

CITY OF LEWISTON

CITY COUNCIL

MAY 19, 2020

REGULAR MEETING HELD REMOTELY VIA ZOOM AT 6:30 P.M.

THE HONORABLE MARK A. CAYER, MAYOR, PRESIDING.

PRESENT: Mayor Cayer, Councilors Khalid, Pettengill, Rea, Lajoie, Jensen, Clement and Gelinias, City Administrator Edward Barrett and City Clerk Kathleen Montejo.

EXECUTIVE SESSION

VOTE (136-2020)

Motion by Councilor Clement, seconded by Councilor Khalid:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (C) to discuss an Economic Development issue 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 6:31pm and ended at 6:58pm.

Regular Meeting began at 7:00pm.

UPDATE ON CITY ACTIONS REGARDING COVID-19 PANDEMIC SITUATION AND CITY REOPENING PLAN

Deputy City Administrator Denis D'Auteuil reported there is an increase in cases within the immigrant community and city officials are working with the hospital and CDC to respond to the increases. Items being reviewed are housing needs for people who need to quarantine in isolation. City Hall is open by appointment only to service customers but many services are still being conducted via the phone, mail, internet, and drop box. Agenda item 6 tonight is a recommendation to waive fees for some businesses impacted by the pandemic.

VOTE (137-2020)

Motion by Councilor Lajoie, seconded by Councilor Khalid:

To dispense with the reading of the minutes of the meetings of May 5, 2020 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 & FINAL PASSAGE FOR RE-ZONING THE PROPERTIES AT 949 COLLEGE STREET, 2 EAST MERRILL ROAD, 4 EAST MERRILL ROAD, 6 EAST MERRILL ROAD, 8 EAST MERRILL ROAD, 10 EAST MERRILL ROAD AND PORTIONS OF 1 EAST MERRILL ROAD, 3 EAST MERRILL ROAD AND 5 EAST MERRILL ROAD FROM THE RURAL AGRICULTURE (RA) DISTRICT TO THE

LOW-DENSITY RESIDENTIAL (LDR) DISTRICT

Mayor Cayer 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 (138-2020)

Motion by Councilor Rea, seconded by Councilor Jensen:

That the proposed amendment to re-zone the properties at 949 College Street, 2 East Merrill Road, 4 East Merrill Road, 6 East Merrill Road, 8 East Merrill Road, 10 East Merrill Road and portions of 1 East Merrill Road, 3 East Merrill Road and 5 East Merrill Road from the Rural Agriculture (RA) District to the Low-Density Residential (LDR) District, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND ORDER DIRECTING CONSOLIDATION OF POLLING LOCATIONS FOR THE JULY 14, 2020 STATE AND MUNICIPAL ELECTION

Mayor Cayer 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 (139-2020)

Motion by Councilor Clement, seconded by Councilor Gelinas:

To adopt the Order to Consolidate the Polling Locations for the July 14, 2020 election:

Whereas, we are currently being impacted by the COVID-19 global public health pandemic; and

Whereas, two of the regular polling places, the Lewiston Armory and The Green Ladle Culinary Arts building on the Lewiston High School campus, are currently in use for COVID-19 related programs and may not be available for voting on July 14, 2020; and

Whereas, as a result of the pandemic, the necessary number of citizens needed to adequately staff all seven polling places, usually 150 workers, will be difficult to achieve due to concerns for personal health and safety; and

Whereas, due to similar concerns, many voters are planning to vote by absentee ballot instead of going to the polls; and

Whereas, the majority of ballot questions for this election pertain to political party primaries and school budget adoption, both of which are traditionally fairly low turnout elections, with past five-election average voter participation rates of 7 to 18% and 2.3 to 4.3% respectively; and

Whereas, the Maine Governor has waived the requirements in state law regarding the usual absentee ballot order deadline of four days before an election and is now requiring absentee ballots be available from June 15 through 8 pm on July 14, thereby requiring the City Clerk's Office to be a location to cast an absentee ballot on election day, a service not usually available to all voters under state law; and

Whereas, Longley School serves as the usual voting place for three out of the seven wards during a regular election; and

Whereas, Longley School serves as the designated citywide polling place for many elections such as the School Budget Validation Election, Mayoral Run-Off Election and is therefore a well-known location for voters;

Now, Therefore, Be It Ordered that, after conducting a public hearing to receive citizen input and comment held on May 19, 2020, the Municipal Officers, in accordance with Title 21-A, MRSA, section 631, subsection 1, approve the Certificate of Consolidation of Voting Places, consolidating the City’s current seven voting locations into one master polling location for the July 14, 2020 state and municipal election;

Be It Further Ordered that the Longley School, located at 145 Birch Street, Lewiston, Maine, is hereby designated as the voting place for the consolidated voting district; and

Be It Further Ordered that this Order is contingent upon approval from the State of Maine Governor and/or the Maine Secretary of State; and

Be It Further Ordered that this Certificate be recorded with the City Clerk and that she immediately file an attested copy with the Secretary of State’s Office, in accordance with Title 21-A, section 631, subsection 1.

Passed - Vote 5-2 (Councilors Rea and Khalid opposed)

ORDER, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LEWISTON AND THE GARCELON CEMETERY ASSOCIATION

VOTE (140-2020)

Motion by Councilor Jensen, seconded by Councilor Clement:

To approve the Order, Authorizing the City Administrator to execute a Memorandum of Agreement between the City of Lewiston and the Garcelon Cemetery Association:

Whereas, the Garcelon Cemetery is an historic ancient burying ground; and

Whereas, for many years, it has been maintained by the Garcelon Cemetery Association; and

Whereas, the membership of this Association is declining and its finances are limited; and

Whereas, given that the City of Lewiston owns a portion of the cemetery and the number of veterans interred at this location, the Association has asked the City to assume routine maintenance responsibilities so that the Association could focus its efforts on improvements, including the repair and restoration of headstones; and

Whereas, after a number of discussions at workshop settings, the City Council has indicated its

agreement to do so and directed staff to develop a partnership agreement with the Association; Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to execute a Memorandum of Agreement between the City of Lewiston and the Garcelon Cemetery Association in a form substantially as attached hereto.

Passed - Vote 7-0

**RESOLVE, AUTHORIZING THE ACCEPTANCE OF A PUBLIC ART
INSTALLATION TO BE LOCATED ON CITY OWNED PROPERTY IN OR
ADJACENT TO THE LEWISTON CANAL SYSTEM**

VOTE (141-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Resolve, Authorizing the Acceptance of a Public Art Installation to be located on city owned property in or adjacent to the Lewiston Canal System:

Whereas, in January 2019, the LA Metro Chamber of Commerce and L/A Arts, with formal support from both the City of Lewiston and the City of Auburn, were awarded a Maine Arts Commission grant for \$75,000 to support the implementation of Cultural Plan LA, a plan approved by both cities in 2016; and

Whereas, the intent of this grant was to “utilize arts and culture to spur economic development and enhance LA’s image to attract residents, tourism, and new investment” and to “further the position of arts and culture in local government;” and

Whereas, one element of the implementation plan is to select and install a piece of public art in both Lewiston and Auburn; and

Whereas, the public art working group established to guide the implementation effort has solicited and received proposals for the public art piece to be located in Lewiston and has made a recommendation to the Council as to the artwork to be accepted; and

Whereas, this work is fully funded through the grant and no local matching funds are required; however, Public Works will be asked to provide some in-kind services during installation and the City will be assuming future maintenance responsibilities;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the recommendation of the public art working group of the artwork to be commissioned and installed in the City of Lewiston is hereby accepted and its installation in or adjacent to the Lewiston Canal system is hereby authorized. The City accepts future maintenance responsibilities for this work and the Council authorizes the Public Works Department to assist in its installation.

Passed - Vote 7-0

**RESOLVE, AUTHORIZING CORRECTING AN ASSESSING ERROR ON THE
PROPERTY OWNED BY JAMES GOUPIL AT 56 JENKINS STREET INVOLVING**

THE HOMESTEAD EXEMPTION

VOTE (142-2020)

Motion by Councilor Rea, seconded by Councilor Clement:

To approve the Resolve, Authorizing Correcting an Assessing Error on the property owned by James Goupil at 56 Jenkins Street involving the homestead exemption:

Whereas, the City Clerk periodically informs the Assessor of any death certificates filed with her office so that he can use this information to cancel the homestead exemption; and

Whereas, without this process, the City would have no way of knowing if a homestead is or is not valid other than self-reporting, which most citizens would likely not realize they should do; and

Whereas, Mr. Goupil's homestead was incorrectly removed when the Assessor was informed of the death of Mr. Goupil's son of the same name; and

Whereas, since then, property tax bills have been addressed to the Heirs of James Goupil and not included the homestead; and

Whereas, Mr. Goupil became aware of this when he failed to receive a payment from the State Treasurer recently made to all Maine citizens who were receiving a homestead exemption; and

Whereas, he contacted the Assessor who, as allowed by state law, corrected Mr. Goupil's tax bill for this tax year; and

Whereas, state law permits the municipal officers to correct assessment errors for two additional tax year; and

Whereas, Mr. Goupil has requested such relief and has provided his explanations as to why he did not sooner recognize this error and bring it to our attention;

Now, therefore, be it resolved by the City Council of the City of Lewiston that Mr. Goupil's homestead was removed in error and he shall be reimbursed for the homestead exemption for fiscal years 2018 and 2019 in the respective amounts of \$498.76 and \$504.54.

Passed - Vote 7-0

RESOLVE, WAIVING CERTAIN FEES AND POLICES INVOLVING THE PUBLIC RIGHT OF WAY AND MUNICIPALLY OWNED PROPERTY AND ESTABLISHING A PROCEDURE TO ALLOW FOR THE USE OF PRIVATE PARKING AREAS FOR THE PURPOSE OF ASSISTING LEWISTON ORGANIZATIONS IN IMPLEMENTING SOCIAL DISTANCING

VOTE (143-2020)

Motion by Councilor Pettengill, seconded by Councilor Gelinias:

To approve the Resolve, Waiving Certain Fees and Policies involving the public right of way and municipally owned property and establishing a procedure to allow for the use of private parking areas for the purpose of assisting Lewiston organizations in implementing social distancing:

Whereas, the COVID-19 pandemic has resulted in the temporary closure of numerous public facing businesses and organizations such as restaurants and certain retail operations; and

Whereas, the Governor has advanced a plan that will lead to these organizations being allowed to reopen subject to meeting certain restrictions, such as limiting the number of patrons and visitors allowed in the premises and establishing social distancing arrangements; and

Whereas, these restrictions are likely to limit the number of people that will be able to be served; and

Whereas, it may be possible for certain organizations to serve additional visitors if they are able to incorporate outside areas into their operations; and

Whereas, organizations that own or control outside areas may currently be restricted from using them given zoning and site plan requirements; and

Whereas, these requirements can be temporarily lifted subject to presentation and implementation of a plan that ensures patron safety when using these areas; and

Whereas, not all affected organizations have access to such privately controlled areas, particularly in denser sections of the city such as downtown Lewiston; and

Whereas, in those areas, it may be possible for operations to be expanded into adjacent city owned, managed, or maintained rights of way or open spaces; and

Whereas, while emergency operating restrictions continue, the City desires to support local businesses and other community organizations by working with them where possible to allow for the use of publicly owned or controlled areas;

Now, therefore, be it resolved by the City Council of the City of Lewiston that while organizations will continue to be required to obtain a permit from the city for the use of city sidewalks, streets, parking spaces, and public open spaces for purposes directly related to that organization's normal operations, and to abide by the restrictions and requirements of such permits, fees for the use and occupancy of such spaces are hereby waived, such waiver to remain in effect until ten (10) days following the lifting of all social distancing restrictions related to the COVID-19 pandemic or until November 1, 2020, whichever occurs first. In addition, organizations wishing to use municipal sidewalks or rights of way, including parking spaces, located near but not directly adjacent to their property, may be allowed to do so subject to a showing that permission has been granted by the owner or lessee of the property abutting the municipal space the organization wishes to occupy. Such organizations may also be permitted to occupy nearby municipal open spaces.

Be it Further Resolved, that

A staff committee composed of the City Administrator, Public Works Director, and Director of Planning and Code Enforcement or their designees is hereby authorized to review and approve or deny permits for the use of such municipal space or receive permits for these purposes. In addition, this Committee is hereby authorized to approve:

- the closure of certain streets to allow for those streets to be occupied and used for the purposes outlined above.
- the use of on-site open space or parking spaces normally used to meet Zoning and Land Use parking requirements to serve patrons, subject to presentation of a plan showing how this can be done safely.

Permissions granted by this committee may be revoked at any time should the operation violate any permit or use restrictions or operate in such a manner as to negatively impact the public or other adjacent property owners or create a hazard to public safety. The decisions of this Committee may be appealed to the City Clerk.

Passed – Vote 7-0

RESOLVE, ASKING THE GOVERNOR OF THE STATE OF MAINE TO RE-OPEN ANDROSCOGGIN COUNTY

Members of the public spoke regarding this Resolve: Patti Gagne spoke in support noting the Governor’s Order to close is infringing on the rights of businesses to operate. Linda Scott is opposed to the resolve saying the county has community spread and seeing an increase in cases Kristen Cloutier encouraged the Council to be careful, thoughtful and informed when making decisions such as this that can impact so many residents. She noted there is community transmission in four out of sixteen states. Steven Bannister spoke in support of the resolve saying that 85% of the people who get it never knew they had it and it is time to move the local economy forward.

VOTE (144-2020)

Motion by Councilor Clement, seconded by Councilor Pettengill:

To approve the Resolve asking the Governor of the State of Maine to Re-Open Androscoggin County:

Whereas, the City of Lewiston is currently under a gubernatorial quarantine as a result of the COVID-19 pandemic; and

Whereas, said quarantine is adversely affecting not only the economy, but also the ability of its citizens to work and their ability to maintain Maine’s quality of life, thereby damaging not only the economy but also the mental health and well-being of our residents; and

Whereas, The State of Maine is the only state in New England to not be tabulating or quantifying data on a daily basis, and this is leading to the inability to accurately analyze epidemiological trends; and

Whereas, the City of Lewiston and Androscoggin County would appear to be in the same

statistical position to proceed with re-opening its community alongside the other Maine counties where restrictions have been lessened; and

Whereas, it has become apparent that residents of the City of Lewiston and Androscoggin County are now routinely travelling to those areas that have seen a relaxation to obtain goods and services that cannot be obtained under the current restrictions locally; and

Whereas, there are prophylactic strategies that will mitigate COVID-19 without having to shut down the economy and quarantine the healthy; and

Whereas, to include Androscoggin County in the group of restricted counties is not rationally related to a virus that does not recognize geographical borders;

Now, Therefore, We, the City Council of the City of Lewiston, in regular session, hereby respectfully ask the Governor of the State of Maine, the Honorable Janet T. Mills, to reconsider her recent decision to include Lewiston and Androscoggin County in the four county group that remains subject to the strictest regulations; and

We strongly recommend that virus testing be expanded as rapidly as possible and all recommended data be reported as frequently as suggested by the Federal CDC so as to maximize the information available for analysis; and

We ask that Governor Mills direct the Maine CDC to follow their peers and begin to release data of confirmed COVID-19 cases by town or city, and to communicate with local officials and work with them as a team; and

We ask that Governor Mills consider making any quarantine a voluntary action that will neither force any business to remain closed or require any to be open; and

We ask that businesses that choose to open be allowed to do so under current “best practice” guidelines of those promulgating public health advisories; and

We ask that the force of law concerning the quarantine restrictions be immediately removed; and We strongly recommend that those persons at highest risk, namely those of advanced age and/or living in congregate settings and/or possessing known co-morbidity factors, be readily afforded such assistance as will help them to mitigate exposure; and

Finally, we believe Maine people are resolute and possess the necessary knowledge, will and drive to pick up the pieces responsibly, thereby starting the all-important task of re-building our economy, which will contribute to our citizens’ economic and mental health and well-being and allow us to once again become “The Great State of Maine.”

Did Not Pass - Vote 2-5 (Clement and Pettengill in favor, others opposed)

ORDER, AUTHORIZING EXECUTION OF MUNICIPAL QUITCLAIM DEEDS FOR REAL ESTATE LOCATED AT 42 RAICHE STREET AND 186 BARTLETT STREET

VOTE (145-2020)

Motion by Councilor Rea, seconded by Councilor Khalid:

To approve the Orders authorizing execution of municipal quitclaim deeds for real estate located at 42 Raiche Street and 186 Bartlett Street:

Whereas, the owner, Gerald H. Doyer, failed to pay his bill on a timely basis for 42 Raiche Street (Tax Map 168, Lot 124, Parcel 00-002974); and

Whereas, a tax lien was filed on June 21, 2018 (Book 9865 Page 133) and matured on December 21, 2019 in the amount of \$158.72; 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 42 Raiche Street to the owner.

Whereas, the owners, Tanya and Greg Burt, failed to pay their bills on a timely basis for 186 Bartlett Street (Tax Map 196, Lot 143, Parcel 00-007719); and

Whereas, a water lien was filed on August 29, 2013 (Book 8760 Page 85) and matured on February 28, 2015 in the amount of \$133.18; and

Whereas, a sewer lien was filed on August 29, 2013 (Book 8760 Page 187) and matured on February 28, 2015 in the amount of \$196.14; 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 186 Bartlett Street to the owner.

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Rea reported there was a School Committee meeting last night and they will be holding a graduation forum on Zoom to discuss various options for the seniors. They also reviewed the high school expansion project for the new wing and a teacher evaluation program.

OTHER BUSINESS

No other business was presented at this time.

VOTE (146-2020)

CITY COUNCIL

MAY 19, 2020

Motion by Councilor Clement, seconded by Councilor Rea:

To adjourn at 9:07P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine