

# CITY OF LEWISTON

**CITY COUNCIL**

**DECEMBER 16, 2003**

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

THE HONORABLE LAURIER T. RAYMOND, JR., MAYOR, PRESIDING.

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

Pledge of Allegiance to the Flag.

Moment of Silence.

### **MONTHLY UPDATE FROM LYAC**

Tarrah Bowden noted that five members participated in the downtown holiday block party and that \$14,685 has been collected for the clock restoration fund. Their goal is to have the City Hall clock restored by July 4, 2004. She noted their January 2 fundraiser, "Rock for the Clock" will be held at the Multi-Purpose Center.

### **PRESENTATIONS**

Channel 13 TV Reporter Lucas Colaveccihio thanked the City for their support of the new Channel 13 studio on Main Street and noted the station appreciates the support and assistance from the City. He presented WGME ball caps to the Mayor and City Council.

Mayor Raymond and Councilors Philippon and Mason all received desk chairs engraved with the city seal as a gift from the City for their service as Mayor and Councilors. Their terms will expire at the end of the month.

Mayor Raymond also issued a Proclamation in support of fundraising efforts by the Salvation Army.

Mayor Raymond announced that he would be moving item number ten, Bates Mill Exit/Redevelopment Strategy and item number eleven, firefighters labor contract, to the front of the agenda.

### **BATES MILL ACQUISITION AGREEMENT**

Mayor Raymond invited members of the public to address the Council if interested. Resident Charles Soule, 170 Bartlett Street, said this is a seven year exit strategy and suggested the City focus on other priorities such as policing, expanding the library, EMS and a less teacher to student ratio. Nathan McCarron of 35 Fairlawn Avenue spoke and urged the Council not to make the same mistakes as in the past and to communicate better with the public. He noted the City does not have the cost estimates to renovate the largest building which will remain in city hands.

Councilor Rousseau said the Council did explore the option of waiting until the current contract expires. He said this is a fair deal for the City and for the developer, and this will free up staff to work on other development deals. Councilor O'Brien stated the time for the City to do this is now. Councilor Philippon said he applauds the efforts of all involved and echoes Councilor Rousseau's comments. Councilor Mason said that this exit strategy is great and he opposed the City's involvement with the Mill since Day 1. He urged for 100% withdrawal from the Mill project. Councilor Jean thanked Mr. Platz for stepping forward with bold vision and looks forward to beautiful renovation work.

**VOTE (348-2003)**

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

To authorize the City Administrator to execute this Bates Mill Acquisition Agreement which authorizes the sale of Mills One, Two, One wing and storehouse, Two wing and storehouse, and Mill Four, all included as part of Lot One in the Bates Mill subdivision plan, and that the City Administrator be and hereby is authorized to make, execute and deliver all related documents, substantially in the form as presented, as he, in his discretion, may deem necessary or convenient to implement the Bates Mill Exit/Redevelopment Strategy.

Passed - Vote 7-0

**COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LEWISTON AND LOCAL #785, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF)**

Mr. Bennett outlined the highlights and changes in the contract from previous years, noting changes to the worker's compensation coverage as well as incentives for retirement and other changes.

**VOTE (349-2003)**

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

To ratify the Collective Bargaining Agreement between the City of Lewiston and Local #785, International Association of Firefighters (IAFF), said agreement being for the period of January 1, 2003 to December 31, 2004, and to authorize the City Administrator to sign the agreement on behalf of the City of Lewiston. Passed - Vote 7-0

At this point, Councilor Bernier retired from the meeting for the evening.

**APPROVAL FOR FESTIVAL DE JOIE COMMITTEE**

**VOTE (350-2003)**

Motion by Councilor Philippon, second by Councilor Jean:

To approve the request from the Festival de Joie Committee for the use of city services for the Festival to be held July 30, 31 and August 1, 2004 at the Railroad Park, Oxford Street,

including a downtown prelude on July 27, 28 and 29, 2004, and to pledge to include \$5,325.00 in the upcoming 2004-2005 fiscal year budget in support of the Prelude:

The City Council authorizes the City Administrator to work with the Festival de Joie Committee to ensure the City's support of the Festival de Joie and to coordinate with the Festival organizers the following City services, subject to any limitations that may be challenging due to physical limitations:

- 1) Use of Railroad Park, subject to completion of appropriate forms with the Recreation Dept.
- 2) Fencing around Festival area including food tent and main tent.
- 3) Dumpster for trash and waiver of tipping fees.
- 4) Tables and chairs from the Multi-Purpose Center and the Armory, to be delivered to Railroad Park.
- 5) Police security for the Prelude and Festival, available at the discretion of the Chief of Police.
- 6) Installation and removal promotional banners at the Pump Station on Main Street, to be displayed from July 16 - August 2, 2004
- 7) Installation and removal of dance floors, installation of stage main tent, and portable stages at Prelude 2004.
- 8) Traffic barricades and signs, to be installed at the discretion of the Police Department and Public Works Department.
- 9) Use of city's cherry picker to install electrical wiring between tents.
- 10) Transportation of (2) 40' box trailers to and from festival grounds.
- 11) Prelude 2004, closing of Lisbon Street from Main Street to Pine Street, and all adjoining streets, between the hours of 5:00pm - 10:30pm, July 28 and 29, 2004, subject to the discretion of the Chief of Police for public safety issues.
- 12) Use of Kennedy Park and Veterans's Memorial Park, if necessary, subject to completion of appropriate forms with the Recreation Dept.
- 13) The City Council supports the request from the Festival de Joie Committee to ask for the participation of the Lewiston High School Band for the Prelude parade and encourages the Lewiston School Committee to support these requests from the Festival organizers.
- 14) City Councilors serving at the Bean Supper on Saturday, July 31, 2004 from 4:30pm to 5:30pm.
- 15) Use of electricity and city electrician during Prelude 2004.
- 16) Posting streets for no parking during Prelude, subject to the discretion of the Chief of Police and Director of Public Works.
- 17) Cleaning Lisbon Street including sidewalks and supplying trash receptacles.
- 18) The establishment of a buffer zone for vendors. All vendors will need Festival approval to participate in the Festival and Prelude. A description and map of the buffer zone shall be provided to the City Clerk's Office no later than six weeks prior to the Prelude.
- 19) Fire, Police and Public Works department vehicle participation in the Prelude parade.
- 20) Central Fire Station and Public Library holding open houses during the Prelude.
- 21) Financial support for the Prelude in the amount of \$5,325.00, subject to final budget

adoption.

- 22) Free use of City owned parking areas along Lincoln Street and adjacent streets, including the Chestnut Street parking garage, such use of the parking areas shall be done in accordance with the Facilities Use Policy.
- 23) Use of Courthouse Plaza Park on Lisbon Street, for opening ceremony and entertainment stage, subject to completion of appropriate forms with the Recreation Dept.
- 24) Waiver of license fees for non-profit vendors.

Passed - Vote 6-0

**PUBLIC HEARING AND FINAL PASSAGE FOR RE-ZONING THE PROPERTIES AT 28 MIDDLE STREET AND 8 GRANITE STREET FROM THE CENTREVILLE (CV) DISTRICT TO THE URBAN ENTERPRISE (UE) DISTRICT**

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

**VOTE (351-2003)**

Motion by Councilor Jean, second by Councilor Paradis:

That the proposed amendment to re-zone the properties at 28 Middle Street and 8 Granite Street from the Centreville (CV) District to the Urban Enterprise (UE) District , receive final passage by a roll call vote. Passed - Vote 6-0

**PUBLIC HEARING ON THE APPLICATIONS FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMITS**

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

**VOTE(352-2003)**

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

To grant Automobile Graveyard/Junkyard permits to Public Works Department, 424-482 River Road; Normand St. Laurent, 1445 Sabattus Street; Grimmel's Industries, 50 River Road, subject to conditions; and KTI Bio Fuels, Inc., 38 Alfred A. Plourde Parkway, subject to conditions.

**Grimmel's Industries:**

- 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.

**K.T.I. Bio Fuels, Inc.:**

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.
3. All wood waste and OBW which is to be placed in storage shall be piled no higher than 30'.
4. 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 HEARINGS FOR SPECIAL AMUSEMENT PERMITS**

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

**VOTE (353-2003)**

Motion by Councilor Mason, second by Councilor Jean:

To grant a Special Amusement permit for dancing and entertainment to the Hurricane Club, 308 Lisbon Street. Passed - 6-0

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

**VOTE (354-2003)**

Motion by Councilor Jean, second by Councilor Philippon:

To grant a Special Amusement permit for dancing and entertainment to Boondoggles, 37 Park Street. Passed - 6-0

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

**VOTE (355-2003)**

Motion by Councilor Jean, second by Councilor Philippon:

To grant a Special Amusement permit for dancing and entertainment to South End Social Club, 315 Lisbon Street. Passed - 6-0

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

**VOTE (356-2003)**

Motion by Councilor Jean, second by Councilor Mason:

To grant a Special Amusement permit for dancing and entertainment to Sparetime Recreation, 729 Main Street. Passed - 6-0

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

**VOTE (357-2003)**

Motion by Councilor Jean, second by Councilor Paradis:

To grant a Special Amusement permit for dancing and entertainment to Thirty-three Sabattus Street, 33 Sabattus Street. Passed - 6-0

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

**VOTE (358-2003)**

Motion by Councilor Philippon, second by Councilor Jean:

To grant a Special Amusement permit for dancing and entertainment to the Fraternal Order of Eagles #618, 1327 Sabattus Street. Passed - 6-0

**RECOMMENDATION FROM THE FINANCE COMMITTEE ON THE PROPOSED AMENDMENTS TO THE PURCHASING POLICY REGARDING LOCAL VENDOR PREFERENCE**

City Administrator Bennett stated this amendment would give up to a two percent differential to local bidders. He noted the language is permissive and gives an option to the Finance Committee and it is not an automatic difference. Councilor Paradis stated he recommended this change in order to support local businesses. Councilor O'Brien noted the Finance Committee did not approve this recommendation. Councilor Bernier commented that it would be difficult to determine which businesses were "local", noting some could have a post office box in Auburn and other related situations. She also stated this change may discourage potential bidders from outside of the area, and we want to ensure the lowest bid for the taxpayer's money. Councilor Mason noted the City has the right to reject all bids.

**VOTE (359-2003)**

Motion by Councilor Paradis, second by Councilor Mason:

To receive and discuss the Finance Committee's recommendation on the proposed amendments to the Purchasing Policy, Policy Manual Number 46, regarding Local Vendor Preference. Passed - Vote 6-0

**VOTE (360-2003)**

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

To maintain the current language in the Policy.  
Passed - Vote 5-1 (Councilor Paradis opposed)

**GROUND LEASE FOR THE BUS STATION FACILITY, WITH THE LEWISTON AUBURN TRANSIT COMMITTEE (LATC)**

**VOTE (361-2003)**

Motion by Councilor Jean, second by Councilor Philippon:

To authorize the City Administrator to execute the ground lease for the bus station facility, with the Lewiston Auburn Transit Committee (LATC), and that the City Administrator be authorized to sign any related documents necessary for the completion of the transaction.  
Passed - Vote 6-0

**REQUEST FROM HILLSIDE FAMILY RIDERS SNOWMOBILE CLUB**

Councilors received and discussed a donation request from the snowmobile club. The club requested twenty five percent of the funds collected from the city's snowmobile agent registration fee of \$5.84, which would total approximately \$1,460.

**VOTE (362-2003)**

Motion by Councilor Paradis, second by Councilor Jean:

To amend the motion to be a \$1,000 donation rather than a percentage.  
Passed - 4-2 (Councilors Jean and Rousseau opposed.)

**VOTE (363-2003)**

Motion by Councilor Jean, second by Councilor Paradis:

To authorize the donation of \$1,000 of the City's collected snowmobile registration fee to the Hillside Family Riders Snowmobile Club, to be paid on or after June 30, 2004, if the funds are available from an excess of the projected non-property tax revenue collection.  
Passed - Vote 5-1 (Councilor Rousseau opposed)

**CLOSURE OF ALL MUNICIPAL OFFICES WITH NON-ESSENTIAL SERVICES  
ON FRIDAY, DECEMBER 26, 2003**

**VOTE (364-2003)**

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

To authorize the closure of all municipal offices with non-essential services on Friday, December 26, 2003, and to provide eight hours of time for individual employees in essential services (Police, Fire and Public Works), of which the eight hours can be used at a later date, providing it would not create an overtime situation when their time is used, or additional expenditure of funds. Passed - Vote 6-0

**BOARD OF ASSESSMENT REVIEW APPOINTMENT**

**VOTE (365-2003)**

Motion by Councilor Jean, second by Councilor Mason:

To confirm the City Administrator's nomination of Andrew Choate of 17 Rachel Circle and to appoint Mr. Choate as a member of the Board of Assessment Review for a three year term, said term to expire December 17, 2006. Passed - Vote 6-0



**VOTE (366-2003)**

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

To adjourn at 8:45 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, CMC  
City Clerk  
Lewiston, Maine