

CITY OF LEWISTON

CITY COUNCIL

AUGUST 18, 2009

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

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

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

Pledge of Allegiance to the Flag.
Moment of Silence.

EXECUTIVE SESSION

VOTE (202-2009)

Motion by Councilor Dube, seconded by Councilor Bailey:

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 4-1 (Councilors Reed opposed; Councilors Poulin and Theriault had not arrived at this point.)

City Attorney Dan Stockford was present for this session. The Executive Session began at 6:03pm and ended at 6:58pm.

PRESENTATION OF CERTIFICATE OF EXCELLENCE IN FINANCIAL REPORTING

Mayor Gilbert presented a plaque to Finance Director Richard Metivier and Deputy Finance Director Heather Hunter recognizing the City's outstanding work for the Fiscal Year 2008 financial reporting. It was noted this was the thirty-fourth consecutive year the City has received this national award.

PRESENTATION ON ANEROBIC DIGESTION TECHNOLOGY REGARDING BIO-SOLIDS VOLUMES

Acting City Administrator Phil Nadeau and Mac Richardson of the Sewer Treatment Plant made a presentation regarding a new treatment option called Anaerobic Digestion that the Facility is considering. Mr. Nadeau noted investments in the sewerage treatment plant infrastructure would result in energy savings in the long run, saying the system requires a large amount of energy usage to process the sewerage. Mr. Richardson said there are federal grants available to cover the capital costs, since this new treatment option would create energy and save costs to the rate payers. Councilors asked if the new system would be in the same foot print as the current plant and also asked about odors.

PRESENTATION BY COMMUNITY CONCEPTS ON THE SENIOR CITIZEN HEATING PROGRAM

Deputy Director of Economic and Community Development Mark McComas, along with Dana Stevens and Sandy Elliot of Community Concepts made a presentation on the senior citizen weatherization program. It was noted that 800 households were eligible to participate in this program and 72 were assisted with weatherization upgrades and of these, 8 did not have a working heating source. Councilors then discussed energy audits for the properties.

VOTE (203-2009)

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

Acceptance of minutes of the meetings of February 24, April 7, May 12 and June 16, 2009.
Passed - Vote 7-0

PUBLIC COMMENT PERIOD

Ronnie Paradis of 82 Prospect Avenue asked what the different direction is that the Council is planning to take, as referenced in the recent termination of the City Administrator. The Mayor stated the new direction will be set in consultation with the new Administrator. Councilor Reed stated a new direction means new leadership at the top. Dan Bilodeau of the Lake Auburn Watershed Association read a statement regarding the property owners around the Lake and urged the Council to work to maintain good water quality.

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

At this time, the Councilors took agenda items 18, 5 and 6 out of order and addressed them at this time.

EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER

VOTE (204-2009)

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

To not enter Executive Session at this time, noting that a session is not needed for the topic of the Acting City Administrator's employment contract, since it is a straightforward contract.
Passed - Vote 7-0

EMPLOYMENT CONTRACT WITH ACTING CITY ADMINSTRATOR

VOTE (205-2009)

Motion by Councilor Theriault, seconded by Councilor Bailey:

To enter into an employment contract with the Acting City Administrator as presented.
Passed - Vote 7-0

**RECOMMENDATION TO DELAY THE CITY ADMINISTRATOR SELECTION
PROCESS UNTIL THE 2010-2011 CITY COUNCIL IS IN OFFICE**

Nick Knowlton of Brooks Avenue introduced himself as a candidate for the office of Mayor and presented to the Council petitions with 150 – 200 signatures urging the Council to not hire the new City Administrator, but to allow the incoming Council to do this. Mr. Knowlton said residents feel the current Council does not represent the feelings and opinions of the citizens and the citizens deserve an explanation for the termination of Mr. Bennett. Councilor Reed noted he is in office until January 2010 and the Council's responsibility is to hire the City Administrator under the Charter. Michael Dumas of 7 Irene Street stated the new Council should do the hiring, noting this Council has lead the City on a rollercoaster ride and they inappropriately handled the situation, ignoring the public's wishes. He noted it is ironic the current Council was critical of the previous Council in renewing the City Administrator's employment contract at the end of their term, yet this group is doing a similar action as far as a major personnel decision at the end of their term. Joseph Roy of 9 Venise Avenue said he heard Mr. Bennett say on numerous occasions for the Council to buy out his contract.

Odelle Bowman of 34 White Street asked what the downside is of waiting for the new Council to conduct the hiring, noting the incoming Council will be working with the Administrator and they need to have a working relationship with him/her. The Mayor stated the Council would be abdicating their responsibility if they did not do the job of beginning the hiring process, saying they are in office as the decision makers until their term is up in January. Councilor Poulin stated Mr. Nadeau is currently doing two jobs – Acting City Administrator and Deputy City Administrator – and it is not fair to him to maintain this large workload for longer than necessary. Councilor Dube stated the new Council will take a while to get up to speed after they are elected – they need to get oriented to the work and expectations, have many decisions to make and it can be overwhelming. Councilor Reed said the current Council undertook the responsibility of hiring a new Administrator when they voted to buy out the contract with Mr. Bennett and it is their responsibility to complete the vacancy with a replacement and the process should not stop due to an election, noting the work of the City must continue.

Councilor N. Peters stated he is in favor of waiting for the new Council to conduct the hiring of the new Administrator. He noted Mr. Bennett's removal had nothing to do with him but with the anger on the current Council toward other Councilors, and for this reason, the incoming group should do the hiring. He clarified that he was blindsided by the decision made at the last meeting to remove Mr. Bennett and had no prior knowledge this would take place.

Crystal Ward commented that the Councilors should be following the City Charter, noting the Council sets the policy and the Administrator implements it, saying if the Council wanted to go in a new direction, they should have set one and Mr. Bennett would have implemented it. Bette Swett-Thibeault stated there is a lack of trust amongst the Councilors and between the citizens and the Council, and asked what the Council plans to do to bring everyone back together. Ronnie Paradis of 82 Prospect Street said she is speaking on her husband's behalf and said for every action, there is a reaction and the Council should not forget this, and she urged them to put aside their personal agendas and let the new Council select the Administrator. Don D'Auteuil introduced himself as a City Council candidate and said if the Council was representing the people, they need to follow the will of the people. Robert Soucey of 373 Pinewoods Road stated he is satisfied with the work of the current Council and was not satisfied with the work of the

previous Council. He said the Councilors were elected by the voters to do a job and they did it as best as they saw fit. Marlene Violette of Mitchell Street commented the Council did not treat Mr. Bennett fairly and she expressed support of Mr. Nadeau to be the new Administrator. Dan Gregoire of 19 Mitchell Street supported the removal of Mr. Bennett and he said he knew most members of the Council were not pleased with him and felt a change was needed. He said the Council had a tough decision to make, but it had to be done.

Joyce Bilodeau of 25 Marston Street said the issue is no longer about Mr. Bennett, but the divisiveness among the Council and the people of Lewiston deserve better than what they are getting from their elected officials. She said the citizens deserve to know the answers to their questions of why Mr. Bennett was removed. She encouraged the Council to not rush the selection process and mentioned the citizen selection committee from the previous hiring, of which the Mayor served on. Norman Rousseau of 4 Clearwater Avenue said the residents look to the Council for leadership and they are not getting it and said the hiring should wait for the incoming Council with a citizen selection committee with one representative from each ward. Norm Boulay of 26 Jane Avenue said his ward was not represented in the decision to remove Mr. Bennett since Councilor N. Peters was left out of the decision making process, and the taxpayers of Ward Two need to be represented, yet the rest of the Council did not support that. Ron Daigle of 80 South Lisbon Road said the recent events of the Council seem like a circus act and he is not comfortable with them doing the hiring. Denise Begin of 34 Hamel Street said she is not comfortable with the Council doing the hiring and they are fighting and not trusting each other, and said she was proud to sign the petition.

VOTE (206-2009)

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

To delay the City Administrator selection process until the 2010-2011 City Council is in office.
Did Not Pass - Vote 2-5 (Councilors T. Peters and N. Peters in favor, others opposed)

Councilor T. Peters noted there are only sixty five days until the election, and once the new Councilors are elected, the process could begin. Councilor Reed stated that at one time or another, each Councilor was not happy with Mr. Bennett, and he said Mr. Bennett's contract contained a buy out clause because he wrote the contract and included it. Councilor N. Peters said the right thing to do would be to wait on the hiring process.

DETERMINATION OF CITY ADMINISTRATOR SELECTION PROCESS**VOTE (207-2009)**

Motion by Councilor Reed, seconded by Councilor Dube:

To proceed with the process as recommended by the Human Resources Director: to continue the process as the City is doing currently, with advertisements in the newspaper, trade publications and professional organizations, for the Human Resources Director to review all of the submitted resumes to determine eligibility for qualifications, and for the Mayor and Councilors each to select one person from their ward to serve on a selection committee, along with three to four department managers, the Auburn City Manager and others. Did Not Pass – Vote 2-5

(Councilors Reed and Theriault in favor, others opposed)

Councilor Reed suggested each Councilor could appoint one person from their ward to serve on a selection committee. Councilor Theriault stated it could be a similar process as was used for the Police Chief selection. Councilor T. Peters said Human Resources Director Denis Jean is not recommending the hiring of an outside national search firm but will do the work in-house. Mr. Jean said the entire process can be completed in three months.

Renee Bernier of 1220 Sabattus Street said the entire process could take many months, much longer than the three months mentioned, and it could not be completed in the time the current Council has left in office. Ari Rosenberg of 75 Maple Street said the Visible Community is looking for many features in a citizen selection committee, such as transparency, encouragement for public input, meeting times convenient for committee members and for committee members to be included in decision making.

VOTE (208-2009)

Motion by Councilor Poulin, seconded by Councilor Theriault:

To hold a workshop at 6pm on August 20, 2009 to determine a process for the selection of City Administrator. Passed – Vote 7-0

PUBLIC HEARING ON THE RENEWAL OF A SPECIAL AMUSEMENT PERMIT FOR SHE DOESN'T LIKE GUTHRIES, 115 MIDDLE STREET

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 (209-2009)

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

To grant a special amusement permit for live entertainment to She Doesn't Like Guthries, 115 Middle Street. Passed - Vote 7-0

PUBLIC HEARNIG ON THE RENEWAL OF A SPECIAL AMUSEMENT PERMIT FOR SPARETIME RECREATION, 24 MOLLISON WAY

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 (210-2009)

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

To grant a special amusement permit for live entertainment to Sparetime Recreation, 24 Mollison Way. Passed - Vote 7-0

PUBLIC HEARING ON THE RENEWAL OF A SPECIAL AMUSEMENT PERMIT FOR

THE CARRIAGE HOUSE PLUS, 1119 LISBON STREET

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 (211-2009)

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

To grant a special amusement permit for live entertainment to The Carriage House Plus, 1119 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING AND FIRST PASSAGE REGARDING AN AMENDMENT TO THE CITY CODE PERTAINING TO BOND ISSUE LIMITATIONS

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 (212-2009)

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

To continue the public hearing on this issue to the next regular City Council meeting. Passed - Vote 7-0

REQUEST FROM THE ENERGY SAVINGS COMMITTEE TO HOLD AN EVENT IN KENNEDY PARK AND REQUEST FOR USE OF CITY SERVICES

Councilor Dube stated she is withdrawing agenda item 9 at this time. She noted that she placed this item on the agenda on behalf of the Energy Saving Committee, yet the Committee is still working on the details of their event, so she will present this item at the next meeting.

At this time, it was announced the Council would be taking agenda items 10, 12 and 17 out of order and addressing them at this time.

REQUEST FROM THE LEWISTON FARMER'S MARKET COORDINATORS FOR A WAIVER OF PERMIT AND LICENSE FEES

Councilor Dube inquired about the budget impact if the fees are waived and Mr. Nadeau stated they would be minimal. Sherie Blumenthal, market coordinator, highlighted the work of the group, noting they are expanding to three locations in Lewiston and are bringing local food and crafts to residents.

VOTE (213-2009)

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

To approve the waiver of the license and permit fees for the 2009 season of the Farmer's Market and for city staff to work with the Market coordinators for licensing ideas for future years.

Passed - Vote 7-0

VOTE (214-2009)

Motion by Councilor Theriault, seconded by Councilor Reed:

To extend the meeting beyond the 10pm ending time in order to allow the Council to handle agenda items 12 and 17 and to move all remaining items on the agenda to the next regular City Council meeting. Passed - Vote 7-0

Note: Agenda items 7, 8, 9, 11, 13, and 14 will be brought forward to the next agenda.

**AUTHORIZATION FOR A JOINT PURCHASE WITH THE CITY OF AUBURN FOR
COMPUTER SOFTWARE FOR THE CODE ENFORCEMENT DEPARTMENTS**

Acting City Administrator Phil Nadeau made a power point presentation highlighting the features of the software program and the benefits of the joint purchase with Auburn. He noted the software is \$400,000 and \$20,000 of the remaining joint services grant will be used. He thanked Auburn Assistant City Manager Laurie Smith for her research work on this software program, noting it will meet the needs of the Code Enforcement Offices from both cities and it will use GIS as a basis for many departments. Glenn Aho, Auburn City Manager, said the information sharing between the two communities will be great and this is a user friendly product. Councilor Dube said she is pleased to see the two cities working together on this effort. Councilor Theriault asked about the usability of the program in the field by the code officers.

VOTE (215-2009)

Motion by Councilor Reed, seconded by Councilor Poulin:

To authorize the Acting City Administrator to continue to move forward with the software purchase proposal, to work with the City of Auburn and the vendor to secure the final cost price quote and to work with LAEGC to encumber the state grant funds for this project.
Passed - Vote 7-0

REPORTS AND UPDATES

No reports or updates were provided at this time.

OTHER BUSINESS

No other business was brought forth at this time.

EXECUTIVE SESSION FOR REAL ESTATE NEGOTIATIONS

VOTE (216-2009)

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

To enter into an 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 6-1 (Councilor Reed opposed)

VOTE (217-2009)

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

To adjourn at 10:50 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine