

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 21, 2023

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

THE HONORABLE CARL L. SHELINE, MAYOR, PRESIDING.

PRESENT: Mayor Sheline, Councilors Scott, McCarthy, Harriman, LaChapelle, Pease, Clement and Gelinas, City Administrator Heather Hunter and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.

LEWISTON LEADS PRESENTATION

Councilor LaChapelle recognized Yao “Alfrado” Aloegnikou with a Lewiston challenge coin. Mr. Aloegnikou is from Togo, West Africa and resided in a refugee camp for eight years. He immigrated to Lewiston in 2001. He has learned English, earned his GED and a bachelor’s degree. He speaks five languages and works 60 hours a week between both local hospitals as a medical technician. Councilor Gelinas honored Elaine St. Pierre, owner of Simply Organized Spaces. Ms. St. Pierre demonstrates the spirit of community via her many volunteer efforts and coordination of many fundraising programs. She is a board member of the Chamber of Commerce.

PUBLIC COMMENT PERIOD

Donna Gallant, Ward 7 and Chair of the Lewiston Senior Advisory Council, stated their new group meets monthly and they are working for the city to be designated as an Age Friendly Community. She encouraged the Council to look for options for affordable housing for seniors. Tim Gallant, 533 Webster St, said the lack of senior housing is a big hole in Lewiston noting nothing is available for seniors. He encouraged the Council to seek federal grant funds to help offset costs. Marcia Baxter, 22 Buttonwood Lane, is a LSAC member and encouraged the Council to retain Martel School which is a prime lot already owned by the city. Luke Jensen, Ward 5, urged the Council to use Martel School for senior housing, noting there is not enough in the community. He also noted during the last Council meeting, it was wrong of the Council to try to take the Mayor’s right to speak away and past elected officials respected the decision of the body in past matters and did not go to the media after the vote to express their disapproval of the outcome. He reminded them they need to act as one body, one voice and that transparency needs to be a priority moving forward. Louise Samson, 324 Pine Street, signed up to reside in the Martel School property when the Housing Authority was seeking interest from possible tenants. She said she was one of 1,600 that applied for the 44 units, noting the strong need for senior housing in the city.

PUBLIC HEARING ON APPLICATIONS FOR A NEW LIQUOR LICENSE AND SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE CAGE, 97-99 ASH STREET

Mayor Sheline 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 (58-2023)

Motion by Councilor McCarthy, seconded by Councilor Harriman:

To authorize the City Clerk’s Office to approve a new liquor license application and special amusement permit for The Cage, 97-99 Ash Street. Passed - Vote 7-0

**PUBLIC HEARING AND APPROVAL TO AMEND THE 2015-2019
CDBG CONSOLIDATED PLAN AND THE FFY19 ACTION PLAN**

Mayor Sheline 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 (59-2023)

Motion by Councilor Pease, seconded by Councilor Clement:

To conduct a Public Hearing and approve the Order, Amending the 2015-2019 CDBG Consolidated Plan and FFY19 Action Plan:

Whereas, in response to the COVID-19 emergency, Congress allocated \$731,897 in CDBG funds to Lewiston, which is known as CARES Act funding; and

Whereas, both the federal government and the City’s elected officials recognize the importance of allocating and using these funds to address immediate needs; and

Whereas, in order to do so, certain changes are necessary in the City’s currently adopted 2015-2019 CDBG Consolidated Plan and FFY19 Action Plan; and

Whereas, the proposed changes will also allow the City to continue to meet the applicable grant requirements;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that the amended 2015-2019 CDBG Consolidated Plan and FFY19 Action Plan are hereby approved.

Passed - Vote 7-0

**RECEIPT OF RECOMMENDATIONS FROM THE FINANCE COMMITTEE AND
THE PLANNING BOARD ON THE FY24 LEWISTON CAPITAL
IMPROVEMENT PLAN**

VOTE (60-2023)

Motion by Councilor McCarthy, seconded by Councilor Pease:

To receive and review the recommendations from the Finance Committee and the Planning Board regarding the FY24 Lewiston Capital Improvement Plan. Passed - Vote 7-0

**RESOLVE, ADOPTING THE FISCAL YEAR 2024 LEWISTON CAPITAL
IMPROVEMENT PLAN**

VOTE (61-2023)

Motion by Councilor Harriman, seconded by Councilor Pease:

That pursuant to Article VI, Section 6.06(e) of the City Charter, the City Council hereby approves the Resolve adopting the FY2024 City of Lewiston Five-Year Capital Improvement Program, as prepared by the City Administrator:

Whereas, the City Charter requires that a capital improvement program be prepared annually for review by the Planning Board, Finance Committee, and City Council, and be adopted by the City Council at least four months prior to the end of the current fiscal year; and

Whereas, the intent of such a program is to outline a five year plan to address the community's infrastructure and other capital improvement needs and, more specifically, to outline those projects anticipated for the coming year in advance of consideration of the annual budget; and

Whereas, adopting this plan will provide guidance to the Council and staff, but does not constitute formal authorization to proceed with the projects included, the funding for which must be separately authorized by the City Council;

Now, therefore, be It Resolved by the City Council of the City of Lewiston, that the FY2024 City of Lewiston Five-Year Capital Improvement Program is hereby adopted.

Passed - Vote 7-0

**ORDER, AUTHORIZING THE CONVEYANCE OF 65 OXFORD STREET REAR,
LEWISTON, MAINE TO CONTINENTAL MILL LLC IN EXCHANGE FOR AN
EASEMENT ON THE WESTERN EDGE OF THE CONTINENTAL MILL PROPERTY
UPON WHICH THE RIVERFRONT TRAIL WILL BE EXTENDED FROM SIMARD
PAYNE PARK TO CEDAR STREET**

VOTE (62-2023)

Motion by Councilor Gelinas, seconded by Councilor McCarthy:

To postpone this matter to the next City Council meeting. Passed - Vote 7-0

**RESOLVE, AUTHORIZING A TRANSFER OF \$107,182 FROM THE OAK STREET
PARKING FACILITY TO FUND THE UPDATED COTS OF THE DUFRESNE
PLAZA PROJECT**

VOTE (63-2023)

Motion by Councilor Gelinas, seconded by Councilor McCarthy:

To approve the Resolve, Authorizing a transfer of \$107,182 from the Oak Street Parking Facility to fund the updated cost of the Dufresne Plaza Project:

Whereas, additional electrical, drainage/sewer separation, and base materials were added to the scope of work to meet the current needs; and

Whereas, the current Oak Street Parking Facility project received a credit for the reuse of existing conduits which the Finance Committee approved on January 30th; and

Whereas, the addition funding is necessary to continue with the construction of the Dufresne Plaza project this spring.

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston to approve the transfer of \$107,182 from the Oak Street Parking Facility project to the Dufresne Plaza project to fund the updated cost.

Passed – Vote 7-0

RESOLVE, AUTHORIZING A TRANSFER OF \$75,000 FROM THE MAIN STREET PROJECT TO ENTER INTO AN AGREEMENT WITH MAINEDOT FOR A PLANNING PARTNERSHIP INITIATIVE TO STUDY TRANSPORTATION IMPROVEMENTS FOR MAIN, SABATTUS AND CANAL STREETS AND, IF AWARDED, ACCEPT AND APPROPRIATE THE GRANT FUNDS

VOTE (64-2023)

Motion by Councilor Harriman, seconded by Councilor LaChapelle:

To approve the Resolve, Authorizing a transfer of \$75,000 from the Main Street Project to enter into an agreement with MaineDOT for a Planning Partnership Initiative to study transportation improvements for Main, Sabattus and Canal Streets and, if awarded, accept and appropriate the grant funds:

Whereas, The Main Street paving project will not occur until FY25; and

Whereas, the City share of the study would be 50% of the total estimated amount of \$150,000; and

Whereas, the study will build on and coordinate with the recently approved Safe Streets for All (SS4A) grant and the Riverfront Island Master Plan (RIMP) work; and

Whereas, a community-led team will continue the public engagement to gather thoughts, ideas, and comments from the residents and business owners; and

Whereas, the study will provide recommendations for transportation improvements that will support future development in the area; and

Whereas, once the study is complete, MaineDOT and the community will develop a strategy together for applying for special federal allocations such as earmarks or BIL/IIJA grants.

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston to authorize a transfer of \$75,000 from the Main Street Project to enter into an agreement with MaineDOT for a Planning Partnership Initiative to study transportation improvements for Main, Sabattus and Canal Streets and, if awarded, accept and appropriate the grant funds.

Passed - Vote 7-0

RESOLVE, AUTHORIZING A TRANSFER OF \$7,500 FROM THE MISCELLANEOUS SERVICES ACCOUNT TO ENTER INTO AN AGREEMENT WITH HNTB FOR A TRAFFIC ANALYSIS ASSOCIATED WITH THE POTENTIAL DEVELOPMENT OF 128 FARWELL STREET, MAP/LOT 147-18

VOTE (65-2023)

Motion by Councilor McCarthy, seconded by Councilor LaChapelle:

To implement Scope of Service Option Two for \$16,500 and not Scope of Services Option One for \$7,500. Passed - Vote 7-0

VOTE (66-2023)

Motion by Councilor McCarthy, seconded by Councilor LaChapelle:

To approve the Resolve, Authorizing a transfer of \$16,500 from the Miscellaneous Services account to enter into an agreement with HNTB for a Traffic Analysis associated with the potential development of 128 Farwell Street, Map/Lot 147-18.

Whereas, The City Council considered rezoning this property at their November 1, 2022; and

Whereas, The Council determined the lot may be appropriate for residential development; however, they voted to refer the rezoning of the parcel back to the Planning Board recommending that a contract rezoning be considered at the owner's discretion; and

Whereas, Neighbors of the property raised concerns that any development of this lot will contribute to existing traffic and pedestrian safety issues in the area; and

Whereas, A number of Councilors requested Administration to look into existing and proposed traffic conditions in this area; and

Whereas, The City's Traffic Engineering Consultant, HNTB has provided a scope of services that will review existing conditions, examine area safety to identify high crash locations and areas of concern, model existing corridor conditions during peak hours, and determine the effects intersections directly adjacent to the parcel with an additional 199 trips; and

Whereas, This analysis is not intended to replace a developer's responsibility to provide a detailed traffic analysis associated with specific development; and

Whereas, The traffic analysis will provide the City and the property owners additional information and guidance about potential impacts and areas that may need additional consideration to address existing and proposed traffic conditions if the property is developed;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston to authorize a transfer of \$16,500 from the Miscellaneous Services account (4991-428800) to enter into an agreement with HNTB for a traffic analysis associated with the potential development of 128 Farwell Street, Map/Lot 147-18.

Passed - Vote 7-0

RESOLVE, AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF A GRANT FROM MAINEHOUSING FOR THE PURPOSE OF FUNDING A LANDLORD LIAISON PROGRAM

VOTE (67-2023)

Motion by Councilor Gelinas, seconded by Councilor Harriman:

To approve the Resolve, Authorizing the acceptance and appropriation of a grant from MaineHousing for the purpose of funding a Landlord Liaison Program.

Whereas, the Maine State Legislature appropriated \$22 million dollars from the unappropriated surplus of the State of Maine’s General Fund, authorized by Part WW of LD 1995, to provide, among other things, “programs addressing the needs of people experiencing homelessness or facing other immediate housing needs.”; and

Whereas, MaineHousing is making funds available to meet the housing needs of people experiencing homelessness in Lewiston, with a focus on those experiencing unsheltered homelessness; and

Whereas, Lewiston is experiencing a very tight housing market with limited rental units accepting Section 8 vouchers; and

Whereas, as of November 10, 2022, Lewiston Housing Authority issued Section 8 vouchers to 35 households who have yet to find landlords willing to accept them; and

Whereas, in collaboration with Project Support You, Tri-County Mental Health Services, and General Assistance, the City has proposed to pilot a Landlord Liaison program with grant funds from MaineHousing to provide incentives and support to landlords willing to accept referred homeless residents through the program;

Now, therefore, be it resolved by the City Council of the City of Lewiston To accept and appropriate a grant from MaineHousing for the purpose of funding a Landlord Liaison program.

Passed - Vote 7-0

APPROVE THE RESOLVE TO ACCOMPANY THE CITY’S MAINE COMMUNITY RESILIENCE PARTNERSHIP GRANT APPLICATION; AND IF AWARDED, ACCEPT AND APPROPRIATE THE GRANT FUNDS

VOTE (68-2022)

Motion by Councilor Harriman, seconded by Councilor Scott:

To approval the Resolve to accompany the City’s Maine Community Resilience Partnership Grant application; and if awarded, accept and appropriate the grant funds.

Whereas, the City of Lewiston has completed the Community Resilience Partnership’s Community Resilience Self-Assessment and List of Community Actions, and held a community

workshop(s) on 10/12/2022, 12/2/2022, 1/12/2023, which prioritized the following action areas: implement strategies that increase public transit ridership and alternative transportation modes, including biking and walking infrastructure; adopt policies that enable, support or incentivize local food production and consumption, including community gardens; improve and protect drinking water; access to drinking water and wastewater treatment facilities; creating green spaces in urban and dense areas; and

Whereas, the City of Lewiston has experienced high heat emergencies and seeks to better prepare for future conditions by install infrastructure to provide for public relief; and

Whereas, planning for community and infrastructure resilience will protect people, preserve businesses and the local economy, and reduce the impact of climate change; and

Whereas, shifting seasonal temperature and precipitation patterns threaten local natural ecosystems, economic activity such as agriculture, tourism and seasonal recreation, including sports and other outdoor activities, and public health due to increased incidence of heat-related illness; and

Whereas, the City of Lewiston continues to strive to reduce energy use and greenhouse gas emissions; and

Whereas, the Community Resilience Partnership provides grants to municipalities and for activities that lower energy expenses, reduce greenhouse gas emissions, and increase community resilience; and

Whereas, if awarded the grant, the City would use the funds to increase the tree canopy within our intercity and provide water fountains in three of our in-town parks;

Now, Therefore, Be It Resolved by the City Council of the City of Lewiston to approve this resolution to accompany the City’s Maine Community Resilience Partnership Grant application; and if awarded; accept and appropriate the grant funds.

Passed - Vote 7-0

AMENDMENT TO THE TRAFFIC SCHEDULE TO ADD NO PARKING ON BOTH SIDES OF HAMMOND STREET FROM MAIN ST TO HIGH ST.

VOTE (69-2023)

Motion by Councilor Pease, seconded by Councilor Gelinias:

To approve the amendment to the Traffic Schedule to add no parking on both sides of Hammond St between Main St and High St. Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Clement reported the Maine Municipal Association’s Legislative Policy Committee is reviewing over 775 bills pertaining to municipal government in some form or another and will be making a determination to testify or just monitor the status of each bill.

OTHER BUSINESS

Councilor Scott said she has been hearing concerns from downtown businesses about increased activity around panhandling, homeless residents occupying outside entryways and other encroachments upon their customers. She inquired about the police department protocols in such situations.

Councilor LaChapelle reviewed recent reports in the media regarding the Martel School property, nothing the Mayor reported information from an Executive Session. He then read a letter from local developer David Gendron withdrawing his interest to redevelop that property. Councilors discussed conversations with the developer occurred with only some Councilors and not the full Council; the need to develop a full timeline regarding this project to see history and past actions; a letter sent to the Planning Board by the Mayor before their decision on this topic and lack of progress on this program by Lewiston Housing Authority.

Councilor LaChapelle then read a letter drafted by the Mayor that was expressing the City’s support of a new City of Portland housing initiative that would provide transportation to, and first month’s rent for, units outside of Portland. He noted the letter was written and signed but acknowledged was not sent. He also noted the letter of support was not reviewed with the City Council to seek their concurrence of the expression of city endorsement for the new Portland program. He also noted recent General Assistance statistics regarding the Lewiston caseload. Councilor LaChapelle then suggested the Mayor is in violation of Sections 2.03 and 3.05 of the City Charter based upon the two matters he just brought up.

Motion by Councilor LaChapelle, seconded by Councilor Clement:

To suspend the Rules to add an item to the agenda at this time regarding the censuring of the Mayor.

VOTE (70-2023)

Motion by Councilor LaChapelle, seconded by Councilor Clement:

To move the previous question. Passed - Vote 5-2 (Councilors Harriman and Gelinis opposed)

VOTE (71-2023)

Motion by Councilor LaChapelle, seconded by Councilor Clement:

To suspend the Rules to add an item to the agenda at this time. Passed - Vote 4-3 (Councilors Scott, Harriman and Gelinis opposed)

Councilors discussed the letter that was drafted to be sent to Portland but was never sent, Sections 2.03 and 3.05 of the Charter, the Council Protocols, the recently signed Proclamation of

support for the Protocols, the Mayor’s ability to direct city staff, the Mayor’s right and authority to speak on behalf of the city, to enter into partnerships with other entities, the Mayor’s recent comments to the media and other related matters.

VOTE (72-2023)

Motion by Councilor LaChapelle, seconded by Councilor Pease:

To censure the Mayor for violation of Rules of Conduct. Passed - Vote 4-3 (Councilors Scott, Harriman and Gelinis opposed)

EXECUTIVE SESSION

VOTE (73-2023)

Motion by Councilor Clement, seconded by Councilor Pease:

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 7-0

Executive Session began at 9:15pm and ended at 10:15pm.

VOTE (74-2023)

Motion by Councilor LaChapelle, seconded by Councilor Clement:

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

Executive Session began at 10:15pm and ended at 10:42pm

VOTE (75-2023)

Motion by Councilor LaChapelle, seconded by Councilor McCarthy:

To adjourn at 10:42P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine