

# CITY OF LEWISTON

CITY COUNCIL

NOVEMBER 13, 2007

## EXECUTIVE SESSION HELD IN THE EXECUTIVE CONFERENCE ROOM AT 6:15 P.M.

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

PRESENT: Councilors Mendros, O'Brien, Jean, Samson, City Administrator James Bennett, and City Clerk Kathleen Montejo.

The City Council meeting was called to order by Mayor Gilbert at 6:17 pm in a public session.

### **VOTE (307-2007)**

Motion by Councilor Samson, seconded by Councilor Jean:

To enter into executive session to review an application submitted under M.R.S.A., Title 36, section 841 (2). Passed - Vote 4-0

Executive Session began at 6:18pm and ended at 6:45pm.

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

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

PRESENT: Councilors Mendros, Bernier, O'Brien, Jean, Samson, Paradis, Rousseau, City Administrator James Bennett, and City Clerk Kathleen Montejo

Pledge of Allegiance to the Flag.

Moment of Silence.

Mayor Gilbert recognized Councilor Elect Poulin, Councilor Elect Bailey and Councilor Elect Dube who were in attendance at the meeting.

### **UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL**

Luke Jensen stated the Smashed video premiered to a full audience and was viewed as a huge success. He said that speakers from around the state spoke to support the project and it will be viewed by the State Driving Instructor for consideration for use in all driving programs statewide. He noted that AAA - New England is also considering using the video to get the word out about underaged drinking. Other recent activities include some LYAC members attending a statewide youth conference in Bar Harbor earlier, some have applied for the youth positions on the State Board of Education, some are working with YADA and the group is also considering hosting a Home Holiday Decorating contest.

**MAYOR'S PROCLAMATION REGARDING NATIONAL ADOPTION  
AWARENESS MONTH**

The Mayor issued a Proclamation declaring November as Adoption Awareness Month in Lewiston. A representative from the State's Department of Health and Human Services "A Family for ME" program was present to receive the Proclamation.

**PRESENTATION OF THE PUBLIC HEALTH COMMITTEE'S DRAFT PROPOSAL  
AND ASSOCIATED PLAN FOR PUBLIC INFORMATION MEETINGS**

Deputy City Administrator Phil Nadeau made a presentation to the Council regarding the new Public Health Committee and its work to date. He noted this committee was established due to the lack of a public health department in Lewiston or Auburn, noting that Portland and Bangor have such city departments. The Committee will be holding public hearings in the near future to gain citizen input and will make a follow up presentation to the Council in February. The following members of the Public Health Committee were in attendance and addressed the Council regarding the work of their organization and their goals for the new Committee: Edmund Claxton, Jr., MD, Director, Family Medicine Residency, CMMC; Fatuma Hussein, Director, United Somali Women of Maine; Brenda Joly, Research Associate, Faculty member, University of Southern Maine/Muskie School of Public Service; Angela Westhoff, Executive Director, Healthy Androscoggin; Geniene Wilson, MD, Medical Director, B Street Medical Center; James Cassidy, CEO, Sisters of Charity Health Systems.

**PRESENTATION REGARDING THE COOL COMMUNITIES**

Jim Wellehan, Jim Lysen, Betty Dube and Vi Raymond made a presentation to the Council regarding the Cool Communities program and suggested the Council consider participating in the program. The goals of the program are to cut emissions, to be more environmentally efficient and to limit global warming. At the same time, businesses that do this usually see a lowering of their energy expenses as well. It was noted that Lamey-Wellehan signed up for the Governor's Carbon Challenge in 2004 and have cut energy bills by 21% and are also recycling at 95%. Mr. Wellehan stated that the Chamber of Commerce supports this program and the City of Auburn have already signed up. The group will make a follow up presentation around February for the new Council.

**VOTE (308-2007)**

Motion by Councilor Jean, seconded by Councilor O'Brien:

To dispense with the reading of the minutes of the September 25, October 16 and October 23, 2007, meetings and to accept and place them on file as prepared by the Deputy City Clerk.

Passed - Vote 7-0

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (309-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

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 11.43% of the proceeds of the sale of a 1990 Harley Davidson Fat Boy Motorcycle , less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Robert Sanborn, CE-07-0019 Ex N-12, 07-DEA-490833; the transfer of eighty (80%) percent of \$13,280, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Joseph Law, Jr., CE-07-0029 Ex N-11, 08-DEA-491412; the transfer of 13.34% of \$7,064 and 13.34% of \$5,407, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Jason Rumrill, CE-07-0034 Ex N-5, 08-DEA-491404 and CE-07-0034 Ex N-6, 08-DEA-491406 and the transfer of \$864 or any portion there of, in the case of the State of Maine vs. Derrick Favreau CR-07-4492 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 6-0 (Councilor Rousseau was absent from the room during this vote.)

**AUTHORIZATION FOR GRANT APPLICATION AND ACCEPTANCE OF FUNDS FROM THE US DEPARTMENT OF JUSTICE’S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

**VOTE (310-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

To authorize the Chief of Police to submit a grant application to the U.S. Department of Justice’s Edward Byrne Memorial Justice Assistance Grant program and, if said grant is awarded to the City, to accept the grant award from the U.S. Department of Justice, and to authorize the City Administrator and the Finance Director to administer said funds accordingly.  
Passed - Vote 6-0 (Councilor Rousseau was absent from the room during this vote.)

**CANCELLATION OF THE SECOND CITY COUNCIL MEETING FOR THE MONTH OF NOVEMBER DUE TO THE THANKSGIVING HOLIDAY**

**VOTE (311-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

To suspend Section 1,(a) of the Rules Governing the City Council and to cancel the second regular Council meeting during the month of November due to the Thanksgiving holiday.  
Passed - Vote 6-0 (Councilor Rousseau was absent from the room during this vote.)

**AMENDMENTS TO THE GENERAL ASSISTANCE POLICY**

**VOTE (312-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

That the overall maximum amounts allowed for general assistance and the maximum amounts allowed for food, housing, personal/household supplies, diapers and personal supplies for children, utilities/electricity and heating fuel in the General Assistance Policy, for persons eligible to receive assistance in accordance with the standards of eligibility, be amended and adopted in accordance with HUD guidelines and the current Thrifty Food Plan.

Passed - Vote 6-0 (Councilor Rousseau was absent from the room during this vote.)

**REQUEST FOR ABATEMENT OF PROPERTY TAXES FOR APPLICATION  
SUBMITTED UNDER TITLE 36, SECTION 841(2)**

**VOTE (313-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

To approve a partial abatement in the amount of \$711.56 of property taxes for year 2007, for Case Number 2007-2; said application submitted under M.R.S.A., Title 36, section 841 (2).

Passed - Vote 6-0 (Councilor Rousseau was absent from the room during this vote.)

**PUBLIC HEARING ON A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT  
PERMIT FOR IRISH TWINS PUB**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke regarding this issue. Mayor Gilbert then closed the hearing.

**VOTE (314-2007)**

Motion by Councilor Samson, second by Councilor Paradis:

To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Irish Twins Pub, 743 Main Street. Passed - Vote 6-0 (Councilor Rousseau was absent from the room during this vote.)

**SPECIAL AMUSEMENT PERMIT FOR FISH BONES AMERICAN GRILL**

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke regarding this issue. Mayor Gilbert then closed the hearing.

**VOTE (315-2007)**

Motion by Councilor Samson, second by Councilor Paradis:

To grant a special amusement permit for dancing and entertainment to Fish Bones American Grill, 70 Lincoln Street. Passed - Vote 6-0 (Councilor Rousseau was absent from the room during this vote.)

**FOURTH AMENDMENT TO THE JOINT DEVELOPMENT AGREEMENT BETWEEN  
THE CITY OF LEWISTON AND COMMUNITY CONCEPTS, INC.**

**VOTE (316-2007)**

Motion by Councilor Samson, second by Councilor O'Brien:

To approve the attached "Fourth Amended and Restated Joint Development Agreement" between Community Concepts, Inc. and the City of Lewiston, and to authorize the City Administrator to execute the Agreement, in substantial form as presented, and that the City Administrator be and hereby is authorized to make, execute and deliver other such documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction.

Passed - Vote 6-0 (Councilor Rousseau was absent from the room during this vote.)

**MUNICIPAL OPTION TO REFUND EXCESS EXCISE TAX  
ON CERTAIN VEHICLES**

City Administrator Bennett provided background material on this issue such as the \$18,000 reduction in revenues as well as the staff time to process the transactions which will benefit a few individuals at the expense of everyone else. He also noted that in some cases the City would be refunding money that was paid to other towns and not collected by Lewiston. It was stated that over 90% of the towns that have already voted on this option have voted not to participate. Finance Director Richard Metivier said that the transfer of credit is still available and that option has not changed, noting the vehicle owner can still apply the credit again and again.

**VOTE (317-2007)**

Motion by Councilor Samson, second by Councilor Mendros:

Be It Ordered by the City Council that the City of Lewiston participate in the optional state program to refund excess excise tax on certain vehicles as provided for by MRSA Title 36, Section 1482, subsection 5(D). Did Not Pass - Vote 1-6 (Councilor Mendros in favor)

**INSTALLATION OF GUARDRAILS ALONG CANAL STREET**

The City Administrator stated the City received a report from the engineers which is recommending the installation of guardrails along the 2100 linear feet of the canal. It was noted the state and federal authorities signed off on the initial installation and subsequent removal of the guardrails in this area and the city is exploring the possibility of state funds to reinstall the guardrails. Public Services Director Dave Jones explained the logistics of the project and the state procedures.

**VOTE (318-2007)**

Motion by Councilor Paradis, second by Councilor Samson:

To endorse City Administrator's recommended plan to move forward with the installation of the guardrails along Canal Street and to authorize the expenditure of \$225,0000 for this purpose.

Passed - Vote 7-0

**PRESENTATION REGARDING THE CITY'S EMPLOYEE  
HEALTH INSURANCE RATES**

The City Administrator stated a full presentation will be made at the December 4 Council meeting, but noted the aggressive model the City is using from the private sector has paid off regarding a reduction in the health insurance rates, which is a self-insured pool. The employees of the six unions and management employees will pay more in health insurance if there is no physical activity, if they use tobacco, their BMI exceeds the recommended rates and they did not meet their health goals. The City will have a 4.87% reduction in premiums which is a \$175,000 savings overall.

**REPORTS AND UPDATES**

No reports or updates were made at this time.

**OTHER BUSINESS**

Jim Wellehan said it is the 400<sup>th</sup> anniversary of the founding of Quebec and he suggested the Council prepare a Resolution to honor and congratulate them. Dan Gregoire of 19 Mitchell Street said the Legislature's solid waste task force is making a report on December 13 to the Legislature's Joint Standing Committee on Natural Resources.

**VOTE (319-2007)**

Motion by Councilor Jean, second by Councilor Mendros:

To adjourn at 8:35P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine