

# CITY OF LEWISTON

CITY COUNCIL

JULY 7, 2020

## REGULAR MEETING HELD REMOTELY VIA ZOOM AT 7:00 P.M.

THE HONORABLE MARK A. CAYER, MAYOR, PRESIDING.

PRESENT: Mayor Cayer, Councilors Khalid, Pettengill, Rea, Lajoie, Jensen, Clement and Gelinias, City Administrator Denis D'Auteuil and City Clerk Kathleen Montejo.

### UPDATE ON CITY ACTIONS REGARDING COVID-19 PANDEMIC SITUATION

City Administrator D'Auteuil provided a brief update regarding the shelter at the Armory and they hope to have the residents in other housing soon. The City Clerk provided an update on the July 14 election – absentee voting is still available, all voting on election day is at Longley School with a maximum of 150 people at one time, the queuing lines will have 6 ft markers, masks are not mandatory, the City is providing PPE supplies to all workers and the goal is for the workers and voters to feel safe and comfortable at the polls.

### PUBLIC COMMENT PERIOD

Kevin Boilard asked if the Council has taken a position on the issue of the School Resource Officer positions and encouraged the Council to use their voice to oppose the upcoming proposal to modify and eliminate some of that program's work, noting there is little community support.

### PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR THE ACME SOCIAL CLUB, 255 PARK STREET

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 (170-2020)

Motion by Councilor Jensen, seconded by Councilor Gelinias:

To grant a Special Amusement Permit for live entertainment to the Acme Social Club, 255 Park Street. Passed - Vote 7-0

### PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR LITTLE JOE'S BAR & GRILL, 740 SABATTUS STREET

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 (171-2020)

Motion by Councilor Gelinias, seconded by Councilor Rea:

To grant a Special Amusement Permit for live entertainment to Little Joe’s Bar & Grill, 740 Sabattus Street. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE FOR PROPOSED LAND USE CODE AMENDMENTS CONCERNING THE STANDARDS FOR DRINKING ESTABLISHMENTS**

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 (172-2020)**

Motion by Councilor Lajoie, seconded by Councilor Rea:

That the proposed amendment to Appendix A, Article XII “Performance Standards”, of the City Zoning and Land Use Code, concerning the distance between drinking establishments, receive final passage at this time.

Passed - Vote 7-0

**RESOLVE, ACKNOWLEDGING AND RESPONDING TO CERTAIN REQUESTS FROM LEWISTON POLICE DEPARTMENT PATROL UNION**

It was noted the Mayor and Council President recently met with leaders of the police union to discuss the requests in their recent letter to the Council such as the request for funding for body cameras. Councilor Clement suggested an amendment to the Resolve to recognize the work the Police Department has done to achieve and maintain national accreditation.

**VOTE (173-2020)**

Motion by Councilor Clement, seconded by Councilor Rea:

To amend the Resolve:

- 1) In the fourth preamble clause, to remove the word “in” after the word “officials” and to replace it with the word “to”
- 2) To add a sixth resolving clause as follows:  
“6. The Council further applauds, recognizes and congratulates the Lewiston Police Department for not only attaining accreditation but also continuing reaccreditation for a period of 25 years from CALEA, The Commission on Accreditation of Law Enforcement Agencies, the accrediting authority established in 1970 through a joint effort of all major police executive associations including, The International Association of Chiefs of Police (IACP), National Organization of Black Law Enforcement Executives (NOBLE), National Sheriffs’ Association (NSA) and The Police Executive Research Forum (PERF). This accreditation is internationally recognized as the “Gold Standard in Public Safety”. Lewiston is the largest and one of only five agencies in the entire State of Maine to achieve this distinction.”

Passed - Vote 7-0

**VOTE (174-2020)**

Motion by Councilor Lajoie, seconded by Councilor Pettengill:

To approve the Resolve, Acknowledging and Responding to certain requests from Lewiston Police Department Patrol Union:

Whereas, the Lewiston Police Patrol Union recently sent a letter to the Lewiston City Council following the City Council’s adoption of a Resolution Condemning the Use of Excessive Force and Racial Profiling; and

Whereas, this letter echoed the Council’s condemnation of police use of force, brutality, and racial profiling and expressed the commitment of our police officers to standing with the community and pursuing excellent services for all; and

Whereas, certain requests were also made to the City Council with the desire to ensure that our elected officials are familiar with the Department’s commitment to proactive outreach as well as the circumstances and situations that our patrol officers must deal with on a daily basis; and

Whereas, certain of these requests will either assist our elected officials to better understand the operations of the department or provide greater transparency in its operations;

Now, therefore, be it Resolved by the City Council of the City of Lewiston, that

1. The City Administrator is directed to develop and present to the Council a plan for the purchase and policies governing the use of body cameras for all sworn department personnel. This plan shall be developed in concert with the Chief and with the participation of a committee representative of all sworn departmental personnel and shall be presented to the Council for consideration no later than December 31, 2020.
2. The City Administrator is further directed to work with the Chief of Police and others within the department to evaluate the training currently provided to department personnel and to develop recommendations for additional training that would be of benefit in meeting their responsibilities and furthering their professional development.
3. All City elected officials are urged to participate in several patrol ride-a-longs over the next year to assist in becoming familiar with how the department provides policing services to our community and the situations and circumstances that our patrol officers are required to handle.
4. All City elected officials are urged to take part in “Shoot/Don’t Shoot” training or such alternate activities as will serve to increase their awareness of the demands placed on police officers when faced with life threatening situations.
5. The Council applauds the efforts of the Lewiston Police Department to employ proactive outreach through such programs as the Community Resource Team, School Resource Officer program, and volunteer efforts including National Night Out, Lewiston’s Summer Fun and Films, the Citizens’ Police Academy, Police Athletic League, and Special Olympics, among others.
6. The Council further applauds, recognizes and congratulates the Lewiston Police Department for not only attaining accreditation but also continuing reaccreditation for a period of 25 years from CALEA, The Commission on Accreditation of Law Enforcement

Agencies, the accrediting authority established in 1970 through a joint effort of all major police executive associations including, The International Association of Chiefs of Police (IACP), National Organization of Black Law Enforcement Executives (NOBLE), National Sheriffs' Association (NSA) and The Police Executive Research Forum (PERF). This accreditation is internationally recognized as the "Gold Standard in Public Safety". Lewiston is the largest and one of only five agencies in the entire State of Maine to achieve this distinction.

Passed - Vote 7-0

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

**VOTE (175-2020)**

Motion by Councilor Clement, seconded by Councilor Lajoie:

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 Lewiston Police Command 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

**RESOLVE, EXTENDING THE TERM OF THE AD-HOC COMMITTEE ON RECYCLING AND WASTE REDUCTION UNTIL OCTOBER 31, 2020**

Joshua Nagine, chair of the Recycling Committee, provided a status update on the work of the group, noting the pandemic prevented them from meeting to finish their work so they are requesting the extension of time.

**VOTE (176-2020)**

Motion by Councilor Jensen, seconded by Councilor Clement:

To approve the Resolve, extending the term of the Ad-Hoc Committee on Recycling and Waste Reduction until October 31, 2020:

Whereas, on July 16th, 2019, the Council adopted a resolution that created the Recycling and Waste Reduction Committee; and

Whereas, that resolve sunset the Committee effective June 30, 2020; and

Whereas, the committee has been working diligently toward accomplishing its task; and

Whereas, the disruptions related to the pandemic have delayed its efforts and it wishes to continue beyond its initial sunset date; and

Whereas, the Committee is requesting that it be authorized to continue its work until October 31, 2020;

Now, therefore, be it Resolved that the term of the Ad-hoc Committee on Recycling and Waste Reduction is hereby extended until October 31, 2020.

Passed – Vote 7-0

**RESOLVE, ACCEPTING AND APPROPRIATING A \$475,360 GRANT FROM KEEP MAINE HEALTHY 2020 MUNICIPAL COVID-19 AWARENESS CAMPAIGN**

**VOTE (177-2020)**

Motion by Councilor Clement, seconded by Councilor Jensen:

To approve the Resolve, accepting and appropriating a \$475,360 grant from Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign:

Whereas, the City has been working diligently since the start of the COVID pandemic to provide information to our residents on this disease and the actions they should take to prevent its spread; and

Whereas, as the Governor has implemented various phases of the state’s reopening plan, we have also worked with businesses as they implement social distancing efforts including expanding into outside areas; and

Whereas, as the City has reopened its facilities, it has also been necessary that we make certain physical changes and provide signage, disinfection, and personal protective equipment to allow the public to safely use our facilities; and

Whereas, the COVID-19 virus continues to spread in our community, requiring continuing and expanding public education efforts; and

Whereas, toward that end, the State of Maine offered its municipalities the opportunity of applying for Keep Maine Healthy Grants; and

Whereas, we have been notified that we have been awarded \$475,360 to address public education and prevention and physical distancing in both city and private business facilities;

Now, therefore, be it Resolved that there a Grant from the State’s Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign is hereby accepted in the amount of \$475,360 and is appropriated for the purposes set forth in the City’s grant application, a copy of which is attached hereto.

Passed - Vote 7-0

**RESOLVE, APPROPRIATING \$40,000 FROM THE FEDERAL DRUG FORFEITURE ACCOUNT FOR THE PURPOSE OF PURCHASING A DRONE FOR THE POLICE DEPARTMENT**

**VOTE (178-2020)**

Motion by Councilor Rea, seconded by Councilor Lajoie:

To approve the Resolve, appropriating \$40,000 from the Federal Drug Forfeiture Account for the purpose of purchasing a drone for the Police Department:

Whereas, during the recently completed budget process, a number of departments requested purchasing a drone for a variety of purposes including assessing, land use planning, and policing; and

Whereas, these requests were consolidated into a single new program request seeking one drone for the police department and a separate, shared use drone for other departments including assessing, planning and code, public works, and our water, sewer, and drainage utilities; and

Whereas, funding for the police drone was to come from the federal drug forfeiture account while funding for the second was to come from the general fund; and

Whereas, given the estimated impact of the pandemic on the City’s budget, all new program requests were denied without full consideration of the police drone request that was to be funded from non-general fund sources; and

Whereas, the requested drone will be used for a variety of purposes including accident reconstruction, crime scene mapping and investigation, searching remote areas for missing persons, hazardous materials response, and suspect pursuits; and

Whereas, given that this purchase will not affect the General Fund and will be beneficial to the operations of the department, it should be authorized;

Now, therefore, be it Resolved that the amount of \$40,000 is hereby appropriated from the federal drug forfeiture account for the purpose of purchasing a drone for the Police Department.

Passed - Vote 7-0

**RESOLVE, ACCEPTING A DONATION TO THE LEWISTON PUBLIC LIBRARY ENDOWMENT FUND FROM THE CARL BENTON STRAUB 2012 REVOCABLE TRUST**

**VOTE (179-2020)**

Motion by Councilor Rea, seconded by Councilor Jensen:

To approve the Resolve, accepting a donation to the Lewiston Public Library Endowment Fund from the Carol Benton Straub 2012 Revocable Trust:

Whereas, the Lewiston Public Library has been notified that it is a beneficiary of the Carl Benton Straub Trust funded with investment assets when Mr. Straub passed away on November 15, 2019; and

Whereas, the purpose of this gift is to acquire or purchase library materials for study of connections between human cultures and the natural world; and

Whereas, the library will agree to manage these funds as a portion of its endowment and to expend funds from it solely for the intended purpose; and

Whereas, the initial donation is in the amount of \$244,888.21, an amount which may increase as the final details of the estate are settled;

Now, therefore, be it Resolved by the City Council of the City of Lewiston, that the donation from the Carl Benton Straub 2012 Revocable Trust in the amount of \$244,888.21 is hereby accepted as is any future distribution from this trust to the City and the Library Director is authorized to execute the attached Receipt and Release associated with this donation.

Passed - Vote 7-0

**REPORTS AND UPDATES**

Councilor Rea reported the School Committee will be meeting on July 13 and the issue of the School Resource Officer is scheduled to be discussed. Councilor Gelinis noted the Public Health Committee is working on their Mask Up outreach campaign.

**OTHER BUSINESS**

**VOTE (180-2020)**

Motion by Councilor Clement, seconded by Councilor Pettengill:

To suspend the Rules to discuss the issue of the School Resource Officer program.

Passed - Vote 7-0

Motion by Councilor Clement, seconded by Councilor Pettengill:

To enter into a discussion regarding the School Committee's pending proposal regarding the School Resource Officer program and to see if there is agreement among the Council for or against the proposal.

Mayor Cayer said he sent an individual comment to the School Committee and was curious if the

Council was interested in sending a joint message. Councilor Jensen noted this issue is one for the School Committee and is a programming decision, not a financial matter, and the Council does not have purview over this issue. Councilor Rea cited a conflict as a School Committee member and did not want to take any action or express an opinion on the matter before the School Committee had a chance to formally address it.

Councilor Clement withdrew his motion and made the following, seconded by Councilor Pettengill: To express support for the School Resource Officer and DARE Program.

Some Councilors expressed a desire to have a formal joint statement on the issue and others were concerned with the message it would send to comment on a matter that is under the jurisdiction of another elected body. The Mayor allowed public comment and Linda Scott advised the Council to proceed carefully and suggested it would be premature to make a statement before the School Committee can discuss the matter and vote. Councilor Clement then withdrew his motion.

**VOTE (181-2020)**

Motion by Councilor Clement, seconded by Councilor Gelinas:

To adjourn at 9:47P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine