

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 21, 2010

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

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

PRESENT: Councilors Butler, Bernier, Poulin, Jean, O'Connell, Cayer, Morgan, City Administrator Ed Barrett, and Deputy City Clerk Kelly Mercier.

The City Council meeting was called to order by Mayor Gilbert at 6:05 pm in a public session.

EXECUTIVE SESSION

VOTE (261-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

To enter into an executive session pursuant to MRSA Title 1, section 405(6)(E) to discuss legal matters with the City Attorney. Passed - Vote 7-0

Executive Session began at 6:07pm and ended at 6:34pm.

At this time a motion was made by Councilor Butler and seconded by Councilor Jean to enter into an executive session pursuant to MRSA Title 1, section 405(6)(D) to discuss Labor Negotiations regarding the Lewiston Professional Technical Unit, Local 3855. City Administrator Ed Barrett asked if the councilors had any questions about the contract extension because if the didn't there would be no need to enter into executive session. None of the councilors had questions so Councilor Butler withdrew his motion and Councilor Jean withdrew his second.

EXECUTIVE SESSION

Councilor Morgan recused himself from this item due to a conflict of interest.

VOTE (262-2010)

Motion by Councilor Poulin, seconded by Councilor Jean:

To enter into an executive session to 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 6-0-1 (Councilor Morgan abstained)

Executive Session began at 6:40pm and ended at 7:00pm.

At this point, the Council took a five minute recess.

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00PM

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

PRESENT: Councilors Butler, Bernier, Poulin, Jean, O’Connell, Cayer, Morgan, City Administrator Ed Barrett, and Deputy City Clerk Kelly Mercier.

Pledge of Allegiance to the Flag.
Moment of Silence.

PROCLAMATION

Mayor Gilbert read a Proclamation proclaiming Monday, September 27, 2010 as “Family Day - A Day to Eat Dinner With Your Children” and urged residents to participate in its observance.

REPORT FROM THE LEWISTON YOUTH ADVISORY COUNCIL

LYAC member Holly Lavorgna informed the council that the Lewiston Youth Advisory Council had their first meeting of the 2010-2011 year and that they have three items that they will be focusing on this year. They will be encouraging cultural understanding and peaceful interaction, focusing on trying to encourage the importance of education to their peers, and doing an activity to make a donation to Yada (Youth+Adults + Dialogue=Action) which is a local community group trying to establish a community center.

She also mentioned that the LYAC is planning a World Peace Day ceremony on November 17th at the Bernard Lown Peace Bridge, that the LYAC 2010-2011 officers will be elected at their next meeting and a few of the members will be going on a ride along with Lewiston Police Officers.

PUBLIC COMMENT PERIOD

No public comment was offered at this time.

VOTE (263-2010)

Motion by Councilor Jean, seconded by Councilor Morgan

To dispense with the reading of the minutes of the May 11, August 17, August 24 and September 14, 2010, meetings and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 7-0

VOTE (264-2010)

Motion by Councilor Butler, seconded by Councilor Bernier:

To combine items one and two and vote on them with one motion. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMITS FOR LITTLE DAN’S BBQ AND FRIENDS LODGE

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 (265-2010)

Motion by Councilor Butler, seconded by Councilor Bernier:

To grant a Special Amusement Permit for Live Entertainment to Little Dan’s BBQ, 757 Main Street. Passed - Vote 7-0

VOTE (266-2010)

Motion by Councilor Butler, seconded by Councilor Bernier:

To grant a Special Amusement Permit for Live Entertainment to Friends Lodge, 724 Main Street. Passed - Vote 7-0

VOTE (267-2010)

Motion by Councilor Butler, seconded by Councilor Bernier:

To combine items three through seven and vote on them with one motion. Passed - Vote 7-0

**PUBLIC HEARING FOR JUNKYARD PERMITS FOR GRIMMEL’S INDUSTRIES,
LEWISTON PUBLIC WORKS DEPARTMENT, GARY ST. LAURENT/MAINE
HEAVY EQUIPMENT, DANA’S GARAGE AND KTI BIO FUELS, LP**

Mayor Gilbert opened the public hearing. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (268-2010)

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 conditions that the hours of operation shall be limited to 7:00am to 5:00pm, Monday through Saturday and that they maintain the screening from the Maine Turnpike. Passed - Vote 7-0

VOTE (269-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

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

VOTE (270-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

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

VOTE (271-2010)

Motion by Councilor Butler, seconded by Councilor Jean:

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. Passed - Vote 7-0

VOTE (272-2010)

Motion by Councilor Butler, seconded 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 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 FIRST PASSAGE REGARDING AN ADOPTION OF THE
PROPERTY ASSESSED CLEAN ENERGY ORDINANCE**

Mayor Gilbert opened the public hearing. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Councilor Jean had a few questions concerning the program but once City Administrator Edward Barrett explained the process his questions were answered.

VOTE (273-2010)

Motion by Councilor Poulin, seconded by Councilor Morgan:

That the proposed new ordinance, Chapter 60 "Property Assessed Clean Energy", 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 for final passage. Passed - Vote 7-0

**RESOLVE ESTABLISHING AN AD-HOC ADVISORY COMMITTEE ON
DOWNTOWN NEIGHBORHOOD ACTION**

City Administrator Edward Barrett informed the council of the addition to the composition of the committee which now included an ex-officio member from the Planning Board.

VOTE (274-2010)

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

To approve the Resolve establishing an Ad-hoc Advisory Committee on Downtown Neighborhood Action. Passed - Vote 7-0

**RATIFICATION OF COLLECTIVE BARGAINING EXTENSION AGREEMENT
WITH THE LEWISTON PROFESSIONAL TECHNICAL UNIT**

VOTE (275-2010)

Motion by Councilor Jean, seconded by Councilor Butler:

To ratify the Collective Bargaining Extension Agreement between the City of Lewiston and the Lewiston Professional Technical Unit, Local 3855 of the American Federation of State, County and Municipal Employees [AFSCME], said agreement being for the period July 1, 2010 to June 30, 2011, and to authorization the Mayor and City Administrator to sign the agreement on behalf of the City of Lewiston. Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (276-2010)

Motion by Councilor Cayer, seconded by Councilor Jean:

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 \$825.00, or any portion thereof, in the case of the State of Maine vs. David Noyes, CR-10-587 Court Records. 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 TD Bank. Passed - Vote 7-0

REPORTS AND UPDATE

Ed Barrett mentioned that the new monthly report had been sent out and hoped the new format would be pleasing to the Mayor and Council.

Finance Director Heather Hunter gave a brief summary on the background of the Performance Measurement Pilot Program. The Council eliminated the third year phase of this program from the budget this year. She explained that it is a three year program of the New England States Government Finance Officers Association and that the city is in the last year of the program. The city had prepaid the full amount, so the remaining \$5200 would be returned to the city as revenue. She encouraged the Council to reconsider their decision because the third year of the program would include a citizen satisfaction survey which would be beneficial to the city since the city is moving forward with the Strategic Plan and may move forward on a Comp Plan.

VOTE (277-2010)

Motion by Councilor Poulin, seconded by Councilor Butler:

To move forward with the Performance Measurement Program and to recognize a refund of \$5,200 shall not be deposited in the unclassified account as approved in the FY 2010-2011 budget. Passed - Vote 4-3 (Councilors Bernier, Cayer and Morgan opposed)

OTHER BUSINESS

Edward Barrett mentioned that there will be a workshop on Tuesday, October 12th concerning the Main Street Project.

Mayor Gilbert inquired about the time frame the city usually receives the payments from the State for the Homestead Exemption. He was concerned about the State shifting payments owed to the city from one fiscal year to another. He mentioned that Central Maine Medical Center was laying off employees partly due to the MaineCare debt issue. The Council decided to have a letter drafted and sent to the State delegation concerning the practice of the State delaying payments owed to municipalities and hospitals.

Councilor Jean expressed concerns about the possibility of a road being constructed in Garcelon Bog. After a brief discussion it was decided that Councilor Jean, City Administrator Ed Barrett and Public Works Director David Jones would meet at Garcelon Bog to take a closer look to see exactly what Councilor Jean saw the last time he was at Garcelon Bog.

VOTE (278-2010)

Motion by Councilor Bernier, second by Councilor Cayer:

To adjourn at 8:03 P.M. Passed - Vote 7-0

A true record, Attest:

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