

CITY OF LEWISTON

CITY COUNCIL

APRIL 9, 2020

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

Note –This meeting was originally scheduled for April 7, 2020 but due to some technical difficulties, was moved to April 9, 2020. This meeting was conducted remotely and members only participated electronically.

THE HONORABLE MARK A. CAYER, MAYOR, PRESIDING.

PRESENT: Mayor Cayer, Councilors Khalid, Pettengill, Rea, Lajoie, Jensen, Clement and Gelinas, City Administrator Edward Barrett and City Clerk Kathleen Montejo. It was noted that Councilor Lajoie does not have power at home so it working to access the meeting.

UPDATE ON CITY ACTIONS REGARDING COVID-19 PANDEMIC SITUATION AND RELATED CITY ACTIONS

Denis D’Auteuil, Deputy City Administrator, noted the Governor issued the statewide Stay at Home Order on April 2. As such, City Hall is closed to in-person customers but staff are working so traditional City Hall services are still available via mail, drop box, email, online, phone, fax, etc. with Public Works and Public Services at full staffing and providing those needed services as well. The City website has been updated to include several videos about COVID-19 in various languages. The bus station is closed and buses are having riders sit several seats apart to encourage social distancing. The Solid Waste Facility is open Monday, Wednesday and Friday. Schools are closed for the remainder of the year. City staff are working with local non-profits and state officials to address the issue of establishing some homeless shelters.

VOTE (98-2020)

Motion by Councilor Rea, seconded by Councilor Clement:

To dispense with the reading of the minutes of the meeting of March 17, 2020 and to accept and place them on file as prepared by the City Clerk.

Passed - Vote 7-0 (Councilor Lajoie absent, Mayor cast a vote in his absence.)

PUBLIC COMMENT PERIOD

No members of the public offered comment at this time.

ORDER AUTHORIZING EXECUTION OF MUNICIPAL QUITCLAIM DEEDS FOR REAL ESTATE LOCATED AT 53 MORSE AVENUE AND 64 PETTINGILL STREET

VOTE (99-2020)

Motion by Councilor Jensen, seconded by Councilor Gelinas:

To approve the Orders authorizing execution of municipal quitclaim deeds for real estate located at 53 Morse Avenue and 64 Pettingill Street:

53 MORSE AVENUE

Whereas, the owners, Lynn A. and Jacqueline A. Leger, failed to pay their bills on a timely basis for 53 Morse Avenue (Tax Map 91, Lot 163, Parcel 00-005594); and

Whereas, a tax lien was filed on June 17, 2011 (Book 8181 Page 98) and matured on December 17, 2012 in the amount of \$1,662.24; and

Whereas, a tax lien was filed on June 13, 2012 (Book 8417 Page 250) and matured on December 13, 2013 in the amount of \$1,672.78; and

Whereas, a tax lien was filed on June 19, 2013 (Book 8699 Page 339) and matured on December 19, 2014 in the amount of \$1,666.98; and

Whereas, a tax lien was filed on June 18, 2014 (Book 8934 Page 248) and matured on December 18, 2015 in the amount of \$1,711.76; and

Whereas, a tax lien was filed on June 23, 2015 (Book 9165 Page 46) and matured on December 23, 2016 in the amount of \$1,726.29; and

Whereas, a tax lien was filed on June 16, 2016 (Book 9386 Page 333) and matured on December 16, 2017 in the amount of \$1,769.28; and

Whereas, a tax lien was filed on June 14, 2017 (Book 9616 Page 92) and matured on December 14, 2018 in the amount of \$1,652.83; and

Whereas, a tax lien was filed on June 21, 2018 (Book 9865 Page 237) and matured on December 21, 2019 in the amount of \$1,559.53; and

Whereas, payment was received in full totaling \$13,421.69;

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 53 Morse Avenue to the owner.

64 PETTINGILL STREET

Whereas, the owners, Douglass F. Doucette Heirs, failed to pay their bills on a timely basis for 64 Pettingill Street (Tax Map 193, Lot 105, Parcel 00-002948); and

Whereas, a tax lien was filed on June 21, 2018 (Book 9865 Page 131) and matured on December 21, 2019 in the amount of \$1,832.73; 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 64 Pettingill Street to the owner.

Passed - Vote 7-0 (Councilor Lajoie absent, Mayor cast a vote in his absence.)

RESOLVE AUTHORIZING THE CITY ADMINISTRATOR TO ISSUE A LETTER OF NO OBJECTION TO BATES COLLEGE TO INSTALL AND MAINTAIN AN ELECTRICAL DUCT BANK UNDERGROUND IN THE BARDWELL STREET RIGHT OF WAY

Councilor Rea cited a conflict of interest with her employer regarding this item and recused herself.

VOTE (100-2020)

Motion by Councilor Jensen, seconded by Councilor Gelinias:

To approve the Order, Authorizing the City Administrator to issue a Letter of No Objection to Bates College to install and maintain an electrical duct bank undergrounds in Bardwell 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 Russel 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 MaineDOT’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 6-0-1 (Councilor Lajoie absent, Mayor cast a vote in his absence; Councilor Rea abstained.)

PUBLIC HEARING ON PROPOSED FY21 MUNICIPAL BUDGET

The Mayor opened the Public Hearing to allow members of the public to comment on the proposed FY21 municipal budget. No comments were received in advance, via email, letter or telephone. The Mayor then closed the hearing. The City Administrator noted he is working on details for proposed budget adjustments due to the pandemic situation.

Councilor Lajoie was able to join the meeting at 7:23pm.

RESOLVE, ADJUSTING THE PENALTIES ESTABLISHED BY POLICY FOR THE RENTAL REGISTRATION ORDINANCE FOR FAILURE TO REGISTER – DELAYING PENALTIES UNTIL THE MONTH BEGINNING AT LEAST 30 DAYS AFTER THE EXPIRATION OF THE STATE OF EMERGENCY DECLARED BY THE GOVERNOR ON MARCH 15, 2020

VOTE (101-2020)

Motion by Councilor Gelinis, seconded by Councilor Clement:

To approve the Resolve, Adjusting the Penalties established by Policy for the Rental Registration Ordinance for failure to register – delaying penalties until the month beginning at least 30 days after the expiration of the State of Emergency declared by the Governor on March 15, 2020:

Whereas, the requirement that all three unit or larger multi-family rental properties be registered went into effect March 1, 2020; and

Whereas, the program, including the registration form and instructions, was rolled out in late January with buildings required to be registered by the end of February; and

Whereas, the penalties associated with failure to register that were initially to take effect in March were delayed until April given that is a new program and some stakeholders requested additional time to gather and submit the required information; and

Whereas, on March 15, the Governor declared a state of emergency in response to the threats posed by the COVID-19 virus; and

Whereas, this has limited city staff’s ability to monitor the implementation of this program, enter all applications received, and contact those who have not complied; at the same time, many of the owners of buildings that must be registered have been dealing with significant issues that they and their tenants are facing;

Whereas, given this situation, it is appropriate to further delay the imposition of penalties for failure to register;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the penalties associated for failing to register a multi-family building covered under the City’s Rental Registration program are hereby delayed until the month beginning 30 days after the expiration of the state of emergency declared by the Governor in response to the threat posed by COVID-

19. The monthly fines will escalate by month through February 2021 as outlined in the current fine schedule. The previously established fine schedule will be reinstated as of the month of March 2021.

Passed - Vote 7-0

ORDER, AUTHORIZING THE CITY ADMINISTRATOR TO SIGN A LETTER OF DONATION AND RELEASE OF AGENCY OBLIGATION FORM RELATED TO A SLOPE EASEMENT AT 94 RIVER ROAD

VOTE (102-2020)

Motion by Councilor Jensen, seconded by Councilor Khalid:

To approve the Order, Authorizing the City Administrator to sign a Letter of Donation and Release of Agency Obligation form related to a Slope Easement at 94 River Road:

Whereas, the City of Lewiston entered into an agreement with Maine DOT on June 5, 2013 for the design and construction of the “River Road Reconstruction” project (WIN: 011599.30) for the reconstruction of River road from Mount Hope Avenue to Razel Way; and

Whereas, the project design is complete and this project is funded and scheduled for construction in the summer of 2021; and

Whereas, the project design, as completed by the City of Lewiston, will require a permanent slope easement in order to reconstruct the rip rap ditch between River Rd and 94 River Rd (the City quarry); and

Whereas, per the agreement, MDOT is responsible for obtaining all temporary and permanent rights necessary for the construction and future maintenance of the project; and

Whereas, more recent project agreements include a provision that requires Lewiston to “dedicate permanently to the Project for public use any municipal property needed for the Project;” and

Whereas, this language is now standard in project agreements but was not at the time of the 11599.30 agreement and was not included; and

Whereas, an area of 945 SF on the 94 River Rd parcel, as highlighted on the attached Right of Way map, is necessary for construction of the project and future maintenance by the City of Lewiston; and

Whereas, the City of Lewiston will waive any rights to compensation for this slope easement;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is authorized to sign a Letter of Donation and Release of Agency Obligation form related to a slope easement at 94 River Road.

Passed - Vote 7-0

**ORDER, AUTHORIZING THE CITY ADMINISTRATOR TO SELL THE PROPERTY
LOCATED AT 1028 SABATTUS STREET**

VOTE (103-2020)

Motion by Councilor Rea, seconded by Councilor Clement:

To approve the Order Authorizing the City Administrator to sell the property located at 1028 Sabattus Street:

Whereas, on February 25, 2020, the City Council took possession of the property at 1028 Sabattus Street due to matured tax liens; and

Whereas, this property includes both land and an abandoned single family residence that is subject to condemnation; and

Whereas, since the City has no use for this property, the Planning Board recommended that the City dispose of it and the Finance Committee recommended that this be done through the formal bid process; and

Whereas, using this process, the City received a single bid for the property from Deblois Electric in the amount of \$10,000; and

Whereas, Deblois is planning to demolish the structure and develop a parking lot to support its business operations which are located immediately across Sabattus Street; and

Whereas, Given the dilapidated condition of the structure, the reality that it is a non-conforming residence on a commercially zoned property, and that this sale will avoid the necessity for the City to demolish the structure, staff recommends Council approval;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City Administrator is hereby authorized to sell the property located at 1028 Sabattus Street to Deblois Electric for \$10,000 subject to Deblois demolishing the existing single family residence on this property.

Passed - Vote 7-0

**RESOLVE, WAIVING INTEREST AND PENALTIES ON WATER, SEWER, AND
STORM WATER BALANCES DUE UNTIL JUNE 1, 2020**

VOTE (104-2020)

Motion by Councilor Gelinis, seconded by Councilor Clement:

To approve the Resolve waiving interest and penalties on water, sewer, and storm water balances due until June 1, 2020:

Whereas, The United States Center for Disease Control has recommended that measures designed to implement social distancing be adopted throughout the United States; and

Whereas, it has been further recommended that certain vulnerable elements of the population avoid public places and gatherings to protect themselves against the potential for serious complications should they become ill from the COVID-19 virus; and

Whereas, cycles of water, sewer, and storm water bills are due weekly; and

Whereas, some individuals may not be in an economic position to pay these bills due to undue hardships or have planned to pay these bills in person at City Hall and may be deterred from doing so due to this public health emergency;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the interest and penalties on water, sewer, and stormwater balances will be waived until June 1, 2020, on water, sewer and storm water bills.

Passed – Vote 7-0

ORDER, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH DENIS D’AUTEUIL TO SERVE AS CITY ADMINISTRATOR FOR THE CITY OF LEWISTON

VOTE (105-2020)

Motion by Councilor Rea, seconded by Councilor Clement:

To approve the Order, Authorizing the Mayor to execute an Agreement with Denis D’Auteuil to serve as City Administrator for the City of Lewiston:

Whereas, the current City Administrator has notified the City Council that he will be retiring on June 30, 2020, subject to the City Council appointing the subsequent City Administrator; and

Whereas, the City Council opened this position for applications from existing City employees; and

Whereas, the Council subsequently interviewed Deputy City Administrator D’Auteuil who expressed an interest in and submitted an application for consideration; and

Whereas, the City Council has determined that Mr. D’Auteuil possesses the knowledge, background, and experience to fulfil the duties of this position;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the Mayor is hereby authorized to execute an employment agreement with Denis D’Auteuil to serve as City Administrator for the City of Lewiston, said agreement to be substantially in the form as attached hereto and to be effective as of July 1, 2020.

Passed - Vote 7-0

ORDER, AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT WITH THE MAINE ASSOCIATION OF POLICE

VOTE (106-2020)

Motion by Councilor Rea, seconded by Councilor Gelinias:

To approve the Order, authorizing the City Administrator to execute a Collective Bargaining Agreement with the Maine Association of Police:

Whereas, The City has been in recent discussion with the Maine Association of Police, the bargaining agent for our Police Patrol unit; and

Whereas, during those discussions, the suggestion was made that the City and unit discuss a new labor agreement to go into effect on July 1, 2021, with limited issues to be negotiated and addressed; and

Whereas, as a result, the City's negotiators and union representatives have reached a tentative agreement on a three year contract covering the City's FY22 through FY24;

Now, therefore, be it ordered by the City Council of the City of Lewiston that the City administrator is hereby authorized to execute a three year collective bargaining agreement with the Maine Association of Police reflecting the attached terms and conditions.

Passed - Vote 7-0

REVIEW OF DRAFT COUNCIL PRIORITIES FOR 2020-2021

The City Administrator presented a summary of the draft set of goals the Council established at their retreat in February: Economic Development, Housing, Maintain Strong Relationships with School Committee and New Mainer community, Enhance Perceptions of Lewiston as a Safe Community, Improved Infrastructure, Place Making Enhancements, Upgrade Governmental Services, Employee Retention and Review of all citizen Boards and Committees.

REPORTS AND UPDATES

Councilor Rea reported the School Committee met on Monday night to review how graduation credits will be counted for seniors, the food service program is running thanks to the high volume of volunteers, and they are finalizing the school budget.

OTHER BUSINESS

Councilors Rea and Khalid both encouraged residents to fill out and submit the census forms, noting that accurate results are needed to bring resources to the community. The Mayor thanked the staff, Council and community for their work to support efforts to minimize the spread of the corona virus.

VOTE (107-2020)

Motion by Councilor Rea, seconded by Councilor Clement:

To adjourn at 7:56 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine