

CITY OF LEWISTON

CITY COUNCIL

DECEMBER 5, 2017

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

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Bouchard, Cloutier, Beam and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Absent/Excused: Councilor Golden. Note – Under the City Charter, in the absence of a City Councilor, the Mayor may cast a vote.

EXECUTIVE SESSION

VOTE (312-2017)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Executive Session began at 6:00pm and ended at 6:18pm.

VOTE (313-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Executive Session began at 6:18pm and ended at 6:32pm.

VOTE (314-2017)

Motion by Councilor Lysen, seconded by Councilor Lachance:

To enter into an Executive Session, pursuant to MRSA Title 1, Section 405 (6) (c), to discuss Disposition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Passed - Vote 7-0

Executive Session began at 6:32pm and ended at 6:56pm.

THE HONORABLE ROBERT E. MACDONALD, MAYOR, PRESIDING.

PRESENT: Mayor Macdonald, Councilors Lysen, Lajoie, Golden, Bouchard, Cloutier, Beam and Lachance, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

Absent/Excused: Councilor Golden. Note – Under the City Charter, in the absence of a City Councilor, the Mayor may cast a vote.

Pledge of Allegiance to the Flag.
Moment of Silence.

MAYOR’S PRESENTATION – STAFF RECOGNITION

Mayor Macdonald recognized Social Services Deputy Director Elaine Brackett for her outstanding work in clearing up a backlog of General Assistance cases and for putting people back to work through the WorkFare program. He noted she works with State Agencies to find employment for clients and ensures they are matched up with educational and vocational training to match their skills. The Mayor also thanked Dot Perham Whittier, Janet Labbe and Kathy Montejo for their support provided to the Mayor’s Office during his 6 years as Mayor.

VOTE (315-2017)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To dispense with the reading of the minutes of the meeting of June 6, June 20, July 18 and August 15, 2017 and to accept and place them on file as prepared by the City Clerk.
Passed - Vote 7-0

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR BIG MIKE’S SMOKE HOUSE, 838 LISBON STREET

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

VOTE (316-2017)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To grant a Special Amusement Permit for Live Entertainment to Big Mike’s Smoke House, 838 Lisbon Street. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE GENERAL ASSISTANCE ORDINANCE REGARDING ELIGIBILITY

Mayor Macdonald opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. Sue Charron, Social Services Director, stated these changes are required as a mandate from the State Legislature and if the City does not adopt them, we would be out of compliance.

VOTE (317-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

That the proposed amendments to the City Code of Ordinances, Chapter 46 “General Assistance” receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE OFFENSES AND MISCELLANEOUS PROVISIONS ORDINANCE REGARDING TOBACCO USE PROHIBITED IN DESIGNATED HOSPITAL AREAS

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

VOTE (318-2017)

Motion by Councilor Lysen, seconded by Councilor Cloutier:

That the proposed amendments to the City Code of Ordinances, Chapter 50 “Offenses and Miscellaneous Provisions”, Section 50-19 and 50-20, “Prohibiting Tobacco Use in Designated Hospital Areas”, receive final passage by a roll call vote.

Passed - Vote 5-2 (Councilor Lajoie and Mayor Macdonald opposed)

PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE CODE OF ORDINANCES ESTABLISHING AN EXCISE TAX EXEMPTION FOR MAINE RESIDENTS ON ACTIVE DUTY WITH THE ARMED FORCES WHO ARE STATIONED OUTSIDE OF THE STATE OF MAINE OR WHO ARE DEPLOYED FOR MILITARY SERVICE FOR MORE THAN ONE HUNDRED EIGHTY DAYS

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

VOTE (319-2017)

Motion by Councilor Lachance, seconded by Councilor Lysen:

To substitute Version A of the proposed replacement language for the ordinance.

Passed - Vote 7-0

VOTE (320-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

That the proposed amendment to the City Code of Ordinances, Chapter 70 “Traffic and Vehicles”, Sections 70-300 through 70-303 “Vehicle Registration and Excise Tax Exemption” receive final passage by a roll call vote. Passed - Vote 7-0

RESOLVE APPROVING CHANGES TO THE PERSONNEL POLICIES FOR NONUNION EMPLOYEES

VOTE (321-2017)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To approve the Resolve, Approving Changes to the Personnel Policies for Nonunion Employees:

Whereas, the City recognizes and values the important role employees play in serving the public;
and

Whereas, providing consistent benefits to both union and nonunion employees is appropriate and simplifies overall city-wide personnel management and administrative costs; and

Whereas, a number of policies affecting non-union employees have not been adjusted to reflect changes made for other City employees;

Now, therefore, be it Resolved by the City Council of the City of Lewiston that the Council hereby formally appropriates a 2% cost of living adjustment effective on the payroll check dated July 3, 2018 and a 2% cost of living adjustment effective on the payroll check dated July 3, 2019, and directs the Finance Director to make the necessary adjustments to the nonunion salary schedule; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby approves an increase to the City's contribution to the Health Reimbursement Account for nonunion employees to \$1,200 for single coverage and \$2,400 for family and employee/child coverage effective January 1, 2018; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby increases the nonunion employees' sick balance maximum to 180 days effective January 1, 2018, with one half of the balance up to 90 days paid out upon retirement; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby eliminates the second vacation tiered accrual for nonunion employees effective January 1, 2018; and

Be It Further Resolved by the City Council of the City of Lewiston that the Council hereby adds a 28 year anniversary step to the nonunion employees' pay scale effective on the payroll check dated July 3, 2018 and directs the Finance Director to make the necessary adjustments to nonunion salary schedule.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LEWISTON AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 1458 ON BEHALF OF THE LEWISTON PUBLIC WORKS UNIT

Denis D'Auteuil, Deputy City Administrator, stated the City and Public Works Union are still working together regarding the terms of the contract and asked to have this item postponed to the next meeting.

VOTE (322-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To postpone this matter to the next City Council meeting. Passed – Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LEWISTON AND THE MAINE STATE EMPLOYEES ASSOCIATION (MSEA) LOCAL 1989 ON BEHALF OF THE LEWISTON GENERAL GOVERNMENT UNIT

VOTE (323-2017)

Motion by Councilor Lysen, seconded by Councilor Bouchard:

To approve the Order authorizing the City Administrator to execute a New Collective Bargaining Agreement between the City of Lewiston and the Maine State Employees Association (MSEA) Local 1989 on behalf of the Lewiston General Government Unit:

Whereas, the City and Local 1989 Unit representatives have worked diligently over the last several months to develop a new collective bargaining agreement; and

Whereas, all who participated in the development of the Local 1989 Collective Bargaining Agreement believe that negotiations have produced a contract which is sensitive to the current economic climate and reflects the organizational goals and objectives of both the city and Local 1989;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that

The City Administrator is authorized to execute the new FY 2017-2020 Maine State Employees Association, Local 1989 Collective Bargaining Agreement and to approve any final administrative, non-monetary, and non-substantive amendments as needed.

Passed - Vote 7-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LEWISTON AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) LOCAL 3855 ON BEHALF OF THE LEWISTON PROFESSIONAL TECHNICAL UNIT

VOTE (324-2017)

Motion by Councilor Bouchard, seconded by Councilor Lysen:

To approve the Order authorizing the City Administrator to execute a New Collective Bargaining Agreement between the City of Lewiston and the American Federation of State, County and Municipal Employees (AFSCME) Local 3855 on behalf of the Lewiston Professional Technical Unit:

Whereas, the City and Local 3855 Unit representatives have worked diligently over the last several months to develop a new collective bargaining agreement; and

Whereas, all who participated in the development of the Local 3855 Collective Bargaining Agreement believe that negotiations have produced a contract which is sensitive to the current economic climate and reflects the organizational goals and objectives of both the city and Local 3855;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that

The City Administrator is authorized to execute the new FY 2017-2020 American Federation of State, County, and Municipal Employees, Local 3855 Collective Bargaining Agreement and to approve any final administrative, non-monetary, and non-substantive amendments as needed.

Passed - Vote 7-0

**ORDER AUTHORIZING THE ACCEPTANCE OF MATOBIAN WAY AS
A CITY STREET**

VOTE (325-2017)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To adopt the Order authorizing the acceptance of Matobian Way as a city street and to file the order with the Registry of Deeds. Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR
REAL ESTATE LOCATED AT 38 LARRABEE ROAD**

VOTE (326-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 38 Larrabee Road:

Whereas, the owners, Ronald and Amy Chartier, failed to pay their bills on a timely basis for 38 Larrabee Road (Tax Map 139, Lot 19, Parcel 00-013472); and

Whereas, a storm water lien was filed on December 6, 2013 (Book 8830 Page 180) and matured on June 6, 2015 in the amount of \$104.78; and

Whereas, a storm water lien was filed on December 28, 2015 (Book 9282 Page 137) and matured on June 28, 2017 in the amount of \$92.52; and

Whereas, a storm water lien was filed on April 5, 2016 (Book 9337 Page 150) and matured on October 5, 2017 in the amount of \$92.86; and

Whereas, payment has been received in full;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that a quitclaim deed is hereby authorized to release the City's interest in the property located at 38 Larrabee Road to the owners.

Passed - Vote 7-0

**RESOLVE DESIGNATING AN INDIVIDUAL TO CAST THE CITY OF LEWISTON'S
VOTES AT THE ANNUAL MEETING OF THE LEWISTON AUBURN
RAILROAD COMPANY**

VOTE (327-2017)

Motion by Councilor Lachance, seconded by Councilor Bouchard:

To designate Lincoln Jeffers as the City's proxy to the Railroad Board of Directors.

Passed - Vote 7-0

VOTE (328-2017)

Motion by Councilor Bouchard, seconded by Councilor Cloutier:

To approve the Resolve designating an individual to cast the City of Lewiston's votes at the Annual Meeting of the Lewiston Auburn Railroad Company:

Whereas, the City of Lewiston is the majority owner of the Lewiston Auburn Railroad Company; and

Whereas, the Company is required to hold an annual meeting of the Shareholders for the purpose of electing directors to represent the City; and

Whereas, the terms of two of Lewiston's current directors are expiring; and

Whereas, the Chair of the Directors has requested that the City designate a Proxy for purposes of casting its votes;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

Lincoln Jeffers is hereby vested with the City of Lewiston's Proxy and is authorized to cast the City's votes for the purpose of electing individuals to fill the expiring terms of the current City of Lewiston Directors.

Passed - Vote 7-0

ADOPTION OF CITY COUNCIL MEETING SCHEDULE FOR JANUARY 2018

VOTE (329-2017)

Motion by Councilor Cloutier, seconded by Councilor Bouchard:

To suspend Section 1 (a) of the Rules Governing the City Council and to hold the regular

Council meetings for January 2018 on Tuesday, January 9 and Tuesday, January 23.
Passed - Vote 7-0

UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE

Councilor Cloutier reported Farwell School recently participated in the Walking School Bus program where teachers and staff picked up students at their homes and walked them to school. She noted they recently approved a field trip to an event called Operation Breaking Stereotypes as well as a new homework policy.

REPORTS AND UPDATES

No reports or updates were presented at this time.

OTHER BUSINESS

The City Administrator reported out regarding the vacancy on the Planning Board and said the Council will be asked at the next meeting if they would like to make the appointment to forward that authority to the incoming Council. The Deputy City Administrator stated the Finance Committee recently reviewed the remaining technical upgrades to the Council Chambers.

EXECUTIVE SESSION

VOTE (330-2017)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To enter into an Executive Session, pursuant to MRSA Title 1, Section 405 (6) (a), to discuss a personnel matter regarding the annual evaluation of the City Administrator. Passed - Vote 7-0

Executive Session began at 7:50pm and ended at 8:25pm.

VOTE (331-2017)

Motion by Councilor Lajoie, seconded by Councilor Bouchard:

To adjourn at 8:25P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine