

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 20, 2011

COUNCIL PRESIDENT STEPHEN J. MORGAN, PRESIDING.

PRESENT: Councilors Butler, Bernier, Poulin, Jean, O'Connell, Cayer and Morgan, City Administrator Edward Barrett, and City Clerk Kathleen Montejo. Absent/Excused: Mayor Gilbert

Pledge of Allegiance to the Flag.
Moment of Silence.

Council President Morgan announced that Mayor Gilbert was in Washington, DC for the initiative Mayors Against Handgun Violence and will be unable to attend the meeting this evening.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Jake Bergeron, vice-chair of LYAC, stated they are looking forward to hosting the Mayoral debate on October 6. Some members attended a Downtown Neighborhood Action Committee meeting to get an idea of the goals and projects of that group. LYAC has adopted the revitalization of Pierce Street Park as one of their projects for the year. They will also be working on a short video of what Lewiston has to offer young people and their members have been participating in police department ride-alongs.

PUBLIC COMMENT PERIOD

No members of the public offered comments at this time period.

APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY BOARD OF COMMISSIONERS

VOTE (227-2011)

Motion by Councilor Jean, seconded by Councilor Cayer:

To confirm the Mayor's nomination and to appoint the following resident as a member of the Board of Commissioners of the Lewiston Housing Authority:

Fernand M. Rodrigue of 16 Deforge Street (term to expire September 17, 2016)

Passed - Vote 7-0

REQUEST FOR THE USE OF CITY SERVICES FOR THE DEMPSEY CHALLENGE

VOTE (228-2011)

Motion by Councilor Jean, seconded by Councilor Cayer:

To approve the request for the use of city services for The Dempsey Challenge to be held on October 8 and 9, 2011, at the Simard-Payne Police Memorial Park. Passed - Vote 7-0

PUBLIC HEARING FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT FOR LEWISTON PUBLIC WORKS DEPARTMENT

Council President Morgan opened the public hearing. No members of the public spoke for or against this item. President Morgan than closed the hearing.

VOTE (229-2011)

Motion by Councilor Butler, seconded by Councilor Bernier:

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

PUBLIC HEARING FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT FOR GARY ST. LAURENT/MAINE HEAVY EQUIPMENT

Council President Morgan opened the public hearing. No members of the public spoke for or against this item. President Morgan than closed the hearing.

VOTE (230-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

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

PUBLIC HEARING FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT FOR DANA'S GARAGE

Councilor Poulin inquired about the reference in Fire Department Inspector Paul Ouellette's report about a washed out fire road that is unusable. The Council agreed to incorporate this as an additional condition for the issuance of this permit.

VOTE (231-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To grant an Automobile Graveyard/Junkyard permit to Dana's Garage, 193 Crowley Road, subject to the condition that no more than 1,000 tires may be stored on the property and to replace the washed out fire road if it has not already been taken care of. Passed - Vote 7-0

PUBLIC HEARING FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT FOR GRIMMEL'S INDUSTRIES

Council President Morgan opened the public hearing. No members of the public spoke for or against this item. President Morgan than closed the hearing.

VOTE (232-2011)

Motion by Councilor Butler, seconded 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.

Passed - Vote 7-0

**PUBLIC HEARING FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT FOR
K.T.I BIO FUELS, LP**

Council President Morgan opened the public hearing. No members of the public spoke for or against this item. President Morgan then closed the hearing.

VOTE (233-2011)

Motion by Councilor Cayer, seconded by Councilor Butler:

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 construction and demolition debris (CDD), wood waste (includes demolition debris) and oversized bulky waste (OBW). CDD and OBW will consist of wood waste, sheetrock, insulation, metal, wire, aggregate products, dirt, sand, furniture, rugs, plastics, roofing materials, cardboard and any other large burnable household goods. Unacceptable materials are units containing CFC's, universal waste, municipal solid waste (MSW), hazardous materials, asbestos, and medical waste.
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 access road or fire lane shall be maintained from Alfred A. Plourde Parkway at a minimum width of 20' to the storage area at all times..
8. All roads and fire lanes on the facility shall be of all weather surface adequately constructed to support fire apparatus likely to be operated on site at all times.
9. All storage pile locations shall 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 shall be designated no smoking throughout except office areas and control room. A no smoking sign shall be placed at the entrance to the facility.

11. Training of employees shall be provided on the use of fire protection equipment and fire reporting procedures on an annual basis.
12. KTI shall conduct a self-inspection of their activities and inspections shall be conducted on a weekly basis. Records of inspections shall be kept on site for Fire Prevention Bureau review when requested.
13. Pine trees shall be planted along the perimeter to provide a buffer and dead and/or missing trees shall be replaced promptly.
14. That the processing of pressure treated wood be done in full compliance with the EPA & DEP regulations.

Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE BUILDINGS AND BUILDING REGULATIONS ORDINANCES REGARDING THE ELECTRICAL CODE

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Mayor Gilbert then closed the hearing.

VOTE (234-2011)

Motion by Councilor Cayer, seconded by Councilor Poulin:

That the proposed amendments to the City Code of Ordinances, Chapter 18 “Buildings and Building Regulations”, Article V, “Electrical Code”, receive final passage by a roll call vote.

Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE FIRE PREVENTION AND PROTECTION ORDINANCE

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Mayor Gilbert then closed the hearing.

VOTE (235-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

That the proposed amendment to the City Code of Ordinances, Chapter 38 “Fire Prevention and Protection”, Article II, “Fire Prevention Code”, Section 38-26 “Codes Adopted”, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE OFFENSES AND MISCELLANEOUS ORDINANCE REGARDING FIRE DEPARTMENT SUPERVISION AT PUBLIC GATHERINGS

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. Mayor Gilbert then closed the hearing.

VOTE (236-2011)

Motion by Councilor Butler, seconded by Councilor Bernier:

That the proposed amendment to the City Code of Ordinances, Chapter 50 “Offenses and Miscellaneous”, Section 50-12, “Fire Supervision of Public Gatherings”, receive final passage by a roll call vote. Passed - Vote 7-0

RESOLVE – AUTHORIZING THE TRANSFER OF \$600,000 FOR FACILITIES PROJECTS AT THE SCHOOL DEPARTMENT

Councilor Poulin supported all three projects – the boiler, energy audit and architectural and engineering review. He noted the funds are available and these projects are needed. Councilor Bernier concurred the boiler at Longley School needs to be replaced, yet she said more information is needed for the other projects. Councilor Cayer felt it was wrong to go outside of the budget process for such a large expenditure of funds. Councilor Poulin noted this action is just re-distributing existing funds and not bonding any additional money. The City Administrator noted the future use of the building is being reviewed whether the entire building should be a school or a community center. The assumption by the City was that the school building would qualify for the state funded replacement program, yet it did not rank as high on the list as originally thought.

VOTE (237-2011)

Motion by Councilor Butler, seconded by Councilor Poulin:

To approve the Resolve authorizing the transfer of \$600,000 from the 2010 McMahon School Boiler & Ventilation Project to the Longley School Boiler Replacement & Natural Gas Conversion, the Lewiston High School Energy Audit, and the Lewiston Middle School Phase 1 Architectural & Engineering Review:

Whereas, the City authorized \$800,000 for the 2010 McMahon School Boiler & Ventilation Project; and

Whereas, the McMahon School Boiler & Ventilation Project was alternatively financed through a lease-purchased arrangement, thus resulting in surplus capital funds available; and

Whereas, given the anticipated energy savings at Longley School and future demands on the School Department’s building infrastructure, reallocation of these funds is both appropriate and necessary;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston that the budget transfer of \$600,000 from the 2010 McMahon School Boiler & Ventilation Project to the following projects is hereby approved: the Longley School Boiler Replacement & Natural Gas Conversion - \$485,000; the Lewiston High School’s Energy Audit - \$40,000; and Lewiston Middle School’s Phase I Architectural & Engineering Review - \$75,000.

Passed - Vote 5-2 (Councilors Cayer and Morgan opposed.)

ORDER – AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH ANDROSCOGGIN COUNTY AND THE CITY OF AUBURN FOR EMERGENCY MANAGEMENT

VOTE (238-2011)

Motion by Councilor Cayer, seconded by Councilor Jean:

To approve the Order authorizing the City Administrator to execute an Interlocal Agreement with Androscoggin County and the City of Auburn of Emergency Management:

Whereas, the Cities of Lewiston and Auburn and Androscoggin County have had an interlocal agreement in place since 1984 that establishes a unified emergency management agency; and

Whereas, under this agreement, the County provided the agency’s personnel while Lewiston and Auburn split the cost of the Emergency Operations Center (EOC) on a 50/50 basis; and

Whereas, the cost associated with the Center, located in Lewiston Central Fire Station, generally includes utilities and certain repair and maintenance items at an annual cost of from \$10,000 to \$15,000; and

Whereas, during last year’s budget process, the County agreed to begin paying all of the costs associated with the EOC effective January 1, 2012, eliminating the need for the City to budget any funds for operating the EOC in future years; and

Whereas, as a result, a new agreement reflecting this change and updating the original agreement is necessary;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston that The City Administrator is hereby authorized to execute an Interlocal Agreement with Androscoggin County and the City of Auburn for Emergency Management in a form substantially as attached hereto.

Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION TO DISCUSS LABOR NEGOTIATIONS

VOTE (239-2011)

Motion by Councilor Cayer, seconded by Councilor Bernier:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405(6)(D) to discuss Labor Negotiations regarding the Maine Association of Police – Patrol Unit. Passed - Vote 7-0

Session began at 7:45pm and ended at 8:00pm.

EXECUTIVE SESSION TO DISCUSS REAL ESTATE NEGOTIATIONS

VOTE (240-2011)

Motion by Councilor O’Connell, seconded by Councilor Cayer:

To enter into an Executive Session, pursuant to MRSA Title 1, Section 405 (6) (c) to discuss Real Estate negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Session began at 8:01pm and ended at 8:47pm.

VOTE (241-2011)

Motion by Councilor O’Connell, second by Councilor Cayer:

To adjourn at 8:48P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine