

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 16, 2008

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00PM

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

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

Pledge of Allegiance to the Flag.
Moment of Silence.

EXECUTIVE SESSION

The Executive Session scheduled on the agenda was cancelled earlier in the day since two Councilors would be unable to attend the meeting. The Executive Session will be rescheduled for later in the month.

**PRESENTATION OF CERTIFICATES OF APPRECIATE FOR THE KENNEDY PARK
CONCERT FUNDRAISER EVENT**

Mayor Gilbert presented Certificates of Appreciation to Loretta Motley and Robert Murray for their work in helping to coordinate the recent concert in Kennedy Park which served as a fundraiser for the new playground equipment fund. In turn, Mr. Murray presented Mayor Gilbert with a certificate thanking him for his support and sportsmanship during the fundraiser, during which the Mayor served as the “main attraction” in a pie throwing contest booth.

Councilor T. Peters indicated a few amendments to the September 2 meeting minutes which the City Clerk will incorporate into the minutes.

VOTE (231-2008)

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

To dispense with the reading of the minutes of the meetings of September 2 and 3, 2008 and to accept and place them on file as prepared by the City Clerk, as amended. Passed - Vote 5-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (232-2008)

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

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 \$1,000.00, or

any portion thereof, in the case of the State of Maine vs. Armand Samson, CR-08-919 Court Records and the transfer of \$735.06, or any portion thereof, in the case of the State of Maine vs. Mohamed Jama Abdalla, CR-08-863 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', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank. Passed - Vote 5-0

APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY BOARD OF COMMISSIONERS

VOTE (233-2008)

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

To confirm the Mayor's nomination of Patricia Lemaire of 11 Moreau Avenue and to appoint Ms. Lemaire as a member of the Board of Commissioners of the Lewiston Housing Authority for a five year term, said term to expire September 17, 2013. Passed - Vote 5-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR THE FILLING STATION CAFÉ, 30 LOWELL STREET

Mayor Gilbert opened the public hearing to receive citizen input and comment. Janet and Dan Flourde of 17 Garcelon Street introduced themselves as the business owners. Councilor Dube inquired about the location, noting other businesses have not survived in this location. Mr. Flourde stated these businesses operated more as drinking establishments and he is going to focus more on the food service, noting that LL Beans and the hospital are nearby, making this a good opportunity. Mayor Gilbert then closed the hearing.

VOTE (234-2008)

Motion by Councilor Theriault, seconded by Councilor Bailey:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for The Filling Station Café, 30 Lowell Street. Passed - Vote 5-0

PUBLIC HEARING ON AN APPLICATION FROM GARY ST. LAURENT/MAINE HEAVY EQUIPMENT FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

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. Gil Arsenault, Director of Planning and Code Enforcement, stated the Code officers and Fire inspectors inspected the site and it is in compliance and is not visible from the road. Councilor T. Peters noted the applicant was not present.

VOTE (235-2008)

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

To grant an automobile graveyard/junkyard permit to Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street. Passed - Vote 5-0

PUBLIC HEARING ON AN APPLICATION FROM GRIMMEL'S INDUSTRIES FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Gilbert opened the public hearing to receive citizen input and comment. Corey Prindell of Auburn was present to address any questions. Councilor T. Peters inquired about the types of material the junkyard accepts. Mr. Grimmel stated they accept scrap metal and automobiles. He noted the car batteries are kept inside a building, the fuel tanks are cut in half to allow vapors to escape and the vehicles are fully drained of fluids. Councilor T. Peters asked Mr. Grimmel to amend his application to reflect that he accepts tires if they are on a vehicle they receive. Mayor Gilbert then closed the hearing.

VOTE (236-2008)

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

To grant an automobile graveyard/junkyard permit to Grimmel's Industries, 50 River Road, subject to the following conditions:

1. The hours of operation shall be limited to 7:00am to 5:00pm, Monday through Saturday.
2. Maintain screening from the Maine Turnpike and River Road.
3. All storage shall be stored within the screened area.
4. Remove stacked vehicles to be at or lower than the screening (fence) no later than November 14, 2008.

Passed - Vote 5-0

PUBLIC HEARING ON AN APPLICATION FROM DANA'S GARAGE FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

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. It was noted that the applicant was not present for the hearing. Mr. Arsenault stated this is a well run operation and Code Enforcement and the Fire Department do not have concerns regarding this business.

VOTE (237-2008)

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

To grant an automobile graveyard/junkyard permit to Dana's Garage, 193 Crowley Road, subject to the following conditions:

1. No more than 1,000 tires to be stored on the property.
2. All storage, including the box trailer, shall be stored at the top of the hill within the screened area.

Passed - Vote 5-0

PUBLIC HEARING ON AN APPLICATION FROM LEWISTON PUBLIC WORKS DEPARTMENT FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Gilbert opened the public hearing to receive citizen input and comment. Deputy Public Works Director Megan Bates was present as the applicant. Mayor Gilbert then closed the hearing.

VOTE (238-2008)

Motion by Councilor Theriault, seconded by Councilor Bailey:

To grant an automobile graveyard/junkyard permit to the Lewiston Public Works Department, 424-482 River Road. Passed - Vote 5-0

PUBLIC HEARING ON AN APPLICATION FROM K.T.I. BIO FUELS (WOOD WASTE RECYCLING FACILITY) FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Gilbert opened the public hearing to receive citizen input and comment. Ron Ozdarski, general manager of KTI, was present to answer questions. Councilor Dube asked how much material moves through the facility and how much is from out of state. Mr. Ozdarski stated they process 200-300 tons per day and 75% is from out of state and 25% is from southern, central Maine. Mayor Gilbert then closed the hearing.

VOTE (239-2008)

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

To grant an automobile graveyard/junkyard permit to K.T.I. Bio Fuels, Inc., 38 Alfred A. Plourde Parkway, subject to the following conditions:

1. Permit is granted for storage of wood waste (includes demolition debris) and oversized bulky waste (OBW). OBW will consist of furniture, rugs, plastics, and any other large burnable household goods. Unacceptable OBW consists of sheetrock, roofing materials (unless wood), aggregate products, dirt and sand, fiberglass insulation, and no hazardous materials such as asbestos.
2. All wood waste and OBW which is to be placed in storage shall be piled no higher than 30'.
3. The width and length of the piles will be sized as indicated on the plan view of the back yard, but shall be no wider than 90' and no longer than 150'.
4. There shall be no more than nine (9) piles of wood waste and OBW at any time. OBW will not exceed two (2) piles.

5. Access rows or fire lanes shall be maintained between piles with a minimum distance of 30' between piles.
6. The main entrance roadway must be kept at a minimum of 24' of travel way at all times.
7. An additional second access road, or fire lane at least 20' in width, from the main road, (Alfred A. Plourde Parkway) to the storage area must be maintained.
8. All roads and fire lanes on the facility shall be of all weather surface adequately constructed to support the heaviest piece of fire apparatus likely to be operated on the fire lane or road.
9. All storage pile locations be properly identified by the placement of a pole at the corner of the pile. A mark shall be placed at a height of 30' on the pole.
10. The site be designated no smoking throughout except office areas and control room. A sign shall be placed at the entrance to the facility designating the facility as no smoking.
11. Training of employees for use of fire protection equipment and reporting of fires shall be conducted.
12. KTI shall conduct a self-inspection of their activities. The self-inspections shall be performed on a weekly report submitted to Fire Prevention for review.
13. That pine trees be planted along the perimeter of the site to replace dead and/or missing trees.
14. Replacement of buffer pine trees as necessary.
15. That the processing of pressure treated wood be done in full compliance with the EPA & DEP regulations.

Passed - Vote 5-0

AMENDMENTS TO THE STORMWATER UTILITY FEE SCHEDULE AND CREDIT POLICY

It was noted the credits would be retroactive to the date the Policy was established, July 1, 2006. Mr. Bennett said there are twenty five properties that will be eligible for credits which will be about \$50,000 in total. Councilor Poulin stated he is against the policy but feels the amendment needs to be extended to single family homes and duplexes.

Councilor Poulin made an amendment which was seconded by Councilor Bailey: To extend the credit to all single family residences and duplexes eligible to receive the credit, providing the proper paperwork is submitted, however, the applicant does not need to have a licensed engineer review the material. Councilors Poulin and Bailey later withdrew their motion.

Mr. Bennett said the staff can review the impact of extending the credit to the single family homes and duplexes and report this information back to Council so they can have information in front of them before making a decision.

Councilors then discussed how the credit would work if the property has a retention pond.

VOTE (240-2008)

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

To approve the proposed amendments to the Storm Water Utility Fee Schedule and Credit Policy

as recommended by the Director of Public Services and City Administration, to change the maximum credit allowed to 100% on pages two and three of the proposed amendments, to have the credits be retroactive to July 1, 2006 and to issue the credits to the entities that are eligible.
Passed - Vote 5-0

PROPOSAL TO PROHIBIT HUNTING AT THE SOLID WASTE FACILITY PROPERTY

The City Administrator stated there are city employees and contractors on the property and hunters are not aware of where they all are located, noting there have been a few close calls over the years with rifle shots. Don Dube of 97 Marble Street inquired about the ownership of the property. It was noted the City owns the land. Councilors discussed different hunting options such as firearms as well as bow and arrow and trapping. It was agreed this action applies to all forms of hunting, for employee safety issues.

VOTE (241-2008)

Motion by Councilor Theriault, seconded by Councilor Poulin:

To prohibit all hunting at the Solid Waste Facility property and to authorize the Public Works Department to post “No Hunting/No Trespassing” signs on the property. Passed - Vote 5-0

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

RATIFICATION OF APPOINTMENT OF THE PUBLIC HEARING COMMITTEE MEMBERS

VOTE (242-2008)

Motion by Councilor Poulin, seconded by Councilor Bailey:

To ratify the appointment of members to the Lewiston Auburn Public Health Committee:

Erin Guay - Healthy Androscoggin; Cathy Liguori - Lewiston Public Schools; Pam Stimson - Auburn Public Schools; Douglas Divello - Central Maine Medical Center - Administration; Dr. Edmund Claxton - Central Maine Medical Center - Clinical; Rene Dumont - Sisters of Charity Health Systems - Administration; Dr. Geniene Wilson - Sister of Charity Health Systems - Clinical; MaryAnn Amrich - Maine CDC - District Health Officer; Ronelda Paradis - Maine CDC - Public Health Nurses; Noel Bonam - Maine DHS; Pam Allen - Seniors Plus; Joanne Potvin - Androscoggin County EMA; Charlotte Johnson - Catholic Charities Maine; Craig Phillips - Mental Health Representative; Fatuma Hussein - Ethno based mutual assistance agency; Ron Potvin - Auburn City Council; Robert Reed - Lewiston City Council; Dr. Brenda Joly - Auburn resident; Heather Lindkvist - Lewiston resident; Marcia Miller - Maine DHS - Maine Care; Dot Meagher - Auburn Local Health Officer; Gil Arsenault - Lewiston Local Health Officers; Kate Phillips - Maine CDC - Western Maine Epidemiologist; Lisa Sockabasin - Maine CDC - Office of Minority Health; Sgt. James Lawlor - Auburn Police Department; Lt. Michael

McGonagle - Lewiston Police Department; Sgt. Eric Samson - Androscoggin Sheriff Department; Dr. Karen Palin - Faculty, Bates College; and Phil Nadeau - media representative

Passed - Vote 5-0

DISCUSSION REGARDING THE PLACEMENT OF PRIVATE BANNERS ON CITY LAMP POSTS

City Administrator Bennett stated that Andover College would like to hang banners from the lamp posts on Lisbon Street and would put the All America City logo on the banners. Councilors indicated they were not in favor of this, noting it would be visual clutter in the downtown area.

DISCUSSION REGARDING A PROPOSED DOWNTOWN LAND USE MORATORIUM ORDINANCE

City Planner David Hediger and the City Administrator reviewed the proposed moratorium language with the Council, noting formal adoption of the ordinance will be at a future Council meeting. It was noted the City needs time to work on a vision for the riverfront area. Councilors also discussed the work of the Joint Downtown Planning Committee and if there is a continued need for the committee. Councilor Theriault asked to have an item on the next agenda to disband the committee.

PRESENTATION REGARDING THE E-GOV CITIZEN SERVICES COMPUTER PROGRAM

Deputy City Administrator Phil Nadeau gave an overview of the new E-Gov program which is a way for citizens to notify the city of issues such as potholes, street lights that need to be replaced and so forth. MIS employee David Gudas reviewed the website for the Council and showed them how the system worked.

REPORTS AND UPDATE

Councilor Poulin said the school recently received grant funds to implement an “exercise is learning” program. He also said the School Committee received a presentation on alternative energy resources, such as geo thermal options. Councilor Dube inquired if the recycling trial at the solid waste facility has been eliminated and Mr. Bennett confirmed that it has been. Councilor T. Peters stated there will be homeowners energy workshop on October 8 in the Council Chambers. He also said that on October 23 there will be a tour of the new Geiger School and on September 29 the Council will be touring the county offices. Mr. Bennett said that the LUCCE Board no longer exists now that the Colisee has been sold, this board has been dissolved. He also stated that the Council will be holding a workshop on October 14 regarding the Performance Measurement program.

OTHER BUSINESS

A resident of East Avenue inquired about the overnight winter parking ban issue.

VOTE (243-2008)

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

To adjourn at 10:04P.M. Passed - Vote 5-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine