appointing the committee in the fall would mean the loss of one year and he noted there is a committee in Auburn that works well. He said citizens would be interested in serving during the time the budget is being considered, not in the fall when it is not relevant. Councilor T. Peters stated that forming a committee is not always the way to get things done, especially since this time frame is tight.

Councilor T. Peters noted the Council is trying to support the idea, but is adjusting it so it will work. Councilor N. Peters said the citizens elected the Council to do a job and they need to be allowed to do that job, not to delegate it out, and adding nine people to the seven people already reviewing the budget will add chaos. The Mayor noted the committee members would be making recommendations to the Council, not making decisions for them. Councilor Poulin stated he supports the idea of citizen input and the creating of this committee. It was noted the full budget document should be put on line for residents to review it before the workshops.

**VOTE (21-2008)**

Motion by Councilor Theriault, seconded by Councilor N. Peters:

To postpone this matter indefinitely. Passed - Vote 6-1 (Councilor Poulin opposed)

**RECEIPT OF THE FY09 LEWISTON CAPITAL IMPROVEMENT PLAN**

The City Administrator stated the Charter requires that the Council receive the LCIP document by January 15, so therefore it is being distributed this evening. He noted that during the joint workshop with the Planning Board on February 12, he will be making a full presentation on the LCIP projects. He said the LCIP is a planning document only and that in May or June of each year, the funding for the projects is voted on separately at that time.

**VOTE (22-2008)**

Motion by Councilor Reed, seconded by Councilor Dube:

To receive and place on file the Fiscal year 2009 Lewiston Capital Improvement Plan.  
Passed - Vote 7-0

**APPROVAL OF APPOINTMENTS TO THE CABLE TV ADVISORY COMMITTEE**

**VOTE (23-2008)**

Motion by Councilor Theriault, seconded by Councilor Bailey:

To approve the Mayor's nominations and to appoint the following citizens to the Cable TV Advisory Committee: Laurent F. Gilbert, Jr., 39 Cote Street; Emile Jacques, 31 Pleasant Street; Norman L'Heureux, 13 Libby Avenue; Roger Philippon, 3 Champlain Avenue and Joanne Potvin, 125 Rosedale Street. Passed - Vote 7-0

**DISCUSSION REGARDING THE ESTABLISHMENT OF A LED STREET LIGHTING PILOT PROJECT**

The City Administrator noted this topic was brought up during one of the orientation workshops. This item is to allow the Council to let staff know what direction they would like to explore regarding this topic. It was noted that the traffic signal lights in Lewiston are LED lights, but the street lights are not. Councilor Reed mentioned a program in Ann Arbor, MI where the lights in

the downtown area are LED lights and have a life of ten years. Councilor T. Peters suggested that LYAC could explore ideas and also suggested a test area around Bates College for lighting. Councilor Theriault noted the stop lights in Auburn are LED lights, which he stated are low maintenance cost lights. Councilor Reed suggested the environmental group at the high school could explore options as well. The City Administrator said the staff will review and study this issue and report back to the Council at a future workshop.

**DISCUSSION REGARDING PROPOSED AMENDMENTS TO THE ELECTIONS  
CODE REGARDING CITIZEN PETITIONS AND INITIATIVES**

The Council reviewed the material regarding the proposed amendments to the elections ordinance regarding petition circulation and petition topics. They directed staff to move forward with the procedures to enact the ordinance and the first passage will be scheduled for the next Council meeting.

**DISCUSSION REGARDING THE ESTABLISHMENT OF A STANDING COMMITTEE  
FOR SOLID WASTE ISSUES**

Councilors discussed the idea of forming a permanent, city standing committee for solid waste and recycling issues. Councilor Reed noted he served on the Solid Waste Task Force and noted there is work that a permanent committee could be doing in this area. Councilors directed staff to begin the process for the creation of a permanent committee regarding solid waste.

**DETERMINATION OF PROCESS FOR HANDLING MATTERS APPROVED BY THE  
PREVIOUS CITY COUNCIL THAT HAVE NOT BEEN FULLY IMPLEMENTED,  
THAT COULD BE STOPPED, ALTERED OR CONTINUED**

The City Administrator noted that the previous Council has approved several large projects that are in the middle of completion or are about to begin, one example being the implementation of the Kennedy Park Master Plan. He stated that some of the new Councilors have expressed concerns or questions regarding the implementation of some of these programs and projects, so the staff is seeking direction from the Council regarding their desire to continue with the programs or to stop or amend the programs. Councilor T. Peters stated that this coming budget will be a very tight and tough budget to put together and the Council was inquiring if any of the large projects could be adjusted due to costs. It was noted that some projects are funded, but the funds have not been expended as of yet. Councilor Reed stated they would like to review the projects and make considerations regarding the more expensive projects. Councilor T. Peters noted that it is a balancing act for the budget, especially if the revaluation needs to be implemented. Councilor Poulin cautioned the Council and suggested that each item is carefully considered, noting these were approved and acted upon by the previous Council. He said the new Council should not be second guessing the work of the former Council, since they were privy to all of the background material before approving a project, and wondered what message it would send to the community, that decisions are not stable and could be overturned on a whim.

It was determined that staff would prepare a listing of all pending and upcoming projects with the cost projections, and this will be presented to Council for their review.

**REVIEW AND DISCUSSION OF PROPOSED AGENDA FORMAT CHANGES**

**VOTE (24-2008)**

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To change the City Council meeting agenda format to add a listing of pending topics and projects to the City Council meeting agenda under the new heading of "Pending Agenda Items", to be listed just before the adjournment. Passed - Vote 7-0

**REPORTS AND UPDATE**

Councilor Poulin stated that he would normally provide a School Committee update at this point in the meeting, however the recent meeting was rescheduled due to a snow storm.

**OTHER BUSINESS**

Councilor T. Peters noted the Mayor had asked him earlier in the meeting about his authority to speak on behalf of the Council. Councilor Peters stated that the Councilors have asked him and authorized him to speak on their behalf regarding items that the Council addresses, noting the Councilors regularly provide him their opinions on matters.

It was stated that there will be a workshop in conjunction with either the January 29 or February 5 Council meeting and the topic will be the overnight winter parking ban.

**VOTE (25-2008)**

Motion by Councilor N. Peters, second by Councilor Reed:

To adjourn at 9:58 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine