

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 18, 2007

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

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

PRESENT: Councilors Mendros, Bernier, O'Brien, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and Deputy City Clerk Kelly J. Mercier.

Pledge of Allegiance to the Flag.

Moment of Silence.

PRESENTATION FROM THE CENTER FOR THE PREVENTION OF HATE VIOLENCE

Steve Wessler, Executive Director and Cara Gaumont, Outreach Coordinator for the Center for the Prevention of Hate Violence briefed the council about their program which invites recent immigrants and native Lewiston-Auburn residents to a series of Community Conversations between American born and immigrant residents. These Conversations will provide members of the Lewiston-Auburn community an opportunity for open and honest discussions about issues of religion, culture, community and nationality.

**PROCLAMATION TO PROCLAIM SEPTEMBER 24 AS FAMILY DAY -
A DAY TO EAT DINNER WITH YOUR CHILDREN**

Mayor Gilbert read and issued a proclamation regarding Family Day - A Day to Eat Dinner with Your Children. According to surveys conducted by The National Center on Addition and Substance Abuse at Columbia University they have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs.

**AMENDMENT TO THE TRAFFIC SCHEDULE TO ADD STOPS SIGNS AT
JILL STREET AND AT NORTH LISBON ROAD**

VOTE (264-2007)

Motion by Councilor Jean, second by Councilor Mendros:

To approve amendments to the Traffic Schedule to add stop signs at Jill Street at the intersection with Pleasant Street and at North Lisbon Road at the intersection with a private drive.

Passed - Vote 7-0

**AMENDMENT TO THE TRAFFIC SCHEDULE TO ADD A YIELD SIGN AT
PRIMROSE STREET**

VOTE (265-2007)

Motion by Councilor Jean, second by Councilor Mendros:

To approve amendments to the Traffic Schedule to add a yield sign at Primose Street at the intersection with Jill Street. Passed - Vote 7-0

APPOINTMENT OF VOTING DELEGATE TO THE MAINE MUNICIPAL ASSOCIATION ANNUAL MEETING AND ENDORSEMENT OF PROPOSED AMENDMENTS TO THE MAINE MUNICIPAL ASSOCIATION BYLAWS

VOTE (266-2007)

Motion by Councilor Jean, second by Councilor Mendros:

To appoint City Administrator James A. Bennett to serve as the City's delegate to the Maine Municipal Association Annual Meeting in October 2007, to appoint City Clerk Kathleen Montejo to serve as the alternate delegate and to endorse the proposed amendments to the bylaws of the Maine Municipal Association as presented. Passed - Vote 7-0

CONTINUATION OF PUBLIC HEARING REGARDING THE ESTABLISHMENT OF THE WESTERN GATEWAY DEVELOPMENT DISTRICT DEVELOPMENT PROGRAM

VOTE (267-2007)

Motion by Councilor Jean, second by Councilor Mendros:

To continue the public hearing for the establishment of the Western Gateway Development District Development Program to the Council meeting of October 2, 2007. Passed - Vote 7-0

APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY BOARD OF COMMISSIONERS

VOTE (268-2007)

Motion by Councilor Jean, second by Councilor Mendros:

To confirm the Mayor's nomination of Marc A. Pellerin of 22 Pond Road and to appoint Mr. Pellerin as a member of the Board of Commissioners of the Lewiston Housing Authority for a five year term, said term to expire September 17, 2012. Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM GARY ST. LAURENT/MAINE HEAVY EQUIPMENT, 1445 SABATTUS STREET, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Gilbert opened the 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 (269-2007)

Motion by Councilor Jean, second by Councilor Paradis:

To grant an Automobile Graveyard/Junkyard permit to Gary St. Laurent/Maine Heavy Equipment, 1445 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM DANA’S GARAGE, 193 CROWLEY ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Gilbert opened the 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 (270-2007)

Motion by Councilor O’Brien, second by Councilor Paradis:

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 may 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 or removed from the property by November 1, 2007.

Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM GRIMMEL’S INDUSTRIES, 50 RIVER ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Gilbert opened the hearing to receive citizen input and comment. Dan Gregorie of 19 Mitchell Street asked if this application differed from Dana’s Garage and Gary St. Laurent/Maine Heavy Equipment. Code Enforcement Director Gil Arsenault commented that the licenses were the same however Grimmel’s Industries is a busier location than the other two licensed facilities. Mayor Gilbert then closed the hearing.

VOTE (271-2007)

Motion by Councilor Paradis, second by Councilor Rousseau:

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 7:00 a.m. to 5:00 p.m., Monday through Saturday.
2. Maintain screening from the Maine Turnpike.
3. All storage shall be stored within the screened area including but not limited to the steel plates in front of the fence, assorted debris, and pallets on the side of the building no later than December 3, 2007.

4. Remove all materials from the sloped area adjacent to the stream no later than December 3, 2007.

Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM K.T.I. BIO FUELS, L.P. (WOOD WASTE RECYCLING FACILITY), 38 ALFRED A. PLOURDE PARKWAY FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Several Councilors questioned Ronald Ozdarski the general manager of K.T.I. Bio Fuels, Inc., about the process that takes place at the facility. Mr. Ozdarski stated that the facility has been in business since 1986 and that 80% of their business is from out of state construction and demolition debris. He also explained that K.T.I. Bio Fuels, Inc. merged with Casella back in 1999.

Code Enforcement Director Gil Arsenault answered several questions about the facility and did state that the facility is in compliance and that the facility is an asset to the city that provides a valuable service.

Councilor Bernier questioned the status of the company's paper work in relation to the merger and wanted to make sure the city would not be held liable in case any problems arise down the road. James Bennett said that these were legitimate questions because the city leases the property to K.T.I. Bio Fuels, Inc.. Councilor Bernier requested that the paper work be forwarded to the council for inspection.

Mayor Gilbert opened the hearing to receive citizen input and comment. Charles Soule of 170 Bartlett Street, asked if any amount of the processed debris ends up at the Lewiston landfill. Mr. Ozdarski explained that 40% - 50% ends up as wood chips that is shipped to Old Town, 3% is metal recovery, some for daily cover, and 8% is bulky waste that is thrown away with Pine Tree Waste. Joseph Roy of 9 Venise Avenue, encouraged the council to vote no on the renewal of the license because Casella is their parent company and the city does not need out of state trash. Dan Gregorie of 19 Mitchell Street, stated that he was concerned that the EPA and the DEP were not allowed to inspect the facility. Mr. Ozdarski simply stated that Mr. Gregorie's statement was not true and the agencies are always allowed access for inspections at the facility. Mayor Gilbert then closed the hearing.

VOTE (272-2007)

Motion by Councilor O'Brien, second by Councilor Jean:

To continue the public hearing of an Automobile Graveyard/Junkyard permit to K.T.I. Bio Fuels, Inc., 38 Alfred A. Plourde Parkway to the meeting of October 2, 2007.

Passed - Vote 5-2 (Councilors Paradis and Rousseau opposed)

PUBLIC HEARING ON AN APPLICATION FROM THE LEWISTON PUBLIC WORKS DEPARTMENT, 424-482 RIVER ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Gilbert opened the hearing to receive citizen input and comment. Dan Gregorie of 19 Mitchell Street, questioned why the City of Lewiston had to have a Automobile Graveyard/Junkyard permit. City Administrator James Bennett explained that because the city often has more than three or more unserviceable, uninspected and/or unregistered vehicles at one time they are required to have the license to be in compliance with the city's ordinance. Mayor Gilbert then closed the hearing.

VOTE (273-2007)

Motion by Councilor Samson, second by Councilor Jean:

To grant an Automobile Graveyard/Junkyard permit to the Lewiston Public Works Department, 424-482 River Road. Passed - Vote 7-0

GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR DANCING & ENTERTAINMENT FOR FAST BREAKS, INC., 1465 LISBON STREET

Mayor Gilbert opened the 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 (274-2007)

Motion by Councilor O'Brien, second by Councilor Mendros:

To grant a Special Amusement Permit for Dancing & Entertainment to Fast Breaks, Inc., 1465 Lisbon Street. Passed - Vote 6-1 (Councilor Bernier opposed)

RECEIPT OF GIFT OF LAND AT 986 SABATTUS STREET REAR

Elizabeth Dube of 121 Pond Road asked if there is any reason the city would alter the property. James Bennett replied that the city hasn't given any consideration as to what they would do with the property.

Bill Ferentz of 251 Pond Road asked if the city is getting tax revenue from the property and if they are why stop.

VOTE (275-2007)

Motion by Councilor Samson, second by Councilor Mendros :

That if the property at the rear of 986 Sabattus Street is turned into a park that it be named in memory of Joseph O. Fisher II or if the property is not used as a park that a plaque be placed on the property in memory of Joseph O. Fisher II. Passed -Vote 6-1 (Councilor Jean opposed)

VOTE (276-2007)

Motion by Councilor Samson, second by Councilor Jean:

To accept the gift of land at the rear of 986 Sabattus Street from Irving Fisher, without conditions, and to authorize the City Administrator to execute all documents necessary for the completion of this transaction and that if the property is turned into a park that it be named in memory of Joseph O. Fisher II or if the property is not used as a park that a plaque be placed on the property in memory of Joseph O. Fisher II. Passed - Vote 6-1 (Councilor Jean opposed)

**DISPOSITION OF A PORTION OF CITY OWNED PROPERTY AT
161 BIRCH STREET**

After Councilors discussed the possibility of selling this property the following motion passed.

VOTE (277-2007)

Motion by Councilor O'Brien, second by Councilor Jean:

To retain the city owned property at 161 Birch Street. Passed - Vote 4-3 (Councilors Samson, Paradis and Rousseau opposed)

DISPOSITION OF A CITY OWNED PROPERTY AT 293 BATES STREET

The council discussed selling this property to the Taylor's at length. Sonia and Douglas Taylor addressed the council letting them know that they have lived in the house next to the property for 10 ½ years and have been paying taxes for the same amount of years. They also told the council that they have cleaned the vacant lot for years because the city has never cleaned it and they would have to invest several thousands of dollars to turn the property into a parking lot for the vehicles.

After much debate about the pros and cons of selling the property to the Taylor's the council voted on the following.

VOTE (278-2007)

Motion by Councilor Samson, second by Councilor Mendros:

To sell the city owned property at 293 Bates Street to Douglas and Sonia Taylor. Failed - Vote 3-4 (Councilors Bernier, O'Brien, Paradis, and Rousseau opposed)

UPDATE FROM THE BATES MILL BUILDING NUMBER FIVE TASK FORCE

Michael Carey and Jonathan LaBonte informed the council that the task force had created three sub-committees to study retail use, convention and conference center, and academic and culture uses. They felt that the use that had the most likelihood of an economic driver was a convention center. Three studies in the last ten years concerning a convention center have been done and the

task force will update the most recent with current market data. The task force will ask for a professional study to see what other use options could be possible and will return in February with a full set of use options and a cost and benefits of each.

At 10:00pm, the Mayor announced that the Rules Governing the City Council state that all meetings shall end at 10:00pm. The remaining items on the agenda were not addressed.

VOTE (279-2007)

Motion by Councilor Jean, second by Councilor Rousseau:

To adjourn at 10:00 pm. Passed - Vote 5-2 (Councilors O'Brien and Mendros opposed)

A true record, Attest:

Kelly J. Mercier, CMC
Deputy City Clerk
Lewiston, Maine