

CITY OF LEWISTON

CITY COUNCIL

JANUARY 22, 2013

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:00 P.M.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D'Auteuil, Libby, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (1)

Motion by Councilor Butler, seconded by Councilor Cayer:

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

7:00pm Regular Meeting

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Butler, D'Auteuil, Libby, Christ, Saddlemire, Cayer and Desjardins, City Administrator Edward Barrett, and City Clerk Kathleen Montejo.

Pledge of Allegiance.
Moment of Silence.

PUBLIC COMMENT PERIOD

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

**SPECIAL AMUSEMENT PERMIT FOR FRATERNAL ORDER OF EAGLES,
1327 SABATTUS STREET**

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

VOTE (2)

Motion by Councilor Saddlemire, seconded by Councilor Butler:

To grant a Special Amusement permit for live entertainment to the Fraternal Order of Eagles, 1327 Sabattus Street. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR ALTERA, 347 LISBON STREET

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

VOTE (3)

Motion by Councilor Butler, seconded by Councilor Christ:

To grant a Special Amusement permit for live entertainment to Altera, 347 Lisbon Street.
Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE
BUSINESS LICENSING ORDINANCE REGARDING THE ADOPTION OF THE
STATE OF MAINE RULES FOR HEALTH INSPECTIONS**

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

VOTE (4)

Motion by Councilor Cayer, seconded by Councilor Christ:

That the proposed amendment to the City Code of Ordinances, Chapter 22, "Businesses", Article II "Licenses", Section 22-49 receive final passage by a roll call vote. Passed - Vote 7-0

**RESOLVE AUTHORIZING THE DEPARTMENT OF ECONOMIC AND COMMUNITY
DEVELOPMENT TO APPLY FOR AND ACCEPT A THREE YEAR, \$2.5 MILLION
LEAD HAZARD REDUCTION DEMONSTRATION GRANT AS THE LEAD AGENCY
IN A PARTNERSHIP WITH AUBURN**

VOTE (5)

Motion by Councilor Saddleire, seconded by Councilor Cayer:

To approve the Resolve authorizing the Department of Economic and Community Development to apply for and accept a three-year, \$2.5 million Lead Hazard Reduction Demonstration Grant as the Lead Agency in a partnership with Auburn:

Whereas, Lewiston-Auburn have the highest elevated blood lead levels in the State of Maine; and

Whereas, in 2010, 22% of the elevated blood levels in Maine children under age 6 occurred in Lewiston-Auburn; and

Whereas, between 2005 and 2009, 116 children were lead poisoned in Lewiston-Auburn, twice the rate of the more populous Portland; and

Whereas, recent reports from the Maine Center for Disease Control indicate that despite past lead mitigation efforts and landlord and tenant educational efforts, blood test screening indicates that the incidence of childhood lead poisonings is increasing among Lewiston-Auburn's immigrant

population; and

Whereas, the primary source of childhood lead poisoning comes from ingestion of lead paint chips, lead paint dust, or lead contaminated soils in pre-1970's vintage housing; and

Whereas, 80-90% of Lewiston-Auburn's downtown housing stock in Census Tracts 201, 202, 203 and 204 in Lewiston and Census Tracts 101, 103 and 105 in Auburn (the Target Area) were built prior to 1950; and

Whereas, housing of this age most often used lead based paint during initial construction and subsequent maintenance and rehabilitation; and

Whereas, that portion of this housing that is occupied by families with children 6 years of age and younger puts those children at risk for elevated levels of lead in their blood; and

Whereas, elevated lead blood levels may result in slow development, reduced IQ scores, learning disabilities, hearing loss, reduced height, and hyperactivity; and

Whereas, securing a Lead Hazard Reduction Demonstration Grant is projected to make 200 apartment units and 10 single family homes in the Target Area lead safe; and

Whereas, securing the grant will allow the Cities to expand their outreach, recruitment, blood level testing, intake, and education of families with children under age 6, with a special emphasis on Somali/Somali Bantu families, about the hazards of lead paint and how to protect their families; and

Whereas, owners of private rental housing with apartments suitable for occupancy by families with young children will be eligible to have those units tested for lead paint and, if tested positive, will be eligible for grant and loan assistance of up to \$7,500 per unit to make the unit lead safe;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the City Council authorizes the Department of Economic and Community Development to apply as the lead agency in a consortium with Auburn for a three year, \$2.5 million Lead Hazard Reduction Grant and, by so authorizing, agrees that the City of Lewiston will provide a total of \$70,084 in each of the three years of the grant as its share of the grant match requirements.

Passed - Vote 7-0

RESOLVE EXPRESSING THE OPPOSITION OF THE CITY COUNCIL OF THE CITY OF LEWISTON TO PROPOSALS TO SHIFT BURDEN OF FUNDING STATE GOVERNMENT TO THE PROPERTY TAX AND PROPERTY TAX PAYER

Larry Gilbert suggested sending a copy of the Resolve to every member of the Legislature.

VOTE (6)

Motion by Councilor Cayer, seconded by Councilor Butler:

To approve the Resolve expressing the opposition of the City Council of the City of Lewiston to proposals to shift the burden of funding state government to the property tax and property tax payer:

Whereas, the State Administration has submitted a proposed budget for the coming biennium that will dramatically shift the burden of funding state government to the property tax by eliminating or significantly modifying long-standing property tax relief programs; and

Whereas, the proposal to suspend municipal revenue sharing would result in a \$4 million revenue loss to the City of Lewiston, representing 12.5% of the City's general fund operating budget and \$2.18 on the property tax rate; and

Whereas, the proposal to redirect the excise tax on tractor trailers will reduce the City's revenues by an additional \$370,000 or 20 cents on the tax rate; and

Whereas, eliminating the homestead exemption in FY 15 for those under 65 will increase taxes for no longer qualifying residents by \$227 in that year if the City's tax rate remains unchanged; this represents a tax increase of over 10% for most of those losing the exemption; and

Whereas, low and moderate income residents under the age of 65 who now qualify for the state property tax circuit breaker program will no longer qualify for it in the coming budget year; and

Whereas, starting in the second year of the biennium, the business equipment tax reimbursement program, under which businesses are fully reimbursed for property taxes they pay on certain business equipment, will be eliminated with most qualifying property transferred to the business equipment tax exemption program; under this program, the City will only be reimbursed by the state for 60% of the taxes due, reducing City revenues by an estimated \$897,000 in FY15, or 49 cents on the tax rate; and

Whereas, if enacted, these changes will reduce City revenues by at least \$4,370,000 in FY 14 and \$5,267,500 in FY 15, excluding certain impacts on the school budget; and

Whereas, to replace these revenues through property taxation, the City's tax rate would have to increase by approximately \$2.38 in FY 14 and an additional \$0.49 in FY 15 before considering any other expenditure increases that may be required; and

Whereas, alternatively, reducing expenditures by this amount would require eliminating all capital expenditures and dramatically reducing staff over and above the almost 20% reductions that have been implemented since 2002; and

Whereas, further staffing and expenditure reductions of this magnitude would undermine our ability to provide basic public services; and

Whereas, even a balance between tax increases and spending cuts would result in much higher property taxes in return for services that would no longer meet resident expectations or needs;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the City Council hereby expresses its strong opposition to provisions included in the recently proposed state

budget that would significantly shift the burden of funding state government to the property tax and property tax payer. These proposals will dramatically increase property taxes in Lewiston, taxes which often are unrelated to the ability of property owners to pay, and will require spending reductions which will call into question our ability to protect the health and welfare of our community and provide our residents with basic government services.

Be it Further Resolved, that the City Clerk is directed to provide copies of this Resolve to the members of the Legislature representing the City of Lewiston, members of the Appropriations Committee, the Governor, the Speaker of the House, the President of the Senate and the Legislative leadership.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH CASELLA RECYCLING, LLC TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A RECYCLABLE MATERIALS PROCESSING FACILITY AT THE CITY'S SOLID WASTE FACILITY ON RIVER ROAD

The City Administrator and Public Works Director provided background information on this item and outlined what is and is not included in the lease agreement. Two representatives from Casella also addressed the Council and provided additional details on this project. Twenty one members of the public addressed the Council on this issue and twelve spoke against approving the contract for various reasons – company has a poor track record in other communities, twenty years is too long and other reasons. Others spoke in support of the company and said they were current vendors or customers and have never had a problem with them.

VOTE (7)

Motion by Councilor Butler, seconded by Councilor Cayer:

To approve the Order authorizing the City Administrator to execute a lease agreement with Casella Recycling, LLC to allow for the construction and operation of a Recyclable Materials Processing Facility at the City's Solid Waste Facility on River Road:

Whereas, the City instituted single stream recycling in July 2011, and, since then, has seen an approximate 50% increase in recycled materials collected; and

Whereas, the City currently delivers this material to our Solid Waste Facility where it is shipped by Casella to its processing facility in Charlestown, Massachusetts; and

Whereas, Cassella Recycling has approached the City with a proposal to develop a recyclable materials processing facility at our Solid Waste complex; and

Whereas, this proposal will make use of a currently underutilized City facility; provide the City with first year taxes, lease payments, and fees of approximately \$163,000; and reduce certain current City operating expenses; and

Whereas, the total estimated positive impact to the City's bottom line is in excess of \$250,000, an amount that will increase over time; and

Whereas, this proposal will create 25 new jobs, guarantee the City the best commercial rates for accepting and processing recyclables, and will support the City's efforts to increase recycling in our community and region;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute an agreement with Casella Recycling, LLC, subject to his review and approval of the form of bonds to be furnished by Casella pursuant to Section 25 of the agreement, to allow for the construction and operation of a recyclable materials processing facility at the City's solid waste complex on River Road, such lease to be substantially in the form as is attached hereto.

Passed - Vote 4-3 (Councilors Christ, Cayer, Butler and D'Auteuil in favor; Councilors Libby, Saddlemire and Desjardins opposed).

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

VOTE (8)

Motion by Councilor Libby, second by Councilor D'Auteuil:

To suspend the Rules and to add an item on the agenda at this time. Passed - Vote 7-0

VOTE (9)

Motion by Councilor Libby, second by Councilor Saddlemire:

To authorize the expenditure of \$1400 for dues for the Mayor's Coalition. Passed - Vote 7-0

EXECUTIVE SESSION

VOTE (10)

Motion by Councilor Butler, second by Councilor Libby:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Session started at 9:35pm and ended at 10:12pm

VOTE (11)

Motion by Councilor Butler, second by Councilor Libby:

CITY COUNCIL

JANUARY 22, 2013

To adjourn at 10:12P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine