

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 19, 2006

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

THE HONORABLE LIONEL C. GUAY, JR., MAYOR, PRESIDING.

PRESENT: Councilors Mendros, Bernier, O'Brien, Jean, Paradis, Rousseau, City Administrator James Bennett, and Deputy City Clerk Kelly Mercier.
Absent/Excused: Councilor Samson.

Pledge of Allegiance to the Flag.
Moment of Silence.

PRESENTATION OF THE PROGRAM EXCELLENCE AWARD

James Bennett presented the Mayor and City Council with the Program Excellence Award which he received on behalf of the City of Lewiston while attending the 92nd Annual ICMA Conference. The award is for Strategic Leadership in Government in recognition of the strategic municipal image campaign which has focused on the downtown area known as the Southern Gateway.

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE LAND USE CODE TO ADD TWO ASSOCIATE MEMBERS TO THE HISTORIC PRESERVATION REVIEW BOARD

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

VOTE (229-2006)

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

That the proposed amendments to Appendix A, Article XV "Historic Preservation Review Board", of the City Zoning and Land Use Code, concerning the addition of two associate members to the Board, receive final passage by a roll call vote. Passed - Vote 6-0

PUBLIC HEARING ON A NEW LIQUOR LICENSE FOR GRID IRON RESTAURANT & SPORTS BAR

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

VOTE (230-2006)

Motion by Councilor Jean, second by Councilor Rousseau:

To authorize the City Clerk's Office to approve a new liquor license application for the Grid

Iron Restaurant & Sports Bar, 1567 Lisbon Street. Passed - Vote 6-0

**PUBLIC HEARING ON AN APPLICATION FROM THE LEWISTON
PUBLIC WORKS DEPARTMENT FOR AN AUTOMOBILE
GRAVEYARD/JUNKYARD PERMIT**

Mayor Guay opened the public hearing on this item to receive citizen input and comment. No residents spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (231-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To grant an Automobile Graveyard/Junkyard permit to the Lewiston Public Works Department, 424-482 River Road. Passed - Vote 6-0

**PUBLIC HEARING ON AN APPLICATION FROM NORMAND ST. LAURENT
AND GARY ST. LAURENT FOR AN AUTOMOBILE
GRAVEYARD/JUNKYARD PERMIT**

Mayor Guay opened the public hearing on this item to receive citizen input and comment. No residents spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (232-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To grant an Automobile Graveyard/Junkyard permit to Normand St. Laurent and Gary St. Laurent, 1445 Sabattus Street. Passed - Vote 6-0

**PUBLIC HEARING ON AN APPLICATION FROM GRIMMEL'S INDUSTRIES
FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

Mayor Guay opened the public hearing on this item to receive citizen input and comment. No residents spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (233-2006)

Motion by Councilor Jean, second by Councilor Rousseau:

To grant an Automobile Graveyard/Junkyard permit to Grimmel's Industries, 50 River Road, subject to the following conditions:

1. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Saturday.
2. Maintain screening from the Maine Turnpike.
3. All storage shall be stored within the screened area.

Passed - Vote 6-0

PUBLIC HEARING ON AN APPLICATION FROM K.T.I. BIO FUELS, L.P. FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Guay opened the public hearing on this item to receive citizen input and comment. No residents spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (234-2006)

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

To grant Automobile Graveyard/Junkyard permit to K.T.I. Bio Fuels, Inc., 38 Alfred A. Plourde Parkway, subject to the following conditions:

1. Permit is granted for storage of wood waste and oversized bulky waste (OBW). OBW will consist of furniture, rugs, plastics, and any other large burnable household goods. Unacceptable OBW consists of sheetrock, roofing materials (unless wood), aggregate products, dirt and sand, fiberglass insulation, and no hazardous materials such as asbestos.
2. All wood waste and OBW which is to be placed in storage shall be piled no higher than 30'.
3. The width and length of the piles will be sized as indicated on the plan view of the back yard, but shall be no wider than 90' and no longer than 150'.
4. There shall be no more than nine (9) piles of wood waste and OBW at any time. OBW will not exceed two (2) piles.
5. Access rows or fire lanes shall be maintained between piles with a minimum distance of 30' between piles.
6. The main entrance roadway must be kept at a minimum of 24' of travel way at all times.
7. An additional second access road, or fire lane at least 20' in width, from the main road, (Alfred A. Plourde Parkway) to the storage area must be maintained.
8. All roads and fire lanes on the facility shall be of all weather surface adequately constructed to support the heaviest piece of fire apparatus likely to be operated on the fire lane or road.
9. All storage pile locations be properly identified by the placement of a pole at the corner of the pile. A mark shall be placed at a height of 30' on the pole.
10. The site be designated no smoking throughout except office areas and control room. A sign shall be placed at the entrance to the facility designating the facility as no smoking.
11. Training of employees for use of fire protection equipment and reporting of fires shall be conducted.
12. KTI shall conduct a self-inspection of their activities. The self-inspections shall be performed on a weekly report submitted to Fire Prevention for review.
13. That pine trees be planted along the perimeter of the site to replace dead and/or missing trees.
14. Replacement of buffer pine trees as necessary.
15. That the processing of pressure treated wood be done in full compliance with the EPA & DEP regulations.

Passed - Vote 6-0

**PUBLIC HEARING ON AN APPLICATION FROM DANA'S GARAGE FOR AN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

Mayor Guay opened the public hearing on this item to receive citizen input and comment. No residents spoke for or against this item. Mayor Guay then closed the hearing.

VOTE (235-2006)

Motion by Councilor Rousseau, second by Councilor Jean:

To grant an Automobile Graveyard/Junkyard permit to Dana's Garage, 193 Crowley Road, subject to the following conditions:

1. No more than 1,000 tires may be stored on the property.
2. All storage, including the box trailer, shall be stored at the top of the hill within the screened area or removed from the property by January 1, 2007.

Passed - Vote 6-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE
UTILITIES ORDINANCE REGARDING STORMWATER MANAGEMENT**

Mayor Guay opened the public hearing. The following people addressed the Council:

Robert Foss, owner of Country Lane Estates and Stetson Brook Estates, inquired as to whether or not his businesses would qualify for the stormwater credit.

James Bennett explained that there is an application process that has to be followed in order to determine his eligibility.

Bob Bremm, the physical plant director for Bates College, who was representing Bates College, Central Maine Medical Center and St. Mary's Regional Medical Center, suggested that the structure of the stormwater credit was set too high and it would not be possible for these businesses to qualify for a credit.

James Bennett did say that the credit policy may be amended as the city proceeds if it finds situations that have been over looked.

Chris Thompson who works for PropSys, a property maintenance company, located at 55 Lisbon Street, spoke of the company's disappointment in the new stormwater fee and the fact that the city did not implement the revaluation. Councilor Paradis explained the business has been paying for these fees all along as property taxes and now the city is trying to make it fair and have everyone share in the cost of the stormwater management including the nonprofit organizations.

Steven Goulet, a Greene resident, who owns a six unit apartment building in Lewiston complained that the stormwater fee is a user fee and is just another way to tax the people. He suggested the increase in taxes and fees will cause the city to be too expensive to live in.

Councilor Rousseau wanted to set the record straight that the base property tax has gone down for the last five years. The fee increases he is incurring is through trash collection. The creation of the stormwater fee was to create property tax relief for the residents and shift some of the burden to the businesses and nonprofit organizations.

Mayor Guay closed the public hearing at this time.

VOTE (236-2006)

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendments to the Utilities Ordinance, Article IV. Stormwater Utility, Section 74-303 "Definitions" and Section 74-309 "Credit and Exemptions", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the meeting of October 3, 2006 for final passage.

Passed - Vote 5-1 (Councilor Mendros opposed)

ADOPTION OF THE STORMWATER UTILITY FEE SCHEDULE AND CREDIT POLICY

VOTE (237-2006)

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

To adopt and establish the Stormwater Utility Fee Schedule and Credit Policy, City Policy Manual, Policy Number 78, as recommended by the City Administrator and the Public Services Director. Passed - Vote 5-1 (Councilor Mendros opposed)

ADOPTION OF THE STORMWATER UTILITY APPROPRIATION RESOLVE AND THE COMMITMENT OF STORMWATER UTILITY FEES FOR FISCAL YEAR 2007

Mayor Guay opened the public hearing on this item to receive citizen input and comment.

Steven Goulet, a Greene resident, who owns a six unit apartment building in Lewiston asked questions of the Mayor and Council concerning the waste treatment plant and after a brief discussion Mayor Guay closed the hearing.

VOTE (238-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To approve the Stormwater Utility Appropriation Resolve for Fiscal Year 2007 by a roll call vote and to authorize, in accordance with MRSA Title 38, Section 1208 and Title 35-A, Section 6111-A, all storm water fees, water fees, rates, tolls, rents and other changes for

Fiscal Year 2007, are committed to the Finance Director/Treasurer of the City of Lewiston for collection in support of the appropriations for the Storm Water Utility.

Passed - Vote 5-1 (Councilor Mendros opposed)

PRESENTATION OF RESULTS AND FINDINGS FROM THE TEST OF A SPEED TABLE (RAISED CROSSWALK) ON COLLEGE STREET IN FRONT OF PETTINGILL ELEMENTARY SCHOOL

Michael Bates, Deputy Public Works Director and James Bennett explained information provided to the Council concerning the raised crosswalk in front of Pettingill School.

AUTHORIZATION FOR THE INSTALLATION OF A SPEED TABLE (RAISED INTERSECTION) AT THE INTERSECTION OF COLLEGE STREET AND MOUNTAIN AVENUE

Bob Bremm, the Physical Plant Director for Bates College, Pamela Wichroski, Associate Director of Capital Projects for Bates College, and Jeremiah Bartlett, the traffic engineer for this project, gave a presentation and answered questions from the Council.

VOTE (239-2006)

Motion by Councilor Jean, second by Councilor Rousseau:

To authorize Bates College to construct and install a raised intersection/speed table on College Street, at the intersection of College Street and Mountain Avenue, pending final approval from the Department of Public Services, Department of Public Works and the Maine Department of Transportation. Passed - Vote 6-0

REPORTS AND UPDATES

City Administrator James Bennett informed the Council that he is working on setting a date for a forum with the State Legislators about property tax reform and reminded the Council about the upcoming workshop scheduled for Tuesday, September 26, covering the proposed Taxpayers Bill of Rights (TABOR) November ballot question.

He also recommended that the Council, at an upcoming meeting, appoint a special task force or committee relating to the downtown residential area to deal with the challenges the area faces.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (240-2006)

Motion by Councilor Jean, second by Councilor Paradis:

To enter into an executive session pursuant to MRSA Title 1, section 405(6)(A) to discuss the personnel matter of conducting the Annual Performance Evaluation of the City Administrator. Passed -Vote 6-0

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

Executive Session began at 8:50 pm and ended at 9:41 pm.

VOTE (241-2006)

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

To extend the City Administrator's contract to March 24, 2011, to increase by 1% his retirement to ICMA, to increase his expense account from \$150 to \$250 monthly, to increase his salary by \$3,500 per year and to change his annual performance evaluation date to August 15, 2007. Passed - Vote 6-0

VOTE (242-2006)

Motion by Councilor Bernier, second by Councilor Paradis:

To adjourn at 9:45 P.M. Passed - Vote 6-0

A true record, Attest:

Kelly J. Mercier, CMC
Deputy City Clerk
Lewiston, Maine