

**CITY OF LEWISTON**

**CITY COUNCIL**

**FEBRUARY 3, 2009**

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

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

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

Moment of Silence.

**PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO  
THE PARKS AND RECREATION ORDINANCE REGARDING THE  
CREATION OF DRUG-FREE SAFE ZONES AROUND PARKS,  
PLAYGROUNDS AND RECREATIONAL FACILITIES**

Mayor Gilbert opened the public hearing to receive public input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Councilor Reed felt that the definition of “drugs” was too broad and wondered if someone who needed to take medication or an aspirin would technically be violating this new ordinance. Councilor Poulin concurred. Chief Welch noted that this language pretty much mirrors the state law which has been in place for several years, and no issues have arisen from the wording. Councilor Reed inquired about the state’s school zone laws regarding dealing drugs and wondered why the state isn’t applying that to parks and playgrounds.

**VOTE (21-2009)**

Motion by Councilor N. Peters, seconded by Councilor Dube:

That the proposed amendments to the City Code of Ordinances, Chapter 54 “Parks and Recreation”, Section 54-8 “Public drinking of alcoholic beverages prohibited” and Section 54-9 “Designation of Drug-Free Safe Zones”, 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.  
Passed - Vote 7-0

**PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR  
BOCCE’S RESTAURANT, 30 LOWELL STREET**

Mayor Gilbert opened the public hearing to receive public input and comment. Bert Cote of Litchfield introduced himself as the owner of the restaurant. No one had any questions for Mr. Cote. Mayor Gilbert then closed the hearing.

**VOTE (22-2009)**

Motion by Councilor Reed, seconded by Councilor Theriault:

To authorize the City Clerk’s Office to approve a new liquor license application for Bocce’s

Restaurant & Pub, 30 Lowell Street. Passed - Vote 7-0

**SPECIAL AMUSEMENT PERMIT FOR WILLY BEANS COFFEE, INC.**

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

**VOTE (23-2009)**

Motion by Councilor T. Peters, seconded by Councilor Dube:

To grant a special amusement permit for live entertainment to Willy Beans Coffee, Inc., 70 Lincoln Street. Passed – Vote 7-0

**REVIEW OF NON-PROPERTY TAX REVENUE IMPACT ON THE  
FY10 MUNICIPAL BUDGET**

The City Administrator presented a powerpoint presentation which outlined the impact of the non-property tax revenues on the budget. Some points included the declining economy which causes a decrease in building permit fees, lower interest rate on the city's investments, declining excise tax and declining revenue sharing. He reviewed the cuts in revenue sharing that are part of the Governor's proposed budget as well as the upcoming excise tax referendum question in November. Councilor Dube inquired about the impact of capital expenses. Mr. Bennett noted that if projects are delayed, they will cost more in the long run later, such as street paving. Councilor Reed inquired about the union contract increases as well as the possibility of refinancing outstanding bonds. Mr. Bennett said he is reviewing all of the options and hopes to have some additional information during the budget workshops. Councilor Theriault inquired about a hiring freeze as well as funds from the upcoming federal stimulus package. Councilor T. Peters asked if legislation is being reviewed to phase in the impact of the excise tax cuts, if the referendum passes. Councilor Theriault suggested the city explore the idea of establishing a volunteer base to get some projects done. The Mayor concurred.

**REQUEST FROM CASELLA WASTE MANAGEMENT FOR USE AND EXTENTION  
OF THE KTI LEASED PROPERTY FOR A DIFFERENT USE**

Councilor Theriault suggested exploring the idea of a contractual concept for this request and noted the city should not see a change and the city can set parameters as the landlord, and suggested this be explored as a revenue source. Councilor Reed suggested moving forward with this deal and encouraged an open dialogue between the two parties, and offered to serve on a committee to accomplish this. The Mayor noted he supports future discussion on this topic to explore the benefits to the city as long as this site does not accept out of state waste.

Motion by Councilor Dube, seconded by Councilor N. Peters:  
To reject the proposal from Casella Waste Systems.

Councilor Theriault stated the city should explore the impact of this request on the current landfill site and noted the upside could be a single stream recycling option. Councilor Reed also

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suggested exploring this option, noting it is not binding. He noted that Casella has been a good tenant and questioned why the city would want to get rid of a good tenant.

**VOTE (24-2009)**

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

To move the previous question. Passed - Vote 5-2 (Councilors Theriault and Reed opposed).

**VOTE (25-2009)**

Motion by Councilor Dube, seconded by Councilor N. Peters:

To reject the proposal from Casella Waste Systems. Passed - Vote 5-2 (Councilors Theriault and Reed opposed).

**AUTHORIZATION TO DEVELOP AN EMPLOYEE EARLY RETIREMENT  
BUYOUT PROGRAM**

Mr. Bennett said he is seeking general approval from the Council regarding the basic direction of this budget option and to see if the Council agrees with the concept of this program. Councilor Dube inquired if this has been a past practice of the city. Mr. Bennett noted there have been severance packages in individual cases that have been negotiated with the unions. Councilor N. Peters stated he supports this concept. Councilor Theriault expressed concerns about losing key management personnel with years of experience. Councilor Reed said he does not support this program, noting the money needs to be paid upfront so the city will not see a savings in the coming fiscal year and does not feel this is fiscally prudent and does not see the short term gain.

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

**AMENDMENTS TO THE STORM WATER UTILITY FEE SCHEDULE  
AND CREDIT POLICY**

It was noted this issue was reviewed during last week's workshop.

**VOTE (26-2009)**

Motion by Councilor T. Peters, seconded by Councilor Poulin:

To approve the proposed amendments to the Storm Water Utility Fee Schedule and Credit Policy. Passed - Vote 7-0

**UPDATE REGARDING THE CONSERVATION EASEMENTS ASSOCIATED WITH  
THE GENDRON BUSINESS PARK**

Lincoln Jeffers, Economic Development Assistant to the City Administrator, made a presentation to the Council, noting it is a 150 acre lot with 5.7 acres of wetland. Jonathan LaBonte, executive

director of the Androscoggin Land Trust, commented on the conservation easements. Councilor Theriault expressed concern of the loss of this land as recreational land, noting people have used snowmobiles and hunted on this land for years. He noted the land was not abused to his knowledge and he hates to see it lost under the conservation easements. Mr. Bennett reviewed the connection of the wetland mitigation to the business park development. Councilor Theriault also expressed concern regarding the lack of public process and lack of opportunity for public input regarding this issue.

**VOTE (27-2009)**

Motion by Councilor Theriault, seconded by Councilor Reed:

To extend the meeting time for an additional 30 minutes. Passed - Vote 7-0

**ANNUAL WARRANT FOR PROCESSING UNLICENSED DOG OWNERS/KEEPERS**

**VOTE (28-2009)**

Motion by Councilor T. Peters, second by Councilor Theriault:

To issue and sign the warrant for the prosecuting of unlicensed dog owners/keepers, as required by Maine Revised Statutes Annotated, Title 7, Section 3943. Passed - Vote 7-0

**REPORTS AND UPDATE**

No reports and updates were presented at this time.

**OTHER BUSINESS**

The Mayor announced that he will be holding a Coffee with the Mayor session on Saturday. He also noted there is an opening on the Board of Appeals and he encouraged interested residents to apply. Mr. Bennett noted an upcoming joint meeting with the School Committee at the Dingley Building to discuss the budget plans.

Michael Dumas of 7 Irene Street introduced himself as the chairperson of the city's solid waste committee and stated he was submitting his resignation effective immediately. He cited the Council was given the opportunity to stop the flow out of state waste and did not take it and noted that no public input was requested before the vote. He also recommended disbanding the committee immediately, noting the committee is at a constant deadlock regarding moving forward with ideas and isn't going anywhere. Councilor Theriault thanked Mr. Dumas for his service. The Mayor stated he appreciated his service and accepted this resignation with regret. Councilor Reed said that he has heard similar information about the committee and asked to have this issue on the next Council agenda.

Matthew Agren inquired about the sidewalk snowplowing and wanted to know why there is a delay in getting the sidewalks cleared, especially on Webster and Russell Streets. He said the post office has not been delivering mail since the sidewalks are not cleared. Staff will check into this and get back to Mr. Agren.

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**VOTE (29-2009)**

Motion by Councilor T. Peters, second by Councilor Theriault:

To adjourn at 10:32 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine