

CITY OF LEWISTON

CITY COUNCIL

APRIL 7, 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.

**PRESENTATION FOR RECOGNITION OF STUDENTS ENROLLED IN THE
LEWISTON REGIONAL TECHNICAL CENTER**

Mayor Gilbert presented certificates of recognition to students enrolled in the Technical Center for their recent placement awards at the state competition event in Bangor held last month. Representative Bickford also congratulated the students.

**RECEIVE FUNDING RECOMMENDATIONS FOR THE FISCAL YEAR 2010
COMMUNITY DEVELOPMENT BLOCK (CBDG) PROGRAM BUDGET AND TO SET
THE PUBLIC HEARING DATE FOR THE CBDG BUDGET APPROVAL**

VOTE (63-2009)

Motion by Councilor Reed, seconded by Councilor Bailey:

To receive the recommendation from the CDBG Review Committee for the allocation of the Community Development Block Grant program funds for the City's 35th year (2009-2010), and to set the public hearing regarding the CDBG budget for the regular City Council meeting of Tuesday, May 5, 2009. Passed - Vote 7-0

**AUTHORIZATION FOR ACCEPTANCE OF FUNDS FROM THE US DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT FOR THE LEWISTON-AUBURN
LEAD-BASED PAINT HAZARD CONTROL GRANT PROGRAM**

VOTE (64-2009)

Motion by Councilor Reed, seconded by Councilor Bailey:

To accept the grant award from the U.S. Department of Housing and Urban Development in the amount of \$2,279,525 for the Lewiston-Auburn Lead-based Paint Hazard Control Grant Program, and to authorize city staff to expend these grant funds, make assurances, assume responsibilities and exercise authority as are necessary and reasonable to implement this program. Passed - Vote 7-0

ELECTION WARRANT FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MAY 5, 2009 FOR THE SCHOOL BUDGET VALIDATION REFERENDUM

VOTE (65-2009)

Motion by Councilor Reed, seconded by Councilor Bailey:

Be It Ordered by the City Council that the Election Warrant be issued for the Special Municipal Election to be held on Tuesday, May 5, 2009 for the purpose of voting for the School Budget Validation Referendum, and to approve the following recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Special Municipal Election:

- A. That the hours for acceptance of registrations in person only, prior to the May 5th election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at 8:00am to 4:30pm, April 14 through May 4, 2009.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the polling place at 7:00am, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.
- D. To appoint the City Clerk as the City's Election Warden and the Deputy Registrar of Voters as the City's Ward Clerk, for the May 5 election.

Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS

VOTE (66-2009)

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

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 \$1,440.00, or any portion thereof, in the case of the State of Maine vs. Peter Gault, CR-09-274 Court Records; the transfer of \$4,981.00, or any portion thereof, in the case of the State of Maine vs. Joshua M. Culleton, CR-09-269 Court Records, and the transfer of \$72,350.00, or any portion thereof, in the case of the State of Maine vs. Yasser Al-Sudani, 08-1049 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 People=s Heritage Bank. Passed - Vote 7-0

BUDGET PUBLIC HEARING FOR THE FISCAL YEAR 2010 BUDGET

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

PUBLIC HEARING ON A NEW LIQUOR LICENSE APPLICATION FOR MOTHER INDIA, 114 LISBON STREET

Mayor Gilbert opened the floor to receive input and comment from the public. The owner, Rakesh Kumar was present to address questions. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (67-2009)

Motion by Councilor Bailey, seconded by Councilor Reed:

To authorize the City Clerk's Office to approve a new liquor license application for Mother India, 114 Lisbon Street. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR LITTLE JOE'S BAR & GRILL

The applicants withdrew their application before the meeting, so this item was removed from the agenda.

SPECIAL AMUSEMENT PERMIT FOR WARDEN'S BAR & GRILL

Mayor Gilbert opened the floor to receive input and comment from the public. Neil Gagne, the husband of the business owner, was present to address any questions. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (68-2009)

Motion by Councilor Theriault, seconded by Councilor Reed:

To grant a special amusement permit for live entertainment to Warden's Bar & Grill, 703 Sabattus Street. Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR DEL'S BAR & GRILL

Mayor Gilbert opened the floor to receive input and comment from the public. Carol LeBlanc, owner, was present to address questions. Councilor Bailey commented on the loitering in front of the building. Ms. LeBlanc stated they are not her patrons but rather people from the neighborhood. Councilor Bailey encouraged the owner to speak with these people and if they will not move, to call the Police Department to have the people move along. Ms. LeBlanc noted there isn't any smoking permitted in the front of her business. Councilor Bailey also stated she receives complaints from neighbors who do not want to walk by the front of the business to go to the store next door. Councilor Poulin stated he has also received complaints. Deputy Chief Bussiere said the Police have received thirty four calls and conducted eight liquor checks in the past two months, yet he noted the issues are not always about the business but pertain to the location in general. He said moving the smoking area out back has helped some, but the owners should tell people to move along and not hang out, and in addition, they should add extra lighting in the front and back areas. The Police Department is not recommending that the Council hold the license. Councilor N. Peters said he knows the area and the people and it is not fair to blame the owners for the neighborhood problem. He stated that lights and cameras could be a good idea and they should work with the police and keep a log of issues. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (69-2009)

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

To grant a special amusement permit for live entertainment to Del's Bar & Grill, Inc., 43 Walnut Street. Passed - Vote 7-0

**PUBLIC HEARING REGARDING ADOPTION OF BOND RESOLUTION FOR
PHASE I AND II OF THE ULTRA VIOLET LIGHT WATER TREATMENT
FACILITY PROJECT**

Mayor Gilbert opened the floor to receive input and comment from the public. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Public Works Director David Jones provided a brief presentation on the new facility.

VOTE (70-2009)

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

Be It Ordered that the Drinking Water Revolving Loan Bond Resolution regarding the authorization to issue bonds in the amount of \$2,709,630 for the Phase I & II Ultra Violet Light Water Treatment Facility project, and authorizing and approving the bond documents, be adopted:

Ordered, that \$2,710,000 be appropriated to finance the local share of the \$3,870,900 Ultra Violet Light Water Treatment Facility Project;

Further Ordered, that to meet this appropriation \$2,709,630 shall be raised by a bond issue through the Maine Municipal Bond Bank and the Drinking Water State Revolving Loan Fund Program; to employ Skelton, Tainter & Abbott to furnish the legal opinion and

Further Ordered, that the Maine Municipal Bond Bank application shall be signed by the Finance Director.

Passed - Vote 7-0

**PUBLIC HEARING REGARDING ADOPTION OF BOND RESOLUTION FOR THE
GOFF BROOK COMBINED SEWER OVERFLOW PROJECT**

Mayor Gilbert opened the floor to receive input and comment from the public. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Councilor Theriault noted this project is being done with federal stimulus funds. Mr. Bennett reviewed the savings involved and said the stimulus funds are a grant with no interest payments required.

VOTE (71-2009)

Motion by Councilor Poulin, seconded by Councilor Theriault:

Be It Ordered that the Goff Brook (CSO) Revolving Loan Bond Resolution regarding the authorization to issue bonds in the amount of \$857,444 for the Goff Brook Combined Sewer

Overflow project, and authorizing and approving the bond documents, be adopted:

Ordered, that \$857,444 be appropriated to finance the local share of the \$1,252,000 Goff Brook Combined Sewer Overflow Project;

Further Ordered, that to meet this appropriation \$857,444 shall be raised by a bond issue through the Maine Municipal Bond Bank and the Clean Water State Revolving Loan Fund Program; to employ Edwards Angell Palmer & Dodge to furnish the legal opinion and

Further Ordered, that the Maine Municipal Bond Bank application shall be signed by the Finance Director.

Passed - Vote 7-0

**PUBLIC HEARING FOR AUTHORIZATION OF ACCEPTANCE OF FUNDS FROM
THE US DEPARTMENT OF JUSTICE – EDWARD BYRNE JUSTICE ASSISTANCE
GRANT PROGRAM**

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

VOTE (72-2009)

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

To accept the grant award from the U.S. Department of Justice – Edward Byrne Justice Assistance Grant Program, and to authorize the City Administrator and the Finance Director to administer said funds accordingly. Passed - Vote 7-0

**DISCUSSION REGARDING A COURSE OF ACTION FOR THE BATES MILL
BUILDING NUMBER FIVE PROPERTY**

Councilor Theriault said he asked to have this item on the agenda in order to move this project forward, noting the structure has failed and the engineering reports state the building is not safe. He noted the Council issued a Request for Proposals earlier this year and no one submitted any RFPs for this project. Councilor Theriault referred to this building as a “dead building” and noted the site has great value, but not the building. Councilor Dube inquired about current building costs. The Finance Director stated those would include insurances, electrical costs and maintenance, noting the city is no longer heating the building in the winter months, at a savings of approximately \$90,000 a year. Councilor Reed spoke in support of taking down the building, noting it is a liability and the site is more valuable without the building. Councilor Dube asked the City Administrator if he felt there would be any interest in the site if the building was not there, and he stated yes, if the site is clear and unencumbered.

VOTE (73-2009)

Motion by Councilor Theriault, seconded by Councilor Reed:

That an RFP (Request For Proposals) be sent out for bids for the demolition and removal of

Bates Mill #5. This request should include two possible directions for handling disposition of the concrete and brick material being the mass makeup of the structure:

Option Number One – Removal of all material from site and hauling it to Lewiston’s quarry facility on River Road to be used as fill material.

Option Number Two – Reduce all material on site through a primary crusher to an acceptable size for reuse in back filling the canal system to an acceptable engineered height for continued use of the canals.

Both options must explore possible reduced costs of demolition by exploring the use of an explosive demolition company to bring building to ground level for easier disposal and cost savings;

And to rescind the past vote to sell the Bates Mill building number five.

Passed - Vote 7-0

AMENDMENT TO THE RULES GOVERNING THE CITY COUNCIL TO INCORPORATE THE ORDER OF BUSINESS FOR COUNCIL MEETING AGENDAS

Councilor Theriault stated he requested that the Council formalize the long standing practice of the order of items that appear on the agenda for regular City Council meetings. Councilor T. Peters inquired about any leeway and flexibility in the order and felt that formalizing this order may remove some of that ability.

VOTE (74-2009)

Motion by Councilor Dube, seconded by Councilor Reed:

To amend the Rules Governing the City Council to establish a formal order of business for City Council meeting agenda items. Passed - Vote 6-1 (Councilor N. Peters opposed)

ESTABLISHMENT OF A FIFTEEN MINUTE PUBLIC COMMENT PERIOD AT THE BEGINNING OF EACH REGULAR CITY COUNCIL MEETING

Mayor Gilbert requested this item and Councilor Dube noted she also supports the idea of offering time at the beginning of the meeting for residents to speak, rather than having to wait until the end of the meeting to make a comment on items not on the agenda. Councilor Reed expressed caution on this item, noting residents can contact their Councilors at any time and that the business of the meetings, at which people come for specific agenda items, will be delayed that much longer. Residents Brenda Ackers of 153 Sabattus Street and Dan Gregoire of 19 Mitchell Street spoke in support of this change. It was agreed to try this out for a three month trial period.

VOTE (75-2009)

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

To establish a fifteen minute comment period at the beginning of each Council meeting and to re-evaluate this process in three months. Passed - Vote 6-1 (Councilor Reed opposed)

AUTHORIZATION OF SIDEBAR AGREEMENTS WITH UNIONS REGARDING A PROPOSAL TO DELAY NEGOTIATED WAGE INCREASES FOR FY10

The City Administrator stated this item is to grant him permission to enter into agreements with the unions that have agreed to accept the salary adjustment for the six month period. It was noted that four unions have agreed to this and two others are still reviewing the proposal. Councilor T. Peters noted he is reluctant to re-enter the contracts, feeling as though it might appear the Council is breaking the agreed terms of the contracts that were bargained in good faith, yet the economic times are also different. Councilor Reed agreed with Councilor Peters comments.

VOTE (76-2009)

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

To authorize the City Administrator to enter into sidebar agreements, pertaining to a six month delay of the negotiated wage increased for FY10, with the city's employee unions, in similar form as presented. Did Not Pass – Vote 3- 4 (Councilors Poulin, Theriault and Dube in favor; Councilors T. Peters, N. Peters, Bailey and Reed opposed)

TRANSFER OF FUNDS FOR THE CLEAN WATER ACT MASTER PLAN

VOTE (77-2009)

Motion by Councilor Reed, seconded by Councilor Dube:

ORDERED, That upon recommendation of the City Administrator and Finance Director, the City Council hereby approves a transfer of funds for the Clean Water Act Master Plan Update as follows: \$164,000 from Account 627-6277202 CSO Storage into Account 627-6277203 Master Plan Update and \$136,000 from Account 647-6477404 CSO Storage into Account 647-6477405 Master Plan Update. Passed - Vote 7-0

VOTE (78-2009)

Motion by Councilor Reed, seconded by Councilor Theriault:

To extend the meeting time for an additional thirty minutes. Passed - Vote 5-2 (Councilor T. Peters and Bailey opposed)

OPTIONS FOR 2009 SPRING CLEAN UP PROGRAM

The City Administrator stated that staff needs some direction from Council regarding their preferences for the spring clean up program. It was noted there is a lot of brush in the city due to the spring storms this year. Councilor Theriault stated he feels that Public Work's crew time can be much better spent on construction projects than on clean up of yard debris. Councilor Poulin concurred. Councilor Dube expressed concerns of an increase in illegal dumping activity if the City does not pick up homeowner's items. The Mayor stated he is working to avoid the City

looking like a slum area with all of the debris on the roadside for weeks at a time. There was a discussion of only picking up the branches this year. Six residents spoke – some urged to do the full clean up one last time this spring, others encouraged to pick up brush only.

VOTE (79-2009)

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

To authorize the Public Works Department to pick up the brush, such as branches and limbs, as a result of the spring storms of 2009, and to allow free dumping at the solid waste facility for Lewiston residents only for a limited period of time. Did Not Pass - Vote 3-4 (Councilors N. Peters, Poulin and Theriault in favor; Councilors T. Peters, Bailey, Dube and Reed opposed)

REVIEW OF HIRING PROCESS FOR NEW CHIEF OF POLICE POSITION

Mr. Bennett stated that Michael Bussiere would be sworn in as Acting Chief of Police on May 1. He noted he is having a dialog with Auburn regarding options for a joint Chief of Police, either on a temporary basis or a permanent basis. Councilor Theriault stated the Council should have been consulted before this communication took place. The Council agreed to have Councilor N. Peters serve as the Council's representative on the selection committee for the new police chief.

DISCUSSION REGARDING THE CONSOLIDATION OF POLLING PLACES INTO ONE CENTRAL LOCATION

In the interest of time, the Council did not address this issue. Six residents addressed the Council on this issue and spoke against the idea.

REPORTS AND UPDATE

Councilor Poulin reported that the School Committee recently adopted the school budget and that the state is exploring the funding for additional laptop computers.

OTHER BUSINESS

No other business was presented at this time.

VOTE (80-2009)

Motion by Councilor Reed, second by Councilor Dube:

To adjourn at 11:30 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine