

**CITY OF LEWISTON**

**CITY COUNCIL**

**OCTOBER 2, 2007**

**EXECUTIVE SESSION HELD IN THE  
ADMINISTRATIVE CONFERENCE ROOM AT 6:00 P.M.**

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

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

The City Council meeting was called to order by Mayor Gilbert at 6:08 pm in a public session.

**VOTE (280-2007)**

Motion by Councilor Paradis, seconded by Councilor Mendros:

To enter into executive session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney regarding a business licensing matter. Passed - Vote 6-0

**VOTE (281-2007)**

Motion by Councilor Samson, seconded by Councilor Mendros:

To enter into executive session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter with the City Attorney regarding a pending legal issue. Passed - Vote 6-0

Executive Session began at 6:10 pm and ended at 6:58 pm.

Councilor Rousseau arrived at this time.

**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.

The City Council meeting was called to order by Mayor Gilbert at 7:09 pm.

Pledge of Allegiance to the Flag.

Moment of Silence.

**VIETNAM WALL**

Mayor Gilbert mentioned that the Dignity Memorial Vietnam Wall traveled to Veteran's Park in Lewiston this past week and was visited by an estimated 32,000 people this week. Mayor Gilbert

and Mayor Jenkins were both presented with an American flag and a spent shell from a twenty-one gun salute in appreciation of all that was done from the various city departments in the course of the week. Mayor Gilbert, on behalf of the city, wished to extend appreciation to all the volunteers for their efforts.

Mayor Gilbert read a letter from Bert Dutil the LA Veterans Council chairman thanking everyone who had anything to do with the special ceremony held on September 1, 2007, at Veteran's Park for the dedication of the new Remember The Maine monument. The unveiling of the twelve stones and two hundred and sixteen names of veterans and military personnel as well as the unveiling of a new bench in honor of the cities of Lewiston and Auburn. He stated in the letter that the Vietnam Wall ceremony will be his last function as the chair of the LA Veterans Council. Bert wished to thank the council for all their support over the past nine years.

**UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL**

Luke Jensen, the newly elected chair of the LYAC, mentioned that the following were also elected to office for the 2007-2008 year - Tim Stretton will serve as Vice Chair, Athena Andonaides will serve as Treasurer, and Jenni Golletti will serve as Secretary. He highlighted some of the items that were discussed at their last meeting. The under aged drinking video SMASHED will be shown at the Auburn Flagship Cinemas on Monday, October 29, at 7:00 pm. The youth council is looking into scheduling speakers from the "Get Out Alive Program". Three members received scholarships to attend the Grow Smart Maine Conference. Northeast Bank and Broad Reach Public Relations will sponsor seven members to attend the Maine Youth Action Network 24<sup>th</sup> Annual Peer Leadership Conference in Bar Harbor. Three members will participate in the four week Youth Adult Dialogue Action (YADA).

**VOTE (282-2007)**

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

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

**APPROVAL FOR NEW BEGINNINGS TO PLACE ONE TEMPORARY,  
DIRECTIONAL SIGN IN THE PUBLIC RIGHT OF WAY**

**VOTE (283-2007)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To authorize the organizers of the New Beginnings 5K Road Race to place one temporary, directional sign in the public right of way, on a traffic island, at the intersection of Lisbon Street and Main Street, from October 3 to October 14, 2007. Passed - Vote 7-0

**CHANGE OF NOVEMBER COUNCIL MEETING DATE DUE TO A CONFLICT  
WITH ELECTION DAY**

**VOTE (284-2007)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To suspend Section 1, (a) of the Rules Governing the City Council and to hold the first Council meeting on Tuesday, November 13, 2007. Passed - Vote 7-0

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

**VOTE (285-2007)**

Motion by Councilor Jean, seconded by Councilor Paradis:

To continue the public hearing for the establishment of the Western Gateway Development District Development Program to the Council meeting of October 16, 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**

Councilor O'Brien stated the information provided shows that the standards are being met so the council should grant KTI the license.

Councilor Mendros addressed the issue that someone had stated at the previous meeting that the Department of Environment of Protection was not allowed on the KTI facility. A letter was provided from the DEP stating that they have never been barred from the site or refused access.

Mayor Gilbert opened the hearing to receive citizen input and comment. Dan Gregorie of 19 Mitchell Street, questioned if KTI was a wood waste recycling facility and if the city knew what KTI did at the facility.

Code Enforcement Director Gil Arsenault stated that the Environmental Protection Agency said that all aspects of the KTI facility are fully in compliance with the State of Maine Laws.

Mr. Gregorie also questioned who received the payments from KTI. James Bennett reported that \$26,445.72 in lease payments go to South Park Development Corp. (a non profit quasi municipal agency that is a development arm of the city), \$41,073.40 in real estate taxes go to the City of Lewiston and \$15,733.02 in personal property taxes go to the City of Lewiston for a total of \$83,292.64. Mr. Bennett also mentioned that KTI has to take up to 3,000 tons of demo wood from the city at an estimated savings of \$240,000.

Ron Ozdarski the general manager for KTI stated that they are licensed by the state to receive up to 100,000 tons a year. Last year was about 80,000 tons – 15,000 tons of bulky waste and 65,000 tons of wood waste. Mr. Ozdarski stated that all their scales are certified by the state and they provided annual reports to the state.

Joseph Roy of 9 Venise Avenue asked how many loads KTI is licensed for per year - per day. Mr. Bennett stated that according to the lease dated November 20, 1985 and amended May 6, 1996, that no more than 125 loads a day are allowed.

Robert Reed of 58 Albert Street stated that the council shouldn't even be talking about this license tonight because the license should have been renewed at the previous meeting with the other licenses. Mr. Reed said the reason the license was held up was because Casella was associated with it. Mayor Gilbert closed the hearing.

Councilor Mendros commented that he would hope that if in the future citizens came before any council that they would have the decency and courtesy to look in to matters when citizens had questions or concerns that could not be verified.

### **VOTE (286-2007)**

Motion by Councilor O'Brien, seconded by Councilor Paradis:

To grant 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 7-0

**PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION AND SPECIAL AMUSEMENT PERMIT FOR FRIENDS LODGE, 724 MAIN 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 (287-2007)**

Motion by Councilor Samson, seconded by Councilor Jean:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Friends Lodge, 724 Main Street. Passed - Vote 7-0

**APPROVAL OF REAL ESTATE PURCHASE AND SALE AGREEMENT FOR PROPERTY AT 90 LINCOLN STREET**

James Bennett gave a brief introductory statement. Jim mentioned the Bates Mill Exit Strategy and reminded the council that it would have taken approximately sixty million dollars to continue to redevelop the mill instead we chose the exit strategy which would cost approximately fifteen million dollars. He stated that as part of our contractual agreement we are obligated to purchase this property and turn it into a park.

James Andrews, Economic and Community Development Director, and Mark McComas, Deputy Director, outlined the uniqueness of the business which weighed heavily on the purchase price. Because of the type of business and the fact that they are the only business like this in the state the only option that would best suit the facility was new construction. Mr. Andrews answered questions from the council.

David Vincent of 85 Nichols Street questioned the purchase price of the property in reference to the assessed value and why the relocation of the business was a factor in the price. Mr. Bennett explained the relocating process is contained in state and federal law and the city also has to take into account the income stream of the business.

**VOTE (288-2007)**

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

To amend the original motion to include that the park to be located at 90 Lincoln Street be named Child's Park. Passed - Vote 7-0

**VOTE (289-2007)**

Motion by Councilor Samson, seconded by Councilor O'Brien:

To authorize the City Administrator to purchase the property located at 90 Lincoln Street, to be named Child's Park, for the purchase price of \$725, 000.00, to approve the acquisition of the property as defined in the Purchase and Sale Agreement, and that the City Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

Passed - Vote 7-0

**UPDATE ON THE CITY'S WORKER COMPENSATION PROGRAM**

James Bennett made a brief introduction mentioning that five years ago the city had to look into the worker's compensation problem. The city had an unfunded liability which was approaching several millions of dollars and the city is self insured so every claim is paid from tax payer's money. The council directed him to have Denis Jean the Personnel Director take over the worker's compensation program. This included shifting Bill Stretton, the safety coordinator for the Public Works Department, to oversee the entire city. Bill Stretton has since retired and has been replaced with Donald Mailhot.

Donald Mailhot, Safety Coordinator and Richard Metivier, Finance Director, updated the council on the savings the city has incurred over the past several years. With the addition of safety training and incentives the city has realized substantial savings. In 2001 the city paid out 1.6 million dollars in claims and as of September of this year the city has paid just over \$100,000.00. Mr. Bennett credits the program and the employees for the success.

Mr. Metivier added that as of June 30<sup>th</sup> this year to pay all the estimated associated costs would amount to 2.5 million dollars. That is a reduction in just the past three years of about another 2.5 million dollars. The city had an unfunded liability in their plan of three million dollars and currently as of the end of June reduced that to \$361,000.

**REPORTS AND UPDATES**

No reports and updates were presented at this time.

**OTHER BUSINESS**

Councilor Jean invited anyone interested to join him for the 2<sup>nd</sup> River Walk on October 3, 2007, at noon time. The walk will start in Auburn and continue into Lewiston than back to Auburn for the finish.

Joseph Roy of 9 Venise Street questioned why the last item left on the agenda from the September 18<sup>th</sup> meeting was not the first item on this agenda. Councilor Mendros answered the question by explaining that the item left on that agenda was discussed at the September 25<sup>th</sup> Joint Council Meeting with Auburn. Mr. Roy also questioned the cost associated with the Bull

Riding Event that took place at the Colisee. Mayor Gilbert said that the issue has been brought to their attention and it will be discussed at the next LUCCE Board meeting.

Councilor Mendros moved that out of respect of this past weekend that we adjourn in honor of all the veterans who paid the ultimate price to guarantee the freedom that we experience today in self governance.

**VOTE (290-2007)**

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

To adjourn at 8:42 p.m. Passed - Vote 7-0

A true record, Attest:

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