

CITY OF LEWISTON

CITY COUNCIL

NOVEMBER 17, 2020

REGULAR MEETING HELD REMOTELY VIA ZOOM AT 6:00 P.M.

THE HONORABLE MARK A. CAYER, MAYOR, PRESIDING.

PRESENT: Mayor Cayer, Councilors Khalid, Pettengill, Rea, Lajoie, Jensen, Clement, Deputy City Administrator Dale Doughty and City Clerk Kathleen Montejo. Absent/Excused: Councilor Gelinas and City Administrator D’Auteuil. Note – Under the City Charter, the Mayor is permitted to cast a vote in the absence of a City Councilor.

EXECUTIVE SESSION

VOTE (257-2020)

Motion by Councilor Khalid, seconded by Councilor Rea:

To enter into an Executive Session, pursuant to MRSA Title 1, section 405 (6) (c) to discuss Disposition of Property, 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 6:09pm and ended at 6:49pm.

Regular Meeting started at 7:00pm.

PRESENT: Mayor Cayer, Councilors Khalid, Pettengill, Rea, Lajoie, Jensen, Deputy City Administrator Dale Doughty and City Clerk Kathleen Montejo. Absent/Excused: Councilors Clement and Gelinas and City Administrator D’Auteuil

MAYOR’S PROCLAMATION – 2020 SMALL BUSINESS SATURDAY

The City Clerk read the Small Business Saturday Proclamation that proclaimed November 28, 2020 as Small Business Saturday in Lewiston and encouraged residents to support locally owned small, independent businesses on this day and year round.

UPDATE ON CITY ACTIONS REGARDING COVID-19 PANDEMIC SITUATION

Deputy City Administrator Dale Doughty reported that the city is monitoring the increasing statistics in the state and country and is monitoring the workforce – making sure city employees who have been exposed have been tested, are quarantining properly and so forth. City staff is working closely with CDC epidemiologists and assisting with contact tracing and notifications of employees as needed. Departments were asked to update their Continuity of Operations Plans should some buildings need to close. Safe hygiene practices, distancing, mask wearing and cleaning common surfaces are all being enforced and maintained.

VOTE (258-2020)

Motion by Councilor Lajoie, seconded by Councilor Jensen:

To dispense with the reading of the minutes of the meetings of October 20 and November 10, 2020 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 5-0

PUBLIC COMMENT PERIOD

Melissa Dunn, 254 Blake Street, expressed concerns with the recent report that several firefighters have tested positive for COVID, noting that she had a small fire in her home on November 6 and numerous firefighters responded without face masks. She noted after they left, the furniture was moved, dresser drawers were open, books were moved and items missing. She felt that as public employees accessing private homes they would not do this in other homes not in the downtown and expressed concerns regarding this treatment due to race, class and economic issues.

ORDER AUTHORIZING EXECUTION OF MUNICIPAL QUITCLAIM DEEDS FOR REAL ESTATE LOCATED AT 24 RIVER ROAD, 48 RACHEL BOULEVARD, 143 HOWE STREET AND 606 RIVER ROAD

VOTE (259-2020)

Motion by Councilor Jensen, seconded by Councilor Rea:

To approve the Orders authorizing execution of municipal quitclaim deeds for real estate located at 24 River Road, 48 Rachel Boulevard, 143 Howe Street and 606 River Road:

Whereas, the owners, Paula and Marcel Poulin, failed to pay their bills on a timely basis for 24 River Road (Tax Map 179, Lot 10, Parcel 00-011373); and

Whereas, a water lien was filed on August 30, 2018 (Book 9921 Page 133) and matured on February 29, 2020 in the amount of \$150.05; and

Whereas, a water lien was filed on March 22, 2019 (Book 10051 Page 98) and matured on September 22, 2020 in the amount of \$186.26; and

Whereas, a sewer lien was filed on August 30, 2018 (Book 9921 Page 265) and matured on February 29, 2020 in the amount of \$198.78; and

Whereas, a sewer lien was filed on March 22, 2019 (Book 10051 Page 118) and matured on September 22, 2020 in the amount of \$283.70; and

Whereas, a storm water lien was filed on March 22, 2019 (Book 10050 Page 286) and matured on September 22, 2020 in the amount of \$97.98; and

Whereas, payment has been received;

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 24 River Road to the new owner.

Whereas, the owner, Brian M. Harvey, failed to pay his bills on a timely basis for 48 Rachel Boulevard (Tax Map 89, Lot 150, Parcel 00-001377); and

Whereas, a water lien was filed on March 14, 2017 (Book 9562 Page 49) and matured on September 14, 2018 in the amount of \$122.34; and

Whereas, payment has been received;

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 48 Rachel Boulevard to the new owner.

Whereas, the owner, David E. Fleenor, failed to pay his bills on a timely basis for 143 Howe Street (Tax Map 196, Lot 164, Parcel 00-001492); and

Whereas, a tax lien was filed on June 17, 2011 (Book 8180 Page 315) and matured on December 17, 2012 in the amount of \$1,576.52; and

Whereas, a tax lien was filed on June 13, 2012 (Book 8417 Page 125) and matured on December 13, 2013 in the amount of \$1,372.35; and

Whereas, a tax lien was filed on June 19, 2013 (Book 8699 Page 212) and matured on December 19, 2014 in the amount of \$1,366.26; and

Whereas, a tax lien was filed on June 18, 2014 (Book 8934 Page 110) and matured on December 18, 2015 in the amount of \$1,403.55; and

Whereas, a tax lien was filed on June 23, 2015 (Book 9164 Page 279) and matured on December 23, 2016 in the amount of \$1,415.96; and

Whereas, a tax lien was filed on June 16, 2016 (Book 9386 Page 200) and matured on December 16, 2017 in the amount of \$1,450.31; and

Whereas, a tax lien was filed on June 14, 2017 (Book 9616 Page 59) and matured on December 14, 2018 in the amount of \$1,331.98; and

Whereas, a tax lien was filed on June 21, 2018 (Book 9865 Page 149) and matured on December 21, 2019 in the amount of \$1,232.62; and

Whereas, payment will be received at closing totaling \$11,149.55;

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 143 Howe Street to the owner.

Whereas, the owners, Donna M. Foster and Hillary M. Foster, failed to pay their bills on a timely basis for 606 River Road (Tax Map 158, Lot 003, Parcel 00-003030); and

Whereas, a tax lien was filed on June 23, 2015 (Book 9164 Page 287) and matured on December 23, 2016 in the amount of \$2,025.58; 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 606 River Road to the owner.

Passed - Vote 6-0

**APPOINTMENTS TO THE ANDROSCOGGIN VALLEY COUNCIL OF
GOVERNMENTS GENERAL ASSEMBLY AND EXECUTIVE COMMITTEE**

VOTE (260-2020)

Motion by Councilor Jensen, seconded by Councilor Rea:

To appoint the City Administrator and the Deputy City Administrator to the Androscoggin Valley Council of Governments General Assembly and Executive Committee.

Passed - Vote 6-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR SEA 40, INC.,
40 EAST AVENUE**

Mayor Cayer opened the public hearing to receive citizen input and comment regarding this matter. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (261-2020)

Motion by Councilor Lajoie, seconded by Councilor Jensen:

To grant a Special Amusement permit for live entertainment to Sea 40, Inc., 40 East Avenue.

Passed - Vote 6-0

**PUBLIC HEARING ON THE RENEWAL APPLICATION FOR A SPECIAL
AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR LBK EVENTS,
1 BATES STREET**

Mayor Cayer opened the public hearing to receive citizen input and comment regarding this

matter. No members of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (262-2020)

Motion by Councilor Jensen, seconded by Councilor Lajoie:

To grant a Special Amusement permit for live entertainment to LBK Events, 1 Bates Street.
Passed - Vote 6-0

**CONDEMNATION HEARING FOR THE BUILDING LOCATION AT
97 SABATTUS STREET**

David Hediger, Director of Planning and Code Enforcement, and Ben Westman, Code Enforcement Officer, provided their professional background credentials regarding their working knowledge of building codes and building safety. Mr. Hediger and Mr. Westman then reviewed the City's efforts to communicate with the building owners and to work with them to resolve the numerous outstanding safety violations. They then outlined the condition of the building noting it is unsafe for habitation and is a danger to the neighborhood. They also showed photographs documenting the code violations and safety concerns. No members of the Council personally know the property owner and therefore do not have a conflict of interest for this hearing. Attorney Carrie Folsom was present representing the mortgage holder. The owner, Jennifer Cremona, was not present. Ms. Folsom noted this mortgage is an FHA loan so as the mortgage holder, they cannot take any action unless it is approved by HUD and with the pandemic, that is difficult to obtain. It has noted this condemnation hearing was first heard during the October 6 City Council meeting and to date nothing has been done by the owner or mortgage holder to secure the property safely to prevent unauthorized access.

VOTE (263-2020)

Motion by Councilor Rea, seconded by Councilor Lajoie:

With regard to the property at 97 Sabattus Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order established the corrective action to be taken by the property owner and the time frame for taking such action, and which authorized the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action. Passed - Vote 6-0

REPORTS AND UPDATES

Councilor Rea reported that the School Committee recently reviewed the school expenditures related to the CARES Act funding, is currently undergoing the search process for the principal for the high school and is going to be conducting the evaluation for the Superintendent soon using an 360 evaluation model and that there have been positive cases of COVID in some school buildings and these are being treated individually on a case by case basis.

OTHER BUSINESS

Councilor Khalid recommended updating the ordinance regarding on-street parking to allow for cars to remain on the street longer than the ordinance allows, recognizing that more residents are home due to COVID. She recommended an increase from 24 hours to 48 hours before the vehicle needs to be moved. Councilors Rea and Jensen supported this idea. Councilor Jensen suggested the appointment process for vacant elected official positions be formalized. Councilor Rea inquired the timeframe for the City Administrator's annual evaluation. Councilor Lajoie as Council President will review the process.

VOTE (264-2020)

Motion by Councilor Jensen, seconded by Councilor Pettengill:

To adjourn at 8:15P.M. Passed - Vote 6-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine