

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 18, 2011

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

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

Pledge of Allegiance to the Flag.
Moment of Silence.

EXECUTIVE SESSION

VOTE (255-2011)

Motion by Councilor Jean, seconded by Councilor Morgan:

To enter into 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 5-0

Session began at 6:32pm and ended at 6:58pm.

Regular meeting began at 7:00pm.

VOTE (256-2011)

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

To dispense with the reading of the minutes of the meeting of October 4, 2011 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 5-0

MAYOR'S PROCLAMATION – "EXTRA MILE DAY"

Mayor Gilbert read a proclamation declaring November 1 as "Extra Mile Day" to encourage all residents to go the extra mile, do more than is expected and help others on this day.

PUBLIC COMMENT PERIOD

Charles Soule of 135 Bartlett Street thanked the Auburn City Council for allowing him to speak at their meeting last week and he thanked Mayor Gilbert for his dignity when running the Lewiston City Council meetings for the past five years. Mr. Soule noted that he is a write-in candidate for the office of Mayor and if elected he would permit student vouchers for private schools.

Peter Robinson stated he was a partner in the Lewiston casino project and commented on the recent media story about a temporary location for the facility. He said there are no plans for this and the only location would be at Bates Mill 5.

PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR PEDRO O'HARA'S

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 (257-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To grant a special amusement permit for live entertainment to Pedro O'Hara's, 134 Main Street. Passed - Vote 5-0

**PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR
FISH BONES AMERICAN GRILL**

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 (258-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To grant a special amusement permit for live entertainment to Fish Bones American Grill, 70 Lincoln Street. Passed - Vote 5-0

PUBLIC HEARING ON A SPECIAL AMUSEMENT PERMIT FOR LBK EVENTS

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 (259-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To grant a special amusement permit for dancing and entertainment to LBK Events (Royal Oak Room), 1 Bates Street. Passed - Vote 5-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE FOR THE SEA ASIAN BISTRO

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 (260-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To authorize the City Clerk's Office to approve a new liquor license application for the Sea Asian Bistro, Inc., 40 East Avenue. Passed - Vote 5-0

Councilor O'Connell requested that Item Six be taken out of order and addressed at this time.

AMENDMENTS TO THE GENERAL ASSISTANCE POLICY

Dee Dee Doucette suggested that General Assistance eligibility and amounts be determined on a case by case basis based upon need and that applicants be given classes to learn to be responsible and the city should teach classes about how to shop on a budget. Social Services Director Sue Charron stated the office does provide information on classes for English as a second language, job training at the Career Center and so forth. Councilor Butler noted the increase in the overall maximum levels of assistance is 5.34%. Councilor Jean felt this was too high, noting that residents who receive Social Security, state retirement or military pension have not received an increase in their income in three years.

VOTE (261-2011)

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

That the overall maximum amounts allowed for general assistance and the maximum amounts allowed for food, housing, personal/household supplies, diapers and personal supplies for children, utilities/electricity and heating fuel in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended and adopted in accordance with HUD guidelines and the current Thrifty Food Plan.

Passed - Vote 4-1 (Councilor Jean opposed)

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE TO PROHIBIT THE SALE AND USE OF CONSUMER FIREWORKS IN THE CITY

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. Councilor Butler advocated for a third option for the ordinance proposal which would be an alternate ban on the use and sale of consumer fireworks in Lewiston and it would only allow them in the fireworks discharge zone two on July 4, December 31 and January 1. He noted that city staff support option three as well.

VOTE (262-2011)

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

That the proposed amendment to the City Code of Ordinances, Chapter 50 “Offenses and Miscellaneous Provisions”, Article VIII. “Sale and Use of Consumer Fireworks Prohibited”, Sections 50-226 through 50-230, to create a new article banning fireworks within the city limits, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting.

Did Not Pass - Vote 3-2 (Councilors Morgan, Jean and O’Connell in favor; Councilors Butler and Poulin opposed.)

(Note – Per the City Charter, a motion must receive a minimum of four affirmative votes in order to be adopted.)

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO CONTINUE THE CITY POLICY TO NOT INVEST IN NEW WATER MAIN EXTENSIONS

VOTE (263-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to continue the City Policy to not invest in New Water Main Extensions:

Whereas, the City first choose not to invest in new water main extensions on July 12, 1988; and

Whereas, the City vote not to invest in new water main extensions requires a developer or new customer to pay for 100% of the new water main extension and not burden existing customers with the costs of the main extension; and

Whereas, the City has been following the established policy not to invest in new water main extensions since 1988; and

Whereas, the City must clarify its vote and policy before updating the Terms and Conditions of the Water and Sewer business practices; and

Whereas, the City is choosing to continue the current policy by choosing not to invest in new water main extensions; and

Now, therefore, be it Ordered By the City Council of the City of Lewiston that the City Administrator is authorized to update the City Policy, choosing not to invest in new water main extensions.

Passed - Vote 5-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO CONTINUE THE CITY POLICY TO NOT INVEST IN NEW SERVICE LINES

VOTE (264-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to continue the City Policy to not invest in New Service Lines:

Whereas, the City is choosing not to invest in new service lines; and

Whereas, the City first chose not to invest in new water main extensions on July 12, 1988; and

Whereas, the City vote not to invest in new service lines requires a developer or

new customer to pay for 100% of the new service line and not burden existing customers with the costs of the service line; and

Whereas, “new service lines” includes but is not limited to the service tap, fittings, pipe, insulation, pavement, or any labor, parts or materials needed to install the new service line; and

Whereas, the City has been following the established policy not to invest in new service lines since 1988; and

Whereas, the City must clarify its vote and policy before updating the Terms and Conditions of the Water and Sewer business practices; and

Whereas, the City is choosing to continue the current policy by choosing not to invest in new service lines; and

Now, therefore, be it Ordered By the City Council of the City of Lewiston that the City Administrator is authorized to update the City Policy, choosing not to invest in new service lines.

Passed - Vote 5-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO CONTINUE THE CITY POLICY TO NOT INVEST IN ASSOCIATED APPURTENANCES FOR NEW SERVICES

VOTE (265-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to continue the City Policy to not invest in associated appurtenances for new services:

Whereas, the City first choose not to invest in new water main extensions on July 12, 1988; and

Whereas, the City has been following the established policy not to invest in new water main extensions nor to invest in associated appurtenances for new services since 1988; and

Whereas, “associated appurtenances” for new services includes but is not limited to the water meter, fittings, pipe, backflow preventer, etc.; and

Whereas, the City vote not to invest in associated appurtenances for new services requires a developer or new customer to pay for 100% of the new service and all appurtenances and not burden existing customers with the costs of private benefit; and

Whereas, the City must clarify its vote and policy before updating the Terms and Conditions of the Water and Sewer business practices; and

Whereas, the City is choosing to continue the current policy by choosing not to invest in appurtenances for new service connections; and

Now, therefore, be it Ordered By the City Council of the City of Lewiston that the City Administrator is authorized to update the City.

Passed - Vote 5-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO CONTINUE THE CITY POLICY TO REQUIRE 100% DEPOSIT AND PAYMENT OF MATERIALS AND LABOR FOR ANY NEW SERVICE CONNECTION WORK OR MAIN EXTENSIONS OR ASSOCIATED APPURTENANCES

VOTE (266-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to continue the City Policy to require 100% deposit and payment of materials and labor for any new service connection work or main extensions or associated appurtenances:

Whereas, the City first choose not to invest in new water main extensions on July 12, 1988; and

Whereas, the City vote not to invest in new water main extensions, service lines or associated appurtenances also requires a developer or new customer to pay for 100% of the new water main extension, new service line and associated appurtenance and not burden existing customers with the costs of the main extension; and

Whereas, the City has been following the established policy requiring the estimated work for main extension, new service or other appurtenance be paid in full prior to ordering materials or conducting any associated work by the City; and

Whereas, the City after completing the work (main extension, new service or other appurtenance) will either refund or charge the balance of the actual cost versus the deposit paid to the customer; and

Whereas, “new service lines” includes but is not limited to the service tap, fittings, pipe, insulation, pavement, or any labor, parts or materials needed to install the new service line; and

Whereas, “associated appurtenances” for new services includes but is not limited to the water meter, fittings, pipe, backflow preventer, etc.; and

Whereas, the City must clarify its vote and policy before updating the Terms and Conditions of the Water and Sewer business practices; and

Whereas, the City is choosing to continue the current policy by requiring 100% deposit be paid by the customer for the estimated work before any materials are ordered or work is performed ; and

Now, therefore, be it Ordered By the City Council of the City of Lewiston that the City Administrator is authorized to update the City Policy, by requiring 100% deposit be paid by the customer for the estimated work for main extensions, new service lines or associated appurtenances before any materials are ordered or work is performed.

Passed - Vote 5-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT UPDATED WATER AND SEWER TERMS AND CONDITIONS

VOTE (267-2011)

Motion by Councilor Jean, seconded by Councilor Butler:

To approve the Order authorizing the City Administrator to implement updated Water and Sewer Terms and Conditions:

Whereas, the City is seeking to update its business office terms and conditions to come into compliance with Maine Public Utilities (PUC) chapter 660 rules; and

Whereas, the adoption of the new Terms and Conditions needs approval by the Maine PUC before they come into effect; and

Whereas, the City is seeking to implement the new Terms and Conditions as soon after January 1, 2012 as feasible;

Now, therefore, be it Ordered By the City Council of the City of Lewiston that the City Administrator is authorized to implement updated Water and Sewer Terms and Conditions.

Passed - Vote 5-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A GRANT AND LICENSING AGREEMENT WITH SHANE'S INSPIRATION FOR PROJECT SERVICES RELATED TO A UNIVERSALLY ACCESSIBLE PLAYGROUND

VOTE (268-2011)

Motion by Councilor Butler, seconded by Councilor O'Connell:

To approve the Order authorizing the City Administrator to execute a grant and license agreement with Shane's Inspiration for project services related to a universally accessible playground:

Whereas, a universally accessible playground in the City of Lewiston would be one of inclusion, safety, and acceptance for those living with & without disabilities; and

Whereas, the City Council previously authorized staff to submit an application to Shane’s Inspiration for consideration of an award to assist in developing such a facility; and

Whereas, several partners have stepped forward in support of this opportunity, including Sandcastle Clinical & Educational Services; Childhood Development Services – First Step; Healthy Androscoggin; Lewiston Public Schools; Head Start of Androscoggin County; The Margaret Murphy Center for Children; Lewiston Police Department; Lewiston’s Director of Buildings/ADA Coordinator; Ben & Erin Hayes who share a personal perspective; and Orientation & Mobility Specialist Lauren Goldsmith; and

Whereas, the City of Lewiston has been selected as one of five regional winners and will receive a grant of \$10,000 in inclusive equipment and an estimated \$50,000 in services from Shane’s Inspiration for development, design, and educational programming; and

Whereas, this will require the City to provide in-kind services for prep work at the selected location for the playground which tentatively will be located in Marcotte Park; and

Whereas, Shane’s Inspiration will also assist the City in implementing an effort to expand the size of the proposed playground through seeking additional grants and donations;

Now, Therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a grant and license agreement, in a form substantially as attached hereto, with Shane’s Inspiration for the purpose of creating an inclusive playground and programs that unite children of all abilities. Staff is also authorized to work with interested partners to seek additional funding to expand the size of the proposed playground.

Passed - Vote 5-0

REPORTS AND UPDATES

Councilor Poulin reported that the School Committee approved a Resolve the other night to take no position on the Lewiston Casino referendum question on the November 8 ballot.

City Clerk Kathy Montejo shared information regarding the new statewide deadline for ordering absentee ballots, which will be Thursday, November 3 for this election.

Deputy City Administrator Phil Nadeau noted the ground breaking ceremony for the new Anaerobic Digestion sewer treatment facility will be held on November 10 at 10am.

OTHER BUSINESS

Councilor Morgan asked staff to re-advertise for a public hearing for the ordinance to ban fireworks and to bring it back to the next Council meeting. Councilor Butler asked to have Option Three of the proposed fireworks ordinance also presented to the Council and he asked to have language added to state if there are high wind warnings or high fire dangers that the fire works would not be permitted for that day.

CITY COUNCIL

OCTOBER 18, 2011

Councilor Morgan reminded everyone about the new memorial that will be dedicated at the Central Fire Station to honor and recognized the fallen firefighters. The ceremony is Saturday at 10am.

VOTE (269-2011)

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

To adjourn at 8:05 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine