

# CITY OF LEWISTON

**CITY COUNCIL**

**JULY 10, 2018**

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

CITY COUNCIL PRESIDENT KRISTEN S. CLOUTIER, PRESIDING.

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

### **EXECUTIVE SESSION**

#### **VOTE (189-2018)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To enter into an Executive Session to review an application submitted under MRSA, Title 36, section 841 (2). Passed – Vote 7-0

Executive session began at 6:03pm and ended at 6:48pm.

Regular meeting began at 7:00pm.

Pledge of Allegiance to the Flag.

#### **PRESENTATION OF LEWISTON SOFTBALL TEAM RECENT CHAMPIONSHIP**

Council President Cloutier presented certificates of recognition to members of the team honoring them for their recent championship win.

#### **UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL AND APPOINTMENT OF NEW MEMBERS**

The incoming members of LYAC were introduced and presented with certificates of appointment.

#### **PUBLIC COMMENT PERIOD**

Doug Herling of Central Maine Power stated he is looking forward to working with the City on the energy project and the support they have received from city staff so far has been tremendous. Charles Soule, 135 Bartlett Street, cautioned the city in getting involved with the CMP pass through project and did not trust electricity coming from Canada. Mike Dostie of 4 Lisbon Street announced the creation of the new Lewiston Downtown Association. He noted \$100 million has been invested in the downtown in the past 10 years regarding building renovations and improvements. Carl Sheline, 17 Cherrywood Drive, said he is pleased with the new downtown organization, with the CMP project and with the work of city staff to support the street mural. Rick of 711 Richmond Street suggested relocating the recreation department back into the

downtown area like it used to be, he said this would decrease crime in the area by providing activities for kids.

**VOTE (190-2018)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To dispense with the reading of the minutes of the meeting of June 5, 2018 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 8 BAYBERRY LANE**

**VOTE (191-2018)**

Motion by Councilor Lajoie, seconded by Councilor Rea:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 8 Bayberry Lane:

Whereas, the owner, MECAP LLC, failed to pay their bills on a timely basis for 8 Bayberry Lane (Tax Map 122, Lot 18, Parcel 00-011289); and

Whereas, a tax lien was filed on June 15, 2016 (Book 9386 Page 339) and matured on December 15, 2017 in the amount of \$703.02; and

Whereas, payment was 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 8 Bayberry Lane to the owner.

Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 121 ROSEDALE STREET**

**VOTE (192-2018)**

Motion by Councilor Lajoie, seconded by Councilor Rea:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 121 Rosedale Street:

Whereas, the owner, Ronald R. Ouellette, failed to pay his bills on a timely basis for 121 Rosedale Street (Tax Map 177, Lot 135, Parcel 00-001409); and

Whereas, a sewer lien was filed on December 22, 2015 (Book 9282 Page 214) and matured on June 24, 2017 in the amount of \$175.96; and

Whereas, a storm water lien was filed on March 25, 2016 (Book 9337 Page 128) and matured on September 25, 2017 in the amount of \$92.18; and

Whereas, a water lien was filed on March 25, 2016 (Book 9337 Page 63) and matured on September 25, 2017 in the amount of \$236.09; and

Whereas, a sewer lien was filed on March 25, 2016 (Book 9337 Page 34) and matured on September 25, 2017 in the amount of \$279.98; and

Whereas, a storm water lien was filed on September 16, 2016 (Book 9458 Page 336) and matured on March 16, 2018 in the amount of \$92.18; and

Whereas, payment was 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 121 Rosedale Street to the owner.

Passed - Vote 7-0

**ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR  
REAL ESTATE LOCATED AT 19 CRAM AVENUE**

**VOTE (193-2018)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 19 Cram Avenue:

Whereas, the owners, Susan A. and Ross R. Anctil, failed to pay their bills on a timely basis for 19 Cram Avenue (Tax Map 90, Lot 5, Parcel 00-010086); and

Whereas, a storm water lien was filed on March 25, 2016 (Book 9337 Page 121) and matured on September 25, 2017 in the amount of \$105.48; and

Whereas, a water lien was filed on March 25, 2016 (Book 9337 Page 60) and matured on September 25, 2017 in the amount of \$143.47; and

Whereas, a sewer lien was filed on March 25, 2016 (Book 9337 Page 31) and matured on September 25, 2017 in the amount of \$151.63; and

Whereas, payment was 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 19 Cram Avenue to the owner.

Passed - Vote 7-0

**RESOLVE APPOINTING DAVID HEDIGER LEWISTON'S LOCAL HEALTH OFFICER**

**VOTE (194-2018)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve the Resolve appointing David Hediger Lewiston's Local Health Officer:

Whereas, State Law requires that every municipality employ a local health officer appointed by the municipal officers; and

Whereas, Gil Arsenault, the City's recently retired Director of Planning and Code, filled the position for many years; and

Whereas, David Hediger has replaced him as the Director of Planning and Code;

Now, therefore, be it resolved by the City Council of the City of Lewiston that David Hediger, the City's Director of Planning and Code, is hereby appointed to a three year term as the Health Officer for the City of Lewiston, and the Clerk is hereby directed to notify the appropriate state office of this appointment.

Passed - Vote 7-0

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

**VOTE (195-2018)**

Motion by Councilor Marcotte, seconded by Councilor Rea:

To approve a full abatement in the amount of \$7,602.73 of property taxes for years past due for Case Number 2018-02, said application submitted under MRSA Title 36, section 841(2) with stipulations agreed upon previously with the applicant.

Passed – Vote 6-1 (Councilor Pettengill opposed)

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SHE DOESN'T LIKE GUTHRIE'S, 115 MIDDLE STREET**

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

**VOTE (196-2018)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To grant a Special Amusement permit for live entertainment to She Doesn't Like Guthrie's, 115 Middle Street. Passed - Vote 7-0

**PUBLIC HEARING FOR AN EXTENSION OF LIQUOR LICENSE TO  
INCLUDE OUTDOOR SERVICE AT THE FRATERNAL ORDER OF EAGLES,  
1327 SABATTUS STREET**

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

**VOTE (197-2018)**

Motion by Councilor Marcotte, seconded by Councilor Lajoie:

To approve the request from The Fraternal Order of Eagles, 1327 Sabattus Street, to authorize the extension of their liquor license to include outside service at their location, contingent upon a positive recommendation from the Police Department, Fire Department and Code Enforcement Department. Passed - Vote 7-0

**PUBLIC HEARING FOR AN EXTENSION OF LIQUOR LICENSE TO INCLUDE  
OUTDOOR SERVICE AT BAXTER BREW PUB, 130 MILL STREET**

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

**VOTE (198-2018)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To approve the request from Baxter Brew Pub, 130 Mill Street, to authorize the extension of their liquor license to include outside service at their location, contingent upon a positive recommendation from the Police Department, Fire Department and Code Enforcement Department. Passed - Vote 7-0

**PUBLIC HEARING FOR APPROVAL OF AN OUTDOOR ENTERTAINMENT  
PERMIT FOR THE ANNUAL GREAT FALLS BALLOON FESTIVAL**

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

**VOTE (199-2018)**

Motion by Councilor Pettengill, seconded by Councilor Lysen:

To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Simard-Payne Memorial Park on August 17-19, 2018, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding

compliance with all regulations and compliance with all City ordinances.  
Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AN AMENDMENT TO THE  
PARKS & RECREATION ORDINANCE TO ESTABLISH A STANDARDIZED TIME  
OF 10:00PM FOR THE CLOSURE OF KENNEDY PARK**

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

**VOTE (200-2018)**

Motion by Councilor Lajoie, seconded by Councilor Pettengill:

That the proposed amendments to the City Code of Ordinances, Chapter 54, “Parks and Recreation” regarding the change in time for the closure of Kennedy Park from 1:00am to 10:00pm, receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE TO CONTRACTUALLY REZONE THE  
PROPERTY AT 163 BATES STREET FROM THE CENTREVILLE (CV) DISTRICT TO  
THE DOWNTOWN RESIDENTIAL (DR) DISTRICT**

Council President Cloutier opened the hearing to receive citizen input and comment. No members of the public spoke for or against this issue. The Council President then closed the hearing. Development Director David Hediger provided background information regarding this item.

**VOTE (201-2018)**

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To approve Final Passage of the amendment to the Zoning and Land Use Code and map to contractually rezone the property at 163 Bates Street from the Centreville (CV) District to the Downtown Residential (DR) District, subject to a contractual agreement. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST & FINAL PASSAGE REGARDING AN ORDINANCE,  
ENACTING A MORATORIUM ON MEDICAL MARIJUANA RETAIL SALES  
AND DISTRIBUTION**

City Administrator Ed Barrett provided background information on this item. Council President Cloutier opened the hearing to receive citizen input and comment. DJ Searles, 942 Main Street, is opposed to this item, noting the difference between medical cannabis and recreational marijuana. Rick, 711 Lisbon Street, is a former caregiver and owner of a store front. He noted the moratorium will encourage more illegal operations because the caregivers cannot obtain the city permits during the moratorium, but he said businesses will open up and operate anyway. He encouraged having them be permitted than operating without a permit. Chad, owner of Smoke Shop on 1822 Lisbon Street stated he is a grow operation and is opposed to this item. Andy Daigle is opening up at 711 Lisbon Street with other caregivers and is opposed. Mike Scolia, of

Crystal Spring Hill Alternatives recommended the City educate the community about the need for this work to treat patients and he said their business is transparent and upfront about their work. Others commented about their surprise of the moratorium and the retroactive date, not allowing them time to get an application in for processing before the cut-off. The Council President then closed the hearing. Councilor Rea felt this moratorium was reactionary given Auburn’s adoption of one, that Lewiston’s was hasty and anti-business. Councilor Cloutier noted the city does not want to make rash decisions and the moratorium allows time to study the issue and make informed decisions and sound practices. Councilor Beam said if the city does not implement the moratorium, they will be acting in a rash manner.

**VOTE (202-2018)**

Motion by Councilor Lajoie, seconded by Councilor Lysen:

That the effective date be changed from July 5, 2018 to July 13, 2018.  
Passed - Vote 4-3 (Councilors Marcotte, Pettengill and Rea opposed)

**VOTE (203-2018)**

Motion by Councilor Marcotte, seconded by Councilor Pettengill:

That the proposed moratorium ordinance regarding Medical Marijuana Retail Sales and Distribution, to be effective July 13, 2018, receive first passage by a roll call vote.  
Passed - Vote 5-2 (Councilors Pettengill and Rea opposed)

**VOTE (204-2018)**

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time. Passed - Vote 6-1 (Councilor Rea opposed)

**VOTE (205-2018)**

Motion by Councilor Lysen , seconded by Councilor Lajoie:

That the proposed moratorium ordinance regarding Medical Marijuana Retail Sales and Distribution, to be effective July 13, 2018, receive final passage by a roll call vote.  
Passed - Vote 6-1 (Councilor Rea opposed)

**PUBLIC HEARING AND FIRST PASSAGE FOR AN ORDINANCE, REPEALING  
CHAPTER 22, ARTICLE XVI, OF THE CODE OF ORDINANCES –  
RECREATIONAL MARIJUANA**

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

**VOTE (206-2018)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

That the proposed Ordinance Repealing Chapter 22, Article XVI, of the Code of Ordinances – Recreational Marijuana – receive first passage by a roll call vote and to continue the public hearing to the next regularly scheduled Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN ORDINANCE PERTAINING TO PARKING OF COMMERCIAL VEHICLES IN A RESIDENTIAL ZONE**

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

**VOTE (207-2018)**

Motion by Councilor Pettengill, seconded by Councilor Rea:

To approve first reading of an Ordinance pertaining to parking of commercial vehicles in a residential zone and to refer the Ordinance to the Planning Board for a recommendation. Passed - Vote 7-0

**ORDER, AUTHORIZING THE CITY ADMINISTRATOR TO PETITION FOR LEAVE TO INTERVENE IN PROCEEDINGS BEFORE THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION RELATING TO THE SITE LOCATION OF DEVELOPMENT ACT PERMIT AND NATURAL RESOURCES PROTECTION ACT PERMIT FOR THE CONSTRUCTION OF THE NEW ENGLAND CLEAN ENERGY CONNECT PROJECT**

**VOTE (208-2018)**

Motion by Councilor Marcotte , seconded by Councilor Lysen:

To approve the Order, authorizing the City Administrator to petition for leave to intervene in proceedings before the Maine Department of Environmental Protection relating to the site location of Development Act Permit and Natural Resources Protection Act Permit for the construction of the New England Clean Energy Connect Project:

Whereas, Central Maine Power’s New England Clean Energy Connect transmission project has been selected by Massachusetts to provide clean energy for distribution throughout that state; and

Whereas, a portion of this project will be located within the City of Lewiston, including a station that will convert direct to alternating current and portions of a new power line that will transport this electricity through Maine; and

Whereas, CMP’s investment in Lewiston for this project is estimated at about \$250 million, which will substantially expand the City’s tax base and assist in mitigating the City’s property tax rate; and

Whereas, the construction phase of the project is projected to run through 2022 and will support

additional jobs in Maine and in Lewiston; and

Whereas, the availability of 9.5 terawatt hours of additional electric power in New England will help to offset anticipated generating retirements and will increase the overall availability of electricity to our region, resulting in lower energy costs, with CMP estimating \$3.8 billion in energy related savings over the first twenty years of project operation; and

Whereas, this project will require permits and approvals from a variety of agencies including, among others, the Maine Department of Environmental Protection; and

Whereas, on June 19, 2018, the City Council adopted a Resolve in support of this project; and

Whereas, the Maine Department of Environmental Protection has issued a Notice of Opportunity to Intervene in its consideration of the project's applications for a Site Location of Development Act Permit and a Natural Resources Protection Act permit; and

Whereas, Intervenor status will provide the City with more timely access to information and potential testimony regarding these applications;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized, on behalf of the City of Lewiston, to petition for leave to intervene in proceedings before the Maine Department of Environmental Protection relating to the Site Location of Development Act Permit and Natural Resources Protection Act Permit for the construction of the New England Clean Energy Connect Project.

Passed - Vote 7-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A STANDARD EASEMENT WITH QUIT CLAIMS AND CONSTRUCTION ACCESS LICENSE TO BATES COLLEGE FOR RELOCATION OF THE CHU HALL (55 CAMPUS AVENUE) ELECTRICAL SERVICE**

Councilors Cloutier and Rea recused themselves from this item citing a conflict of interest with their employer. Councilor Lysen presided over this item.

**VOTE (209-2018)**

Motion by Councilor Lysen, seconded by Councilor Beam:

To approve the Order authorizing the City Administrator to execute a standard easement with Quit Claims and Construction Access License to Bates College for relocation of the Chu Hall (55 Campus Ave) Electrical Service:

Whereas, the current electrical service for Chu Hall originates on the site of the proposed new science building (45 Campus Ave) and needs to be relocated before construction of that building begins; and

Whereas, Bates College has prepared an easement for a 15 foot wide crossing of Campus Avenue

near the intersection with Bardwell Street at no cost to the City; and

Whereas, the City is coordinating with other underground utilities to ensure there are no conflicts in the proposed easement;

Now, therefore, be it Ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute a Quit Claim Deed and construction access license to Bates College for a 15 foot wide easement crossing Campus Avenue as described in the attached document.

Passed - Vote 4-1-2 (Councilor Marcotte opposed, Councilors Cloutier and Rea abstained)

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A NEW COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LEWISTON AND THE LEWISTON POLICE SUPERVISORY COMMAND UNIT**

**VOTE (210-2018)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Order authorizing the City Administrator to execute a new Collective Bargaining Agreement between the City of Lewiston and the Lewiston Police Supervisory Command Unit:

Whereas, the City and Lewiston Police Supervisory Command 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 Lewiston Police Supervisory Command 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 Police Supervisory Command Unit;

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 2019-2021 Lewiston Police Supervisory Command Collective Bargaining Agreement and to approve any final administrative, non-monetary, and non-substantive amendments as needed.

Passed - Vote 6-1 (Councilor Marcotte opposed)

**UPDATE FROM THE LEWISTON SCHOOL COMMITTEE REPRESENTATIVE**

Councilor Rea noted the next meeting is Monday night and they are scheduled to appoint the new principal for Martel and Longley schools. They will also be reviewing teacher contracts and hearing a report from Brann & Isaacson regarding an investigation into the drowning death of a middle school student while on a school field trip in June.

**REPORTS AND UPDATES**

No reports or updates were presented at this time.

**OTHER BUSINESS**

No other business was presented at this time.

**EXECUTIVE SESSION**

**VOTE (211-2018)**

Motion by Councilor Lysen, seconded by Councilor Rea:

To enter into an Executive Session, pursuant to MRSA Title 1, Section 405 (6) (C), to discuss Acquisition 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 9:50pm and ended at 10:12pm.

**VOTE (212-2018)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the Maine Association of Police – Patrol Unit.  
Passed - Vote 7-0

Executive Session began at 10:12pm and ended at 10:28pm.

**VOTE (213-2018)**

Motion by Councilor Marcotte, seconded by Councilor Beam:

To adjourn at 10:28P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine