

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 20, 2005

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

THE HONORABLE LIONEL C. GUAY, JR., MAYOR, PRESIDING.

PRESENT: Councilors Mendros, Bernier, O'Brien, Jean, Connors, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Absent/Excused: Councilor Paradis

Pledge of Allegiance to the Flag.

Moment of Silence.

VOTE (284-2005)

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

To dispense with the reading of the minutes of the August 9 and September 6, 2005, meetings and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 6-0

PRESENTATION FROM LUCAS COLAVECCHIO, WGME CHANNEL 13

Mr. Colavecchio was unable to attend this meeting due to a scheduling conflict. This item will be rescheduled for another time.

MONTHLY REPORT FROM THE LEWISTON YOUTH ADVISORY COUNCIL

A representative of LYAC reported that the group was asked by the City Administrator to take the lead role in nominating Lewiston for an All American City Award. He said the group is working with the principal of the High School regarding the electronic message board signs and to date they have collected \$1,715 toward their goal of \$40,000. The students have sent a letter to Governor Baldacci asking how the LYAC can assist the hurricane victims. Katie Lauze will be serving as a college representative on the advisory council. The group will be holding an election of officers on September 29.

PUBLIC HEARING AND FIRST PASSAGE FOR THE LAND USE CODE AMENDMENTS CONCERNING PERMITTED SIGNS

Mayor Guay opened the public hearing on this item to receive citizen input and comment. No residents spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (285-2005)

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

That the proposed amendment to Appendix A, Article XII "Performance Standards", Section 16, "Signs", of the City Zoning and Land Use Code, concerning requirements for signs, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of October 4, 2005 for final passage. Passed - Vote 6-0

PUBLIC HEARING AND FIRST PASSAGE FOR AN EXTENSION OF THE MORATORIUM ORDINANCE REGARDING METHADONE CLINICS

Mayor Guay opened the public hearing on this item to receive citizen input and comment. No residents spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (286-2005)

Motion by Councilor Connors, second by Councilor Jean:

That the current Moratorium Ordinance regarding methadone clinics, set to expire on November 13, 2005, be extended for an additional 180 days, said Ordinance extension to receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of October 4, 2005 for final passage. Passed - Vote 6-0

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

Mayor Guay opened the public hearing on this item to receive citizen input and comment. No residents spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (287-2005)

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

To grant an Automobile Graveyard/Junkyard permit to the Lewiston Public Works Department, 424-482 River Road. Passed - Vote 6-0

PUBLIC HEARING ON AN APPLICATION FROM NORMAND ST. LAURENT AND GARY ST. LAURENT FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Guay opened the public hearing on this item to receive citizen input and comment. No residents spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (288-2005)

Motion by Councilor Jean, second by Councilor Rousseau:

To grant an Automobile Graveyard/Junkyard permit to Normand St. Laurent and Gary St. Laurent, 1445 Sabattus Street. Passed - Vote 6-0

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

Mayor Guay opened the public hearing on this item to receive citizen input and comment. No residents spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (289-2005)

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

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.
3. All storage, including the large electric motor at the front of the property, shall be stored within the screened area or removed from the property by December 15, 2005.

Passed - Vote 6-0

**PUBLIC HEARING ON AN APPLICATION FROM K.T.I. BIO FUELS, L.P. FOR
AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

Mayor Guay opened the public hearing on this item to receive citizen input and comment. No residents spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (290-2005)

Motion by Councilor Connors, second by Councilor Jean:

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 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 6-0

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

Councilor Bernier read a statement from Councilor Paradis who was unable to attend the meeting. Councilor Paradis urged the Councilors to postpone action on this item to allow time for Mr. Jalbert to address the pending conditions that need to be addressed from his current permit. Mr. Jalbert is in the middle of having some junk cars hauled away, having excess tires removed and fluids removed from old vehicles. Councilor Paradis suggested a two month extension. Councilor Bernier reported that she spoke with Mr. Jalbert before the meeting and he requested a one month extension, not two months, saying that the work will be completed before the October 18 Council meeting. The City Administrator mentioned to Mr. Jalbert that on his application he noted that he disposes of old batteries at Grimme's Industries. However, on the Grimmel's Industries application, they stated that they do not accept old batteries. The City Administrator asked Mr. Jalbert to contact the City Clerk's Office before the next Council meeting and submit information regarding the new vendor who will service the disposal of the batteries from his junkyard. Mr. Jalbert said that he will do so.

VOTE (291-2005)

Motion by Councilor Bernier , second by Councilor Jean:

To postpone action on this item for approximately thirty days and to schedule this item for the October 18, 2005 City Council meeting. Passed - Vote 6-0

PUBLIC HEARING AND FIRST PASSAGE FOR THE CONDITIONAL REZONING OF THE PROPERTY AT 193 CROWLEY ROAD

It was noted that this item and the previous item are connected and it was suggested that this item also be postponed to the October 18, 2005 Council meeting.

VOTE (292-2005)

Motion by Councilor Mendros, second by Councilor Rousseau:

To postpone action on this item and to schedule this item for the October 18, 2005 Council meeting. Passed - Vote 5-1 (Councilor Connors opposed.)

PUBLIC HEARING FOR A LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR THE CHALET MOTEL/PHOENIX LOUNGE

Mayor Guay opened the public hearing on this item to receive citizen input and comment. Councilor O'Brien asked the business owner, Julie Adair, if the manager resides on site. Ms. Adair stated that he does reside in an apartment at the motel. Mayor Guay then closed the hearing.

VOTE (293-2005)

Motion by Councilor Jean, second by Councilor Rousseau:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for The Chalet Motel/Phoenix Lounge, 1243 Lisbon Street.

Passed - Vote 6-0

APPROVAL OF MILEAGE REIMBURSEMENT RATES

VOTE (294-2005)

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

To authorize the Finance Director to approve payment for mileage reimbursement at the standard rate allowed by the Internal Revenue Service for the authorized use of privately owned vehicles in the conduct of official city business, to be effective September 1, 2005.

Passed - Vote 6-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (295-2005)

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

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 ten percent (10%) of the proceeds from the sale of a 1998 Ford Expedition, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Jerome Cooper, CE-05-0034, 05-DEA-456104; the transfer of ten percent (10%) of the proceeds from the sale of a 1999 Audi Station Wagon, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Melina Renaud, CE-05-0034,05-DEA-456127; the transfer of ten percent (10%) of the proceeds from the sale of a 1999 BMW 540I Sedan, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Lenn Dixon, CE-05-0034, 05-DEA-456181; and the transfer of \$500, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Marshal Mercer, CE-05-0034, 05-DEA-456133. 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 6-0

DELEGATES TO THE MAINE MUNICIPAL ASSOCIATION ANNUAL MEETING

VOTE (296-2005)

Motion by Councilor Connors, second by Councilor Rousseau:

To select City Administrator James Bennett to serve as the City's delegate to the Maine Municipal Association Annual Meeting in October 2005, and to select Assistant City Administrator Phil Nadeau to serve as the alternate delegate. Passed - Vote 6-0

**APPROVAL FOR THE SKATE LEWISTON AUBURN MOVEMENT
ORGANIZATION TO PLACE A TEMPORARY SIGN IN KENNEDY PARK**

Councilor Bernier suggested the Council could review potential funding for the skate park during the budget preparation this coming spring. She noted that currently skateboarders are skateboarding in the city parks, on benches and in the parking garages, causing damage to city property. If the skate park is built, this should help the situation. She noted the City will be saving money in repair costs and could direct these funds toward the skate park. Pat Butler, coordinator of the skate park committee, thanked the Council for their support and said they have collected approximately \$150,000 of the total amount needed, which is about \$269,000. He said that construction is scheduled to begin April 2006 with a targeted completion date of August 2006.

VOTE (297-2005)

Motion by Councilor Mendros, second by Councilor Jean:

To authorize the Skate Lewiston Auburn Movement organization to place one temporary sign in Kennedy Park, at the intersection of Pine Street and Park Street from October 1, 2005 through April 2006. Passed - Vote 6-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

Councilor Mendros asked if the City is planning to have any energy audits conducted, in light of the rising costs of fuel. He said that is aware of federal grants available for this purpose. The City Administrator asked him to get those materials to his office and he can follow up.

VOTE (298-2005)

Motion by Councilor Jean, second by Councilor Bernier:

To adjourn at 8:05 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC
City Clerk
Lewiston, Maine