

**CITY OF LEWISTON**

**CITY COUNCIL**

**FEBRUARY 6, 2018**

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

THE HONORABLE SHANE D. BOUCHARD, MAYOR, PRESIDING.

PRESENT: Mayor Bouchard, Councilors Lysen, Pettengill, Rea, Lajoie, Cloutier, Beam and Marcotte, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

**EXECUTIVE SESSION**

**VOTE (38-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

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

Executive Session began at 6:01pm and ended at 6:23pm.

**VOTE (39-2018)**

Motion by Councilor Rea, seconded by Councilor Pettengill:

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

Executive Session began at 6:23pm and ended at 6:58pm.

Regular Meeting began at 7:00pm.

Pledge of Allegiance to the Flag.

**VOTE (40-2018)**

Motion by Councilor Cloutier, seconded by Councilor Rea:

To dispense with the reading of the minutes of the meeting of January 23, 2018 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**PUBLIC COMMENT PERIOD**

Jason Lavoie, 353 Lisbon Street, requested an increase in the school budget, noting the school has a difficult time hiring substitute teachers. He felt if the substitutes were paid more, they would be more willing to work. He suggested raising the pay so it is a more competitive position. Councilor Rea noted that the ability to fill the substitute positions has been improving. Mayor Bouchard shared that the youth hockey team honored at last month's Council meeting recently traveled to Tampa, FL to compete in a national tournament and they won that event as well.

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE ELKS LEWISTON LODGE #371, 1675 LISBON STREET**

Mayor Bouchard opened the public 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 (41-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To grant a Special Amusement Permit for live entertainment to the Elks Lewiston Lodge #371, 1675 Lisbon Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE CAGE, 97-99 ASH STREET**

Mayor Bouchard opened the public 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 (42-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To grant a Special Amusement Permit for live entertainment to The Cage, 97-99 Ash Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE FRANCO AMERICAN HERITAGE CENTER, 46 CEDAR STREET**

Mayor Bouchard opened the public 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 (43-2018)**

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To grant a Special Amusement Permit for live entertainment to the Franco American Heritage Center, 46 Cedar Street. Passed - Vote 7-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SEA ASIAN BISTRO, 40 EAST AVENUE**

Mayor Bouchard opened the public 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 (44-2018)**

Motion by Councilor Cloutier, seconded by Councilor Pettengill:

To grant a Special Amusement Permit for live entertainment to Sea Asian Bistro, 40 East Avenue. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE ON AMENDMENTS TO THE BUSINESS LICENSING ORDINANCE AND THE VEHICLES FOR HIRE ORDINANCE TO ELIMINATE THE TAXI & TATTOO ARTIST APPEALS COMMITTEE**

Mayor Bouchard opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Mayor then closed the hearing. Councilor Lysen asked if the Board of Appeals was made aware of this proposed ordinance amendment and reassignment of duties. Gil Arsenault, Director of Code Enforcement and staff to the Board, said they have not been updated on this change, but since it has been about 2-3 years since an appeal has been filed, he does not see this new assignment as a burden for the Board.

**VOTE (45-2018)**

Motion by Councilor Lysen, seconded by Councilor Marcotte:

That the proposed amendments to the City Code of Ordinances, Chapter 22 “Businesses”, Article II, “Tattooing”, Section 22-364 “Right to Appeal”, and Chapter 82 “Vehicles for Hire”, Article II “Taxicab”, Section 82-54 “Right to Appeal” receive final passage by a roll call vote.  
Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE CONDITIONAL REZONING AGREEMENT FOR THE PROPERTY AT 299 RIVER ROAD**

Mayor Bouchard opened the public hearing to receive citizen input and comment. Norm Lamie introduced himself as a consultant assisting with this project and provided a brief history regarding this change. The Mayor then closed the hearing.

**VOTE (46-2018)**

Motion by Councilor Rea, seconded by Councilor Cloutier:

To approve First Passage for the amendment to the Conditional Rezoning Agreement for 299 River Road, to conditionally rezone the property, subject to the conditions defined in the rezoning agreement, and to continue the public hearing for final passage to the next regularly scheduled City Council meeting. Passed – Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE TO REZONE THE PROPERTY AT 381-391 MAIN STREET FROM THE COMMUNITY BUSINESS (CB) DISTRICT TO THE CENTREVILLE (CV) DISTRICT**

Mayor Bouchard opened the public hearing to receive citizen input and comment. Tom Gear, project engineer for this project and Marc Samson, manager of the credit union, provided some brief information about this project. Jason Lavoie expressed concern about traffic congestion in the area during construction. The Mayor then closed the hearing.

**VOTE (47-2018)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To approve First Passage of the amendment to the Zoning and Land Use Code and Map to rezone the property at 381-391 Main Street from the Community Business (CB) District to the Centreville (CV) District, and to continue the public hearing for final passage to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING FOR THE FISCAL YEAR 2019 LEWISTON CAPITAL IMPROVEMENT PROGRAM**

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

**MAKING AN APPROPRIATION FROM THE CITY'S UNDESIGNATED FUND BALANCE IN AN AMOUNT NOT TO EXCEED \$160,000 AND AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE A SIDEWALK TRACTOR AND ASSOCIATED ATTACHMENTS AND TOW BEHIND HIGH CAPACITY SANDER**

City Administrator Ed Barrett provided background information on this request. He noted that pedestrian safety is a Council priority and having an additional sidewalk plow will assist in clearing the sidewalks faster during heavy storms.

**VOTE (48-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Resolve, making an appropriation from the City's Undesignated Fund Balance in an amount not to exceed \$160,000 and authorizing the City Administrator to purchase a sidewalk tractor and associated attachments and tow behind high capacity sander:

Whereas, the City plans to replace sidewalk plow #809 in the FY2019 LCIP; and

Whereas, unit 809 has not been available for use at all this winter, which has impacted the Public Works Department's ability to clear snow from sidewalks; and

Whereas, the equipment dealer has provided a quote indicating a replacement machine meeting all City specifications and needs could be delivered within 30 days from time of award for \$158,994.00; and

Whereas, in order to accelerate the purchase of this equipment and have it available for use as soon as possible, the requirement of the Purchasing Policy that formal bids be solicited should be waived; and

Whereas, this resolve will accelerate the purchase of the equipment to have it available for use sooner;

Now, therefore, be it resolved by the City Council of the City of Lewiston that there is hereby appropriated up to the amount of \$160,000.00 from the City's unallocated fund balance for the

purchase of a replacement sidewalk tractor and associated attachments and a tow behind high capacity sander.

Be it Further Resolved, that the requirement of the City’s purchasing policy that such purchase be made through the competitive bidding process is hereby waived and the City Administrator is authorized to award a contract for such purchase in order to have this equipment in service as soon as possible.

Passed - Vote 7-0

**RESOLVE REAUTHORIZING A PUBLIC WORKS COMMITTEE**

Councilors agreed it would be more efficient and effective to have the Solid Waste Committee be a subcommittee of the Public Works Committee. The Council also discussed changing the proposed membership structure of “City Councilors” to “elected officials”.

**VOTE (49-2018)**

Motion by Councilor Cloutier, seconded by Councilor Lysen:

To approve the Resolve, Reauthorizing a Public Works Committee including Solid Waste/Recycling Committee:

Whereas, the City Council authorized and formed a Public Works Committee in 2014; and

Whereas, that Committee sunset in December 2016; and

Whereas, the City Council has once again indicated it would like to seek advice from such a committee on Lewiston Capital Improvement Project (LCIP) infrastructure projects and other issues affecting the Public Works Department including, but not limited to, recommendations regarding winter sidewalk maintenance;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the Ad Hoc Public Works Committee is hereby re-established for the purpose of:

- Reviewing and making recommendations regarding Public Works infrastructure projects included in the LCIP;
- Reviewing and recommending changes to improve the current process for clearing sidewalks after winter storms;
- Assisting department staff in developing succession plans to address the large number of anticipated retirements expected over the next several years;
- Addressing other areas of public works operations, including staffing, training, and resources, of concern to the members of the Committee or which might be referred to the Committee from time to time by the City Council.

**Composition and Appointment**

The Committee will be composed of 7 voting members: 2 Elected Officials and 5 members of the public who are residents or taxpayers in the City of Lewiston and are knowledgeable concerning

public works, construction, civil engineering, equipment operations/maintenance, purchasing, customer service operations, or related areas; and 2 ex-officio staff members. The 7 voting members shall be appointed by the Mayor, who shall designate one of them as Committee Chair, and the 2 staff members shall be assigned by the City Administrator and shall be responsible for providing logistical support to the Committee. The Mayor may reappoint individuals who served on the prior ad hoc committee.

#### Meetings

The Committee shall establish the times and places of its meetings. Meetings shall be open to the public and notice of such meetings shall be posted by the City Clerk. The Committee may invite such others as may be knowledgeable about subjects under discussion to provide information for its consideration.

#### Report

The Committee shall report periodically to the City Council, with recommendations to be forwarded in concert with the City Council's consideration of the Public Works Department Annual Budget and the funding authorizations associated with the Capital Improvement Program.

#### Term

The Committee shall operate until December 31, 2018 unless further extended by action of the City Council.

Be it Further Resolved, that

There is hereby established a solid waste/recycling subcommittee of the Public Works Committee. The purpose of the subcommittee is to:

- Review and recommend changes to improve the current process and costs for addressing MSW collection and disposal;
- Review and recommend changes to improve the current process and costs for addressing Recycling collection and disposal;
- Review and recommend changes to increase the recycling rate of the City towards meeting the State goal of 50% and identify the cost associated with those changes.

The committee shall be appointed by the Mayor will be made up of at least 1 City Councilor and a minimum of 3 individuals from the community, with the members either selected from among the membership of the Public Works Committee or, if not from the membership, added to the membership of that Committee. The subcommittee will receive staff support from the Public Works Department, including the Director or his designee and the Solid Waste Superintendent. The subcommittee will select a Chairperson to work with City staff on agendas and scheduling meetings. The committee may meet as frequently as deemed necessary to complete its review and submit a report to the City Council by December 31, 2018.

Passed - Vote 7-0

**RESOLVE AUTHORIZING THE FORMATION OF A SOLID WASTE AND RECYCLING COMMITTEE**

This item was removed from the agenda since the matter was resolved in the previous vote.

**RESOLVE CALLING UPON THE MAINE STATE LEGISLATURE TO ADOPT LD 1492, AN ACT TO ATTRACT, EDUCATE AN RETAIN NEW MAINERS TO STRENGTHEN THE WORKFORCE**

Councilor Lysen noted this issue was well vetted during the past two City Council meetings and there was strong community support in favor of this Resolve. He noted this is a start for needed resources and a good first step, and that this project was created in Portland and is working well. James Mosher stated there is a high cost in the private sector already to accommodate immigrants and assimilation is not happening. Anne Kemper, 110 Pettengill St, said that Maine needs to have people to work and that hospitals and nursing homes have a constant list of job openings. A resident of 521 Turner St in Auburn said she was a part of the group that worked to draft LD 1492 and reminded the public that not all immigrants are terrorists and on welfare, as is the public perception. State Representative Roger Fuller, 36 Elliot Avenue, said as a former teacher, he knows that education is the key to all future success and there is a shortage of workforce development options in Maine. He also noted that Maine is declining in population, so more residents are needed to fill existing jobs. Karen Lane, 8 Wilson Street, said the immigrants are here in the United State legally and have every right to be here. Hawo Abible, community relations coordinator for the Lewiston School Dept spoke in favor of this Resolve. Jason Lavoie, 353 Lisbon Street, is opposed to the Resolve citing there are existing programs already, such as the Career Center, that provides this service. Jen Carter, 10 Columbia Street, noted LD 1492 is about fiscal responsibility and human rights.

**VOTE (50-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To approve the Resolve, Calling Upon the Maine State Legislature to Adopt LD 1492, An Act to Attract, Educate and Retain New Mainers to Strengthen the Workforce:

Whereas, the City of Lewiston has experienced an increase in the number of New Mainers locating in the City; and

Whereas, these New Mainers have become important members of our community and will be one essential element of addressing the current and future labor shortage projected for the Lewiston economic region and Maine as a whole due the aging of our population; and

Whereas, while these New Mainers can contribute significantly to our community and our economy, they face a number of challenges in becoming full participants in our economic life; and

Whereas, among these obstacles are fluency in English; industry specific skill training to match their willingness to work with the skills required in available employment opportunities; general job readiness; food and income security; and other challenges; and

Whereas, the Final Report of the Immigrant and Refugee Integration and Policy Development Working Group, submitted to the Lewiston City Council in December 2017, recommended that a central office be established in Lewiston where information on services and training for the immigrant and refugee community be maintained and updated and to serve as a central point of referral to services designed to support immigrant and refugee integration; and

Whereas, among other things, LD 1492 proposes to fund a Welcome Center in Lewiston that could take on these responsibilities; and

Whereas, in addition, the bill would fund additional grant opportunities to support industry specific training and English Language Learning, two of the major requirements for immigrant and refugee economic integration;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the City Council hereby calls upon the Maine State Legislature to adopt LD 1492, An Act to Attract, Educate and Retain New Mainers to Strengthen the Workforce.

Passed - Vote 6-1 (Councilor Marcotte opposed)

**AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**

**VOTE (51-2018)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

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 \$507.00, or any portion thereof, in the case of the State of Maine vs. John Croom, CR-17-3287 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

Passed - Vote 7-0

**AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH STORAGE REALTY CORP. REGARDING THE COST OF ADDRESSING EROSION ISSUES AFFECTING 805 LISBON STREET**

Councilor Marcotte said he is uncomfortable with approving this item since not all parties have signed off on it yet. He noted there are still stormwater flow issues and the responsible parties still need to be determined.

**VOTE (52-2018)**

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To approve the Order, authorizing the City Administrator to execute an Agreement with Storage Realty, Corp. regarding the cost of addressing erosion issues affecting 805 Lisbon Street:

Whereas, on December 19, 2017, the City Council issued an order pursuant to the Maine Dangerous Building law related to existing erosion of a bank behind the improvements of the Storage Realty Corp. (SRC) land; and

Whereas, the order imposes potential financial liability on SRC for the City's cost of addressing the Erosion problem if SRC and the owner of the adjacent property at 795 Lisbon Street do not address the Erosion Problem; and

Whereas, the City and SRC agree that prompt action is necessary to address the Erosion Problem; and

Whereas, the City and SRC have reached an agreement under which SRC will financially participate in the cost of addressing the problem;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute the attached agreement with Storage Realty Corp. in a form substantially as attached hereto.

Passed - Vote 6-1 (Councilor Marcotte opposed)

**REPORTS AND UPDATES**

Councilor Rea reported the School Committee recently met with the Legislative Delegation. The School Committee is monitoring LD 1666 which is a proposal to delay proficiency based learning. She said they also reviewed the upcoming school budget timeline. On February 13 will be a meeting about the proposed Visual Performing Arts Center.

**OTHER BUSINESS**

Councilor Pettengill noted there are still openings for the upcoming Citizen Police Academy and he encouraged interested residents to sign up soon for this free program.

**VOTE (53-2018)**

Motion by Councilor Lysen, seconded by Councilor Cloutier:

To adjourn at 8:39P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine