

CITY OF LEWISTON

CITY COUNCIL

OCTOBER 1, 2019

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

COUNCILOR ALICIA REA, PRESIDING OFFICER PRO-TEM.

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

Mayor Cloutier was unable to attend the meeting due to a scheduling conflict. The Council conducted an election for a Presiding Officer Pro-Tem to facilitate the meeting. The City Clerk opened for floor for nominations.

It was moved by Councilor Lysen, seconded by Councilor Pettengill to nominate Councilor Rea to serve as Presiding Officer Pro-Tem. No other nominations were presented and the City Clerk then closed nominations.

VOTE (229-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To elect Councilor Rea to serve as the Presiding Officer Pro-Tem for this evening's meeting.
Passed - Vote 6-0

Pledge of Allegiance to the Flag.

PUBLIC COMMENT PERIOD

Peter Rubin representing Grow LA introduced their program for the "Museum in the Streets", a walking museum of signs around the City highlighting historical and significant buildings.

ORDER AUTHORIZING EXECUTION OF A MUNICIPAL QUITCLAIM DEED FOR REAL ESTATE LOCATED AT 9 AVALON STREET

VOTE (230-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 9 Avalon Street:

Whereas, the owners, Heirs of Annette G. Dube, failed to pay their bills on a timely basis for 9 Avalon Street (Tax Map 150, Lot 300, Parcel 00-003069); and

Whereas, a tax lien was filed on June 17, 2011 (Book 8180 Page 286) and matured on December 17, 2012 in the amount of \$1,712.73; and

Whereas, a tax lien was filed on June 13, 2012 (Book 8417 Page 98) and matured on December 13, 2013 in the amount of \$1,724.02; and

Whereas, a tax lien was filed on June 19, 2013 (Book 8699 Page 193) and matured on December 19, 2014 in the amount of \$1,718.26; and

Whereas, a tax lien was filed on June 18, 2014 (Book 8934 Page 85) and matured on December 18, 2015 in the amount of \$1,764.31; and

Whereas, a tax lien was filed on June 14, 2017 (Book 9616 Page 232) and matured on December 14, 2018 in the amount of \$1,707.53; and

Whereas, a tax lien was filed on June 21, 2018 (Book 9865 Page 139) and will mature on December 21, 2019 in the amount of \$2,132.06; and

Whereas, a tax lien was filed on June 19, 2019 (Book 10106 Page 264) and will mature on December 19, 2020 in the amount of \$2,189.08; and

Whereas, a sewer lien was filed on October 6, 2017 (Book 9702 Page 276) and matured on April 6, 2019 in the amount of \$119.19; and

Whereas, a storm water lien was filed on March 19, 2018 (Book 9803 Page 82) and matured on September 19, 2019 in the amount of \$92.30; and

Whereas, a water lien was filed on March 19, 2018 (Book 9803 Page 36) and matured on September 19, 2019 in the amount of \$163.96; and

Whereas, a sewer lien was filed on March 19, 2018 (Book 9803 Page 14) and matured on September 19, 2019 in the amount of \$151.04; and

Whereas, a storm water lien was filed on August 30, 2018 (Book 9921 Page 306) and will mature on March 1, 2020 in the amount of \$97.50; and

Whereas, a storm water lien was filed on March 22, 2019 (Book 10050 Page 265) and will mature on September 22, 2020 in the amount of \$96.66; and

Whereas, a storm water lien was filed on August 22, 2019 (Book 10161 Page 343) and will mature on February 22, 2021 in the amount of \$97.88; and

Whereas, payment will be received in full at closing;

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 9 Avalon Street to the new owner.

Passed - Vote 6-0

APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY BOARD OF COMMISSIONERS

VOTE (231-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To confirm the Mayor's nomination and to appoint the following resident as a member of the Board of Commissioners of the Lewiston Housing Authority:

Jonathan Hussey, 571 Pond Road, term to expire Sept. 17 2021

Passed - Vote 6-0

PUBLIC HEARING ON A RELOCATION APPLICATION FOR A LIQUOR LICENSE FOR LRI, INC. D/B/A WINNERS CIRCLE OTB TO 12 MOLLISON WAY

Councilor Rea opened the hearing to receive public input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing.

VOTE (232-2019)

Motion by Councilor Lajoie, seconded by Councilor Beam:

To authorize the City Clerk's Office to approve a relocation liquor license application for LRI, Inc. d/b/a Winners Circle OTB to 12 Mollison Way. Passed - Vote 6-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE PUB AT BAXTER BREWING, 120 MILL STREET

Councilor Rea opened the hearing to receive public input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing.

VOTE (233-2019)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To grant a Special Amusement Permit for live entertainment to The Pub at Baxter Brewing, 120 Mill Street. Passed - Vote 6-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR AGORA GRAND EVENT CENTER, 220 BATES STREET

Councilor Rea opened the hearing to receive public input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing.

VOTE (234-2019)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To grant a Special Amusement Permit for live entertainment to Agora Grand Event Center, 220 Bates Street. Passed - Vote 6-0

PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR LEWISTON RECREATION DIVISION, 65 CENTRAL AVENUE

Councilor Rea opened the hearing to receive public input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing.

VOTE (235-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To grant a Special Amusement Permit for live entertainment to Lewiston Recreation Division, 65 Central Avenue. Passed – Vote 6-0

PUBLIC HEARING ON APPLICATION TO CONDUCT PARI-MUTUEL WAGERING AT AN OFF-TRACK BETTING FACILITY FOR LRI, INC., D/B/A WINNERS CIRCLE OTB AND LEWISTON RACEWAYS, 12 MOLLISON WAY

Councilor Rea opened the hearing to receive public input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing.

VOTE (236-2019)

Motion by Councilor Lajoie, seconded by Councilor Beam:

To authorize the City Clerk’s Office to approve an application to conduct Pari-Mutuel Wagering at an Off-Track Betting Facility for LRI, Inc. d/b/a Winners Circle OTB and Lewiston Raceways, 12 Mollison Way. Passed - Vote 6-0

ORDINANCE AMENDING CHAPTER 54 OF THE CODE OF ORDINANCES – PARKS AND RECREATION – PROHIBITING THE USE OF TOBACCO PRODUCTS IN CITY PARKS, PLAYGROUNDS, AND ATHLETIC FIELDS

Councilor Rea opened the hearing to receive public input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing.

VOTE (237-2019)

Motion by Councilor Lajoie, seconded by Councilor Pettengill:

To approve final passage of the Ordinance, Amending Chapter 54 of the Code of Ordinances – Parks and Recreation – Prohibiting the Use of Tobacco Products in City Parks, Playgrounds, and Athletic Fields. Passed - Vote 6-0

ORDINANCE, AMENDING CHAPTER 14, ANIMALS, ARTICLE IX, PUBLIC LANDS, PARKS AND PLAYGROUNDS: CONROL OR PROHIBITION OF DOMESTIC ANIMALS – CLARIFYING AREAS WHERE LEASHES ARE REQUIRED AND WHERE DOMESTIC ANIMALS ARE PROHIBITED

Councilor Rea opened the hearing to receive public input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing.

VOTE (238-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve final passage of the amendment to Chapter 14, Animals, Article IX, Public Lands, Parks and Playgrounds: Control or Prohibition of Domestic Animals – Clarifying Areas Where Leashes are Required and Where Domestic Animals are Prohibited. Passed - Vote 6-0

ORDINANCE, ADOPTING A NEW CHAPTER 18, ARTICLE VI TO THE CODE OF ORDINANCES – REGISTRATION REQUIREMENT FOR MULTI-FAMILY BUILDINGS

Councilor Rea opened the hearing to receive public input and comment. No members of the public spoke for or against this issue. Councilor Rea then closed the hearing. Councilor Marcotte pointed out the letter received from Stanley Hinds of Greene who owns properties in Lewiston and is opposed to the proposed ordinance. Councilor Marcotte stated that he shares some of Mr. Hinds’ concerns but also stated that some are unfounded based upon the work and research of the Rental Registration committee. He noted the Committee which is made up of citizens and staff has endorsed the ordinance language 11- 0.

VOTE (239-2019)

Motion by Councilor Lysen, seconded by Councilor Beam:

To approve the final passage of the Ordinance, Adopting a New Chapter 18, Article VI to the Code of Ordinances – Registration Requirement for Multi-Family Buildings.
Passed - Vote 6-0

PUBLIC HEARING AND FIRST PASSAGE FOR THE CONDITIONAL REZONING OF THE PROPERTY AT 209 WEBSTER STREET FROM THE NEIGHBORHOOD CONSERVATION “A” (NCA) DISTRICT TO THE OFFICE RESIDENTIAL (OR) DISTRICT

City Planner Doug Greene provided background on this item, noting the project proposal involves a 25 unit complex for residents 55 years of age or older and objectives match the Comprehensive Plan. This agenda item is not to approve the project itself but just the zoning for such a project. He said the City hosted a neighborhood meeting in September on this proposal and concerns raised involved traffic access and stormwater run-off. Councilor Rea opened the hearing to receive public input and comment. Louis Ouellette, property owner, said there are 21 acres on this parcel and he is planning to develop it. He said under current zoning, he could build 12-15 single family houses on this land. Diane Derocher, 10 Moody Street, presented a petition with 161 signatures that is against the rezoning. Judith Williams, 38 Hemlock Street, spoke about concerns with loss of trees, protection of wildlife, soil erosion, harm to the environment and loss of nature if this project moving forward. Pauline Gudas of 6 Raymond Avenue said the proposal is for a two story building and the first floor will have garage space, noting it is not a nursing home or assisted living but independent living. She noted the developer is not asking

for a TIF and is providing housing options for an underserved population. Councilor Rea then closed the hearing.

VOTE (240-2019)

Motion by Councilor Lysen, seconded by Councilor Pettengill:

To approve First Passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 209 Webster Street from the Neighborhood Conservation “A” (NCA) District to the Office Residential (OR) District, subject to a conditional agreement and to continue the public hearing for final passage to the next regularly scheduled City Council meeting. Did Not Pass - Vote 0-6

**ADOPTION OF A NEW CITY POLICY REGARDING THE LEWISTON AREA
PUBLIC HEALTH COMMITTEE**

VOTE (241-2019)

Motion by Councilor Lysen , seconded by Councilor Lajoie:

To adopt and establish a new City Policy, Policy Number 17 – Lewiston Area Public Health Committee Constitution and Bylaws. Passed - Vote 6-0

APPOINTMENTS OF MEMBERS TO THE PUBLIC HEALTH COMMITTEE

VOTE (242-2019)

Motion by Councilor Lysen, seconded by Councilor Beam:

To appoint the following members to the Lewiston Auburn Public Health Committee:

Corrie Brown, community organization representative – expires Dec. 31, 2021
Elizabeth Keene and Vicky Wiegman, public health expert – expires Dec. 31, 2021
Lynsay Henry, Henoc Ngoy, Abdulkerium Said and William Wallace – area residents – expire Dec. 31, 2019. Passed - Vote 6-0

**ORDER AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN
AGREEMENT WITH CONSOLIDATED COMMUNICATIONS AND CENTRAL
MAINE POWER – MISCELLANEOUS POLE ATTACHMENTS**

VOTE (243-2019)

Motion by Councilor Marcotte, seconded by Councilor Pettengill:

To approve the Order, Authorizing the City Administrator to execute an Agreement with Consolidated Communications and Central Maine Power – Miscellaneous Pole Attachments:

Whereas, the City has been approached with a request to install banners on Pine Street and potentially in other areas within the tree street neighborhood; and

Whereas, the City Council is supportive of this request; and

Whereas, utility poles in this area are predominantly owned by private utilities that require an agreement in order to allow such installations; and

Whereas, the appropriate agreement has been provided by the utilities and is acceptable to City staff;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is authorized to execute the attached Pole Attachment Agreement for Miscellaneous Attachments with Consolidated Communications of Northern New England Company LLC and Central Maine Power Company.

Passed - Vote 6-0

ORDER AUTHORIZING THE CITY ADMINISTRATOR TO ISSUE A LETTER OF NO OBJECTION TO BATES COLLEGE TO INSTALL AND MAINTAIN FIBER OPTIC LINES UNDERGROUND IN THE RUSSELL STREET RIGHT OF WAY

Councilor Rea recused herself from this agenda item citing a conflict of interest with her employer. Councilor Lysen presided over this agenda item.

VOTE (244-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

To approve the Order, Authorizing the City Administrator to issue a Letter of No Objection to Bates College to install and maintain fiber optic lines underground in the Russell Street right of way:

Whereas, Bates College (Bates) approached the City seeking permission to maintain an existing fiber optic line and install a second fiber optic line underground, crossing Russell Street.

Whereas, the location of these installations would be under Bates street from their property at 110 Russell Street to their property on the south side of the street.

Whereas, Permission may be granted with Council Approval in the form of a letter of No Objection. This letter would have the following conditions:

- Bates will install the line consistent with Maine DOT's Utility Accommodation Policy Standards, including a minimum of 3 feet of cover.
- Bates understands that the installations may remain until such time that it interferes with the highway, utility or other related activities.
- Bates understands that upon notice of interference they may be asked to adjust, move or remove their installations.
- Bates may need to locate and mark of their installation for excavation purposes by other parties working in the right of way.
- Bates assumes all liability associated with damage to the highway or utilities done during installation, maintenance, adjustment or removal.

- Bates understands that all costs associated with installation, maintenance, adjustment, and removal of their installations will be the responsibility of Bates; and

Whereas, no permanent property rights or guarantees would be conveyed from the City or State to Bates.

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is authorized to issue a Letter of No Objection to Bates College to install and maintain fiber optic lines underground in the Russell Street right of way.

Passed - Vote 5-0 (Councilor Rea abstained)

AMENDMENT TO THE TRAFFIC SCHEDULE TO NO PARKING ON A PORTION OF NORTH TEMPLE STREET

Councilor Lajoie thanked the city staff for all of the work and compromises that went in to resolving the traffic situation in this neighborhood.

VOTE (245-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To approve amendments to the Traffic Schedule regarding No Parking on a portion of North Temple Street as outlined in the agenda material. Passed - Vote 6-0

ORDER APPROVING PLACEMENT OF POSITIVE SIGNAGE IN KENNEDY PARK

VOTE (246-2019)

Motion by Councilor Lysen, seconded by Councilor Beam:

To approve the placement of Positive Signage in Kennedy Park, by New Mainers Thrive and instruct Public Works to provide guidance on proper placement of the proposed signs.

Passed - Vote 6-0

ORDER CITY ASSUMING MAINTENANCE OF RECTANGULAR RAPID FLASHING BEACONS (RRFB) ON MAIN STREET ADJACENT TO THE CENTRAL MAINE MEDICAL CENTER CAMPUS

VOTE (247-2019)

Motion by Councilor Marcotte, seconded by Councilor Lajoie:

To approve the Order instructing Public Works to maintain and operate the RRFB warning system at the pedestrian crossing between 300 and 329 Main Street:

Whereas, On December 12, 1989 the City Council authorized Central Maine Medical Center (CMMC) to install and maintain an "On Demand" button to activate the flashing lights at the Maine Street pedestrian crossing. All costs were the responsibility of CMMC.

Whereas, this system has been in operation since its installation.

Whereas, early in 2019 components began to rapidly fail indicating that the 1989 system was at the end of its service life; and

Whereas, in consultation with Public Works, CMMC install a set of 3 coordinated, modern Rectangular Rapid Flashing Beacons; and

Whereas, this RRFB installation serves more than just CMMC employees, is a safety device on an Arterial Highway and PW-Street Light Division is equipped and manages several of these installation throughout the City; and

Whereas, CMMC has requested that the city take ownership and manage maintenance of this of the RRFB system.

Now, therefore, be it ordered by the City Council of the City of Lewiston that Public Works will maintain and operate the RRFB warning system at the pedestrian crossing between 300 and 329 Main Street.

Passed – Vote 6-0

RESOLVE APPROVING TWO CHANGES TO THE NONUNION EMPLOYEE PAY SCALE

VOTE (248-2019)

Motion by Councilor Beam, seconded by Councilor Pettengill:

To approve the Resolve approving two changes to the Nonunion Employee Pay Scale:

Whereas, the City desires to offer employees competitive promotional opportunities; and

Whereas, currently there is a compression in the salary differential between the public safety second in command positions and the positions immediately below them; and

Whereas, typical policy provides for at least a 5% gap between supervisory roles; and

Whereas, factoring in other contractually related pay and benefits, positions serving immediately below the Assistant Fire Chief and Deputy Police Chief provide for a higher level of pay;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the following changes are hereby made to the Nonunion Employee Pay Scale:

1. The positions of Deputy Police Chief and Assistant Fire Chief are moved from grade level 11 to grade level 12.
2. Grade level 13 is adjusted to reflect an even 5% increment above grade level 12, with an approximate adjustment of .68%

Passed - Vote 6-0

ORDER APPROVING A RETIRE-REHIRE PROGRAM FOR NONUNION EMPLOYEES

VOTE (249-2019)

Motion by Councilor Lajoie, seconded by Councilor Pettengill:

To approve the Order approving a Retire-Rehire Program for Nonunion Employees:

Whereas, the City desires to offer employees competitive promotional opportunities and follow best practices for succession planning, especially given the tight labor market; and

Whereas, currently, three of the City's bargaining units offer retire-rehire programs and a fourth unit's program recently expired but has active participants; and

Whereas, the program affords the City the opportunity to retain employees while realizing a slight cost savings and with a specific focus on public safety senior management; and

Whereas, the proposed program allows for retired non-union employees to be rehired on the 1st day of the following retirement at 95% of their former salary in lieu of forgoing a health insurance retirement bridge, a 90-day notice bonus, and other unique retirement benefits available to employees of various other bargaining units; and

Whereas, given the current practice of hiring department heads via contract, there will be no additional limitations on the length of time such retired employees may continue in city service; and

Whereas, retired-rehired employees would carryforward the unpaid balance of their sick time and continue accruing time but would be prohibited from having a second cash-out of their sick time balance at the end of their time in service; and

Whereas, the proposed program would provide an employer match of up to 6% into a deferred compensation plan and fund the MEPERS retire-rehire contribution rate, currently set at 5%; and

Whereas, retired-rehired employees will receive the same benefits offered to other nonunion employees;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the Finance Director is hereby authorized to establish a Retire-Rehire Program for nonunion employees who are eligible to retire under MEPERS in accordance with the principles outlined above.

Passed - Vote 6-0

REPORTS AND UPDATES

Councilor Rea reported the School Committee met on Sept. 23 and discussed a new program of coding instruction at all grade levels. The City Administrator stated the City received a \$4.6 million federal lead abatement grant and the Secretary of HUD stated it was one of the strongest

applications submitted. The City Clerk announced that absentee ballots are available starting on Friday.

OTHER BUSINESS

No other business was presented at this time.

EXECUTIVE SESSION

VOTE (250-2019)

Motion by Councilor Lysen, seconded by Councilor Lajoie:

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

Executive Session began at 8:25pm and ended at 8:46pm.

VOTE (251-2019)

Motion by Councilor Lajoie, seconded by Councilor Lysen:

To adjourn at 8:47 P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine