

CITY OF LEWISTON

CITY COUNCIL

JANUARY 29, 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.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Luke Jenson stated they received a \$2000 donation to make copies of DVDs of the Smashed video and they are working on a lesson plan for driver's education instructors to use with the video. They are contacting 100 driver's education programs to let them know about the program. They are planning a program with the Police Department and AAA to raise awareness about underage drinking and will show the video on February 13 at the Library. Councilor Reed suggested that the LYAC show the Smashed video as part of freshmen orientation at the High School, and Councilor Poulin offered to help make that happen. Members recently met with youth in South Portland who are interested in creating a youth advisory council. LYAC has requested to have a presentation on Cool Communities. There is currently \$14,607 pledged and raised for the electronic message board sign, the total needed is \$15,727.

AUTHORIZATION TO ACCEPT THE TRANSFER OF FORFEITURE FUNDS

VOTE (28-2008)

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 11.43% percent of \$29,950, less administrative fees or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Betzaida Esteves, case reference CE-07-0004, Exhibit N-91, 08-DEA-493652 and the transfer of 15% percent of \$5,565, less administrative fees or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Michael Patrick Lucas, case reference CE-07-0034, Exhibit N-12, 08-DEA-494048. 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

VOTE (29-2008)

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

To direct staff to include with all future drug forfeiture motions a current balance in the forfeiture account, as well as interest accrued and a running tally of expenditures from the account.

Passed - Vote 7-0

**APPROVAL FOR THE KORA SHRINE TEMPLE TO PLACE TEMPORARY
DIRECTIONAL SIGNS IN THE PUBLIC RIGHT OF WAY TO PROMOTE
THE CIRCUS SHOWS**

VOTE (30-2008)

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

To authorize the Kora Shrine Temple to place temporary, directional signs in the public right of ways, on traffic islands, at intersections throughout the City from April 13 - 27 to promote the upcoming circus shows, as outlined in their memo of 2008. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AMENDMENTS TO THE
ELECTIONS ORDINANCE REGARDING THE CITIZEN INITIATIVE AND
REFERENDUM PROCESS**

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. Councilor T. Peters suggested adding the phrase “in the event said day is a non-business day” in Section 32-27, line 13, between the words “or” and “the immediate next business day”. The Councilors concurred and it was agreed to incorporate this language into the overall proposed amendments.

VOTE (31-2008)

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

That the proposed amendment to the City Code of Ordinances, Chapter 32 “Elections”, Article II “Initiative and Referendum”, Sections 32-27 through 32-41, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular meeting of the City Council for final passage. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AMENDMENTS TO THE SOLID
WASTE ORDINANCE TO CREATE A STANDING SOLID WASTE COMMITTEE**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Dan Gregoire of 19 Mitchell Street inquired about when and where he can submit an application to serve on the committee. Mayor Gilbert then closed the hearing. Councilor T. Peters suggested changing the phrase in Section 62-71 from “resident” to “registered voter” to make this language consist with the city’s other boards and committees. The Councilors concurred and it was agreed to incorporate this language into the overall proposed amendments.

VOTE (32-2008)

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

That the proposed amendment to the City Code of Ordinances, Chapter 62 “Solid Waste”, Article IV. “Solid Waste Committee”, Sections 62-70 through 62-80, to create a new article to establish the solid waste committee, receive first passage by a roll call vote, as amended, and that the public hearing on said ordinance be continued to the next regular City Council meeting.

Passed - Vote 7-0

**PRESENTATION REGARDING SIDEWALK SNOWPLOWING ROUTES AND
ACTIONS FOR ADDITIONS OR DELETIONS TO THE ROUTE LIST**

Public Works Director Paul Boudreau and Deputy Director Megan Bates made a presentation to the Council and outlined the city sidewalks that the crews are responsible for clearing each storm. They explained the various equipment used in the sidewalk plowing efforts. Councilors asked to add Farwell Street and Bridge Street to the list of streets with sidewalks plowed by the City. Mr. Boudreau recommended removing Oxford Street from the list, but several Councilors spoke in favor of keeping it on the maintenance list. The City Administrator noted over the past five years, the City has eliminated 41 jobs, a majority coming from Public Works. It was noted it takes quite a bit of staff time now to plow the sidewalks and adding more streets to the service list may mean a need to add more staffing. Councilor N. Peters inquired about stand by per diem employees to plow, similar to reserve officers. It was noted the City does work with private contractors now for this work. Councilor Reed agreed with the recommendation from Public Works to remove Biron Avenue from the list, noting it is a quiet street.

VOTE (33-2008)

Motion by Councilor Theriault, seconded by Councilor Reed:

To approve the recommendation of the Public Works Department and to add Bridge Street and the east side of Farwell Street to the sidewalk snow removal route and to remove the following sidewalks from the list - Davis Street from Oak Street to College Street, left side of White Street from College Street to Oak Street and Biron Avenue from Scribner Boulevard to South Avenue.

Passed - Vote 7-0

**REQUEST FROM THE ANDROSCOGGIN COUNTY REPUBLICAN PARTY FOR A
WAIVER OF THE MULTI-PURPOSE CENTER BUILDING USE FEE FOR THE
COUNTY CAUCUS TO BE HELD ON FEBRUARY 2, 2008**

The City Administrator noted there is a new interpretation from the Secretary of State’s Office regarding caucuses and their use of public buildings, that ruling being that they must be available free of charge. He noted these costs are for overtime which is not built into the current budget. Councilor Poulin stated this request does not represent a large cost and if denied by the Council, is adding a barrier to the democratic process. Councilor T. Peters stated the Attorney General’s Office is not willing to put their interpretation in writing and noted this is not a large sum of

money that the group should be able to pay and he is recommending denying the request. Councilor Reed also noted the interpretation may not have standing if the Attorney General's Office is not willing to put their opinion in writing. Councilor Theriault stated this is an unfunded mandate and therefore he will be voting against it. Councilor Poulin stated it should not cost the parties any money to hold their caucuses which are held to allow citizens to participate in the free democratic process.

Rosemarie Butler and Douglas Hodgkins, representing the county Republican party, addressed the Council and noted the biennial caucuses are a process of government where citizens get to participate and learn about the democratic process and to participate in politics, something that most countries do not allow their residents to do. He noted they are expecting a large turnout due to the presidential election year. It was noted that Lewiston is the largest community in the county and therefore was selected as the host city. Mrs. Butler noted there are only a few choices available for buildings that will accommodate a group like this, and they have used MPC in the past and it was worked well. She acknowledged the group has received a bill in the past for overtime from the city and they have always paid it, yet this year the fee is much higher. Mayor Gilbert stated he could understand the Council waiving the fee for a Lewiston caucus, but not the fee for all caucuses for all towns in the county, noting it is not fair to the Lewiston taxpayers.

VOTE (34-2008)

Motion by Councilor Poulin, seconded by Councilor Dube:

To grant the request of the Androscoggin County Republican Party and to waive the building use fee for their county caucus to be held on Sunday, February 2, 2008 and to also waive the building use fee for the Democratic Party caucus as well.

Passed - Vote 6-1 (Councilor Theriault opposed)

**REVIEW OF OVERDUE STORMWATER UTILITY ACCOUNTS AND
RELATED COURSE OF ACTION**

Councilor T. Peters noted due to the complexity of the topic and the late hour, it would be best to move this issue to a workshop night where it can be discussed in depth. Councilor Reed inquired about the number of stormwater accounts. It was noted there are 10,400 accounts and 735 are overdue.

VOTE (35-2008)

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

To postpone this matter to a Council workshop, to be held on Tuesday, February 26 at 6pm, to invite all stakeholders in the process to attend the workshop to address the Council and to have the City Attorney present at the workshop as well, and to meet with the City Attorney in executive session following the workshop to discuss the pending legal matter of the overdue stormwater accounts. Passed - Vote 7-0

**ENDORSEMENT OF THE US MAYORS' CLIMATE PROTECTION AGREEMENT
REGARDING THE COOL COMMUNITIES PROGRAM**

Jim Wellehan of Auburn addressed the Council and spoke in favor of their support of this program. He noted he appreciated the fiscal conservatism he has observed from this Council and noted it is the same measure this program brings. He encouraged the City to get an annual carbon emissions test to measure on a yearly basis how it is doing with these goals, noting the cost is only \$600. He stated there is a new wave in a new industry of alternative energy sources, noting there is a huge growth in areas such as wind turbines, solar panels and such. Mr. Wellehan said the economic advantages for the city are great and he shared that Auburn signed on to the program. Dan Gregoire of 19 Mitchell Street stated this is a worthwhile program to participate in and is a win win situation.

Councilor Dube said she would prefer the Council vote to endorse the proposed US Mayor's Resolution regarding Cool Communities, but understands that Councilor T. Peters' motion is a compromise. She stated she would accept the compromised motion if a committee was established of members of the public, staff, Councilors and local businesses to keep the work going. Councilor T. Peters noted the proposed US Mayors' Resolution is taking political sides discussing global warming, the Kyoto Protocol and other aspects; he pointed out his motion takes the politics out of it, yet still maintains the core principles of the program. Councilor Reed stated the Resolution is a Mayor's Agreement and not a decision of the Council to make, it is up to the Mayor if he wants to sign it. Councilor N. Peters stated he is not in agreement with the program and is against the program, but will be voting for it only to approve the cost savings efforts associated with it.

VOTE (36-2008)

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

Having reviewed the Cool Community packets presented to the last council and having reviewed the information presented to this council and further having heard a presentation from Cool Communities, I hereby move that the City of Lewiston support all efforts such as those of Cool Community, including the goal of two percent reduction of energy costs, and I further move that we strive to reduce all pollutants by taking action in our own operations and community. Such actions shall include, but are no limited to, those listed in our agenda packet C1 through 12:

- C1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
- C2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities.
- C3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit.
- C4. Increase the use of clean, alternative energy by, for example, investing in "green tags", advocating for the development of renewable energy resources, recovering landfill

methane for energy production, and supporting the use of waste to energy technology.

- C5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money.
- C6. Purchase only Energy Star equipment and appliances for City use.
- C7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system.
- C8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel.
- C9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production.
- C10. Increase recycling rates in City operations and in the community.
- C11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO2.
- C12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

Moreover, I move to send this resolution, once adopted, to the Planning Board and ask they keep these goals in mind as they adopt and modify the Comprehensive City Plan and modify zoning rules and regulations.

Passed - Vote 7-0

**DISCUSSION OF POLITICAL SIGN REGULATIONS AND TO CONSIDER
INITIATING A REQUEST FOR AMENDMENTS TO THE LAND USE CODE
REGARDING POLITICAL SIGNS**

The City Administrator stated Lewiston is the only municipality that staff is aware of that has this provision and it puts staff in a tough position to enforce and it is time consuming.

VOTE (37-2008)

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

To initiate an amendment to the Land Use Code to amend Article XII, Section 16 (g)(3) and to direct city staff to prepare the material to be presented for the Planning Board's consideration.

Passed - Vote 7-0

**ANNUAL APPOINTMENT OF THE LEWISTON-AUBURN RAILROAD
BOARD OF DIRECTORS**

The City Administrator stated the Railroad Board was stated in the 1800s and Lewiston owns 75% and Auburn owns 25% and all of the rail lines are in Auburn. Councilor T. Peters inquired about the level of input the Council has over the funds and assets of the Railroad Board, as well as the governance of the Board and other questions. It was decided to postpone this matter until representatives of the Board could attend a meeting.

VOTE (38-2008)

Motion by Councilor Poulin, seconded by Councilor Reed:

To postpone action on this item until representatives of the Railroad Board can be present at the Council meeting to provide background information to the Council about the Lewiston - Auburn Railroad. Passed - Vote 7-0

REPORTS AND UPDATE

Mr. Bennett reminded the Council of the workshop next Tuesday night at 6pm regarding the winter overnight parking ban. Councilor Theriault asked Mr. Bennett to provide an update on the status of the clog in the Main Street sewer pipe.

OTHER BUSINESS

Councilor Poulin noted the School Committee is discussing budgetary items at their meetings now, and the proposed budget validation referendum.

VOTE (39-2008)

Motion by Councilor Theriault, second by Councilor Reed:

To adjourn at 10:10 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine