

CITY OF LEWISTON

CITY COUNCIL

SEPTEMBER 20, 2022

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

THE HONORABLE CARL L. SHELINE, MAYOR, PRESIDING.

PRESENT: Mayor Sheline, Councilors Scott, Harriman, LaChapelle, Pease, Clement and Gelinias, City Administrator Heather Hunter and City Clerk Kathleen Montejo. Excused/Absent: Councilor McCarthy. Note – Per the City Charter, the Mayor may cast a vote in the absence of a Councilor.

EXECUTIVE SESSION

VOTE (312-2022)

Motion by Councilor LaChapelle, seconded by Councilor Gelinias:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (E) to discuss a legal matter with the City Attorney. Passed - Vote 7-0

Executive Session began at 6:01pm and ended at 6:42pm.

Pledge of Allegiance to the Flag.

LEWISTON LEADS PRESENTATION

Councilor LaChapelle recognized Gary St. Laurent of St. Laurent and Sons Construction Company for all of the service they have performed for the community over the years. Councilor Gelinias recognized Timothy Gallant for his assistance with the Rally for Recovery and service on the Planning Board.

PRESENTATION RECOGNIZING BATES COLLEGE WOMEN'S BASKETBALL TEAM

The Mayor issued a proclamation honoring the 2022 women's Bates College Basketball team on their championship win last spring in the New England Small Collegiate Athletic Conference. It was the first ever-such championship win for the Bobcats.

VOTE (313-2022)

Motion by Councilor Clement, seconded by Councilor Pease:

To dispense with the reading of the minutes of the meeting of August 16, 2022 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 7-0

PUBLIC COMMENT PERIOD

A resident of River Street commented that her apartment building was just sold and her rent

doubled. She is asking the city for protection for tenants due to rising costs.

AMENDMENT TO THE TRAFFIC SCHEDULE TO ADD A STOP SIGN ON WATER STREET ALLEY WHERE IT INTERSECTS WITH WATER STREET

VOTE (314-2022)

Motion by Councilor Pease, seconded by Councilor Harriman:

To approve an amendment to the Traffic Schedule to add a stop sign on Water St Alley where it intersects with Water St. Passed - Vote 7-0

APPOINTMENT TO THE LEWISTON HOUSING AUTHORITY BOARD OF COMMISSIONERS

VOTE (315-2022)

Motion by Councilor Pease, seconded by Councilor Harriman:

To confirm the Mayor's nomination and to appoint the following resident as a member of the Board of Commissioners of the Lewiston Housing Authority:

Marc Pellerin, 22 Pond Ridge Road, term to expire Sept 17, 2027 – citizen representative

Passed - Vote 7-0

APPOINTMENT OF VOTING DELEGATES TO THE MAINE MUNICIPAL ASSOCIATION ANNUAL MEETING

VOTE (316-2022)

Motion by Councilor Pease, seconded by Councilor Harriman:

To appoint City Administrator Heather Hunter to serve as the City's delegate to the Maine Municipal Association Annual Meeting to be held October 5, 2022 in Bangor.

Passed - Vote 7-0

PUBLIC HEARING ON A RENEWAL APPLICATION FOR A SPECIAL AMUSEMENT PERMIT FOR LIVE ENTERTAINMENT FOR ACME SOCIAL CLUB, 225 PARK STREET

Mayor Sheline opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (317-2022)

Motion by Councilor Pease, seconded by Councilor LaChapelle:

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

PUBLIC HEARING ON AN APPLICATION FROM DANA’S GARAGE, 193 CROWLEY ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Sheline opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (318-2022)

Motion by Councilor Clement, seconded by Councilor Gelinas:

To grant an Automobile Graveyard/Junkyard permit to Dana’s Garage, 193 Crowley Road, subject to the condition that no more than 1,000 tires may be stored on the property.

Passed – Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM GRIMMEL’S INDUSTRIES, 50 RIVER ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Sheline opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (319-2022)

Motion by Councilor Clement, seconded by Councilor Pease:

To grant an Automobile Graveyard/Junkyard permit to Grimmel’s Industries, 50 River Road, subject to the following conditions:

1. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Saturday.
2. Maintain screening from the Maine Turnpike.

Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM THE LEWISTON PUBLIC WORKS DEPARTMENT, 430 RIVER ROAD, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Sheline opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (320-2022)

Motion by Councilor Pease, seconded by Councilor Clement:

To grant an Automobile Graveyard/Junkyard permit to the Lewiston Public Works Department, 420 River Road. Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM MAINE HEAVY EQUIPMENT, 1445 SABATTUS STREET, FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Sheline opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (321-2022)

Motion by Councilor LaChapelle, seconded by Councilor Gelinias:

To grant an Automobile Graveyard/Junkyard permit to Maine Heavy Equipment, 1445 Sabattus Street. Passed - Vote 7-0

PUBLIC HEARING ON AN APPLICATION FROM RESOURCE WASTE SERVICES OF LEWISTON, LLC, 38 ALFRED A. PLOURDE PARKWAY FOR AN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

Mayor Sheline opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (322-2022)

Motion by Councilor Clement, seconded by Councilor Gelinias:

To grant an Automobile Graveyard/Junkyard permit to ReSource Waste Services of Lewiston, LLC, 38 Alfred A. Plourde Parkway, subject to the attached conditions.

1. Permit is granted for storage of construction and demolition debris (CDD), wood waste (includes demolition debris) and oversized bulky waste (OBW). CDD and OBW will consist of wood waste, sheetrock, insulation, metal, wire, aggregate products, dirt, sand, furniture, rugs, plastics, roofing materials, cardboard and any other large burnable household goods. Unacceptable materials are units containing CFC's, universal waste, municipal solid waste (MSW), hazardous materials, asbestos, and medical waste.
2. All wood waste and OBW which is to be placed in storage shall be piled no higher than 30'.
3. The width and length of the piles will be sized as indicated on the plan view of the back yard, but shall be no wider than 90' and no longer than 150'.
4. There shall be no more than nine (9) piles of wood waste and OBW at any time. OBW will not exceed two (2) piles.
5. Access rows or fire lanes shall be maintained between piles with a minimum distance of 30' between piles.
6. The main entrance roadway must be kept at a minimum of 24' of travel way at all times.
7. An additional access road or fire lane shall be maintained from Alfred A. Plourde Parkway at a minimum width of 20' to the storage area at all times.
8. All roads and fire lanes on the facility shall be of all weather surface adequately constructed to support fire apparatus likely to be operated on site at all times.

9. All storage pile locations shall be properly identified by the placement of a pole at the corner of the pile. A mark shall be placed at a height of 30' on the pole.
10. The site shall be designated no smoking throughout except office areas and control room. A no smoking sign shall be placed at the entrance to the facility.
11. Training of employees shall be provided on the use of fire protection equipment and fire reporting procedures on an annual basis.
12. ReSource Waste Services of Lewiston, LLC shall conduct a self-inspection of their activities and inspections shall be conducted on a weekly basis. Records of inspections shall be kept on site for Fire Prevention Bureau review when requested.
13. Pine trees shall be planted along the perimeter to provide a buffer and dead and/or missing trees shall be replaced promptly.
14. That the processing of pressure treated wood be done in full compliance with the EPA & DEP regulations.
15. An effective visual screen at least six feet in height shall be located and maintained around all sides of the area where junk is located such that these areas are entirely screened from ordinary view from all directly abutting properties and public ways at all times. The existing 'wood and pole' fence that was adjacent to 32 Plourde Parkway will be replaced with a 'screen-mesh and pole' fence of similar length and height. This new fence shall be properly maintained at all times, including the replacement of the 'screen-mesh and pole' should the material degrade such that an effective visual screen is no longer provided. Given that the proposed screening material represents a non-standard design with limited history on its performance, the City reserves the right to evaluate the screening integrity of the fence bi-annually and if it is determined that it no longer meets the requirements of the City Code of Ordinances, Article XII, Section 22-75(c) (1) and (2) and MRS A Title 30-A §3754-A it will need to be replaced.

Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE TO AMEND THE BUSINESS LICENSE
ORDINANCE TO SET FORTH PURPOSES AND STANDARDS FOR THE ISSUANCES
OF LOCAL LICENSES FOR HOMELESS SHELTERS**

Craig Saddlemire and Amy Smith, co-chairs of the Ad Hoc Shelter Committee, addressed the Council on their recommendations. Mayor Sheline opened the public hearing to receive citizen input and comment. Chris Bucknell, director of New Beginnings suggested the education reference in the ordinance be struck out or substituted with language that mirrors the state licensing language for shelters; Mr. Bucknell read the recommended language. Donald Jellison, Lisbon, volunteers at the shelter at 100 Pine Street and he noted many of those residents are rehabilitating from substance abuse. He urged shelters to be accessible 24 hours a day, 7 days a week. He expressed concerns with the buffer language about daycares and is concerned if a new daycare opens next to an existing shelter, the shelter would be forced to close. Rachel, River Road, stated she helped to open the 100 Pine St shelter and it is a good program. Dave Bilodeau, Auburn, volunteers at Lewiston shelters and applauds the work of the Council in finding compromises to create this ordinance language. Michael, resident of another community,

volunteers in Lewiston shelters and applauds the motivation behind the ordinance but said he often offers rides to shelters to many homeless people and they are not interested in going to a shelter. He feels the shelter ordinance is too restrictive and may not help. He said the biggest way to help is to offer a lot more drug and alcohol rehabilitation programs. Don Colvan, Auburn, is a shelter volunteer and spoke of the good work that is being done by the shelters. The Mayor then closed the hearing.

VOTE (323-2022)

Motion by Councilor Clement, seconded by Councilor LaChapelle:

To move the previous question. Passed - Vote 7-0

VOTE (324-2022)

Motion by Councilor Harriman, seconded by Councilor Gelinas:

To delete the section in reference to education, Section i, 11. Did Not Pass- Vote 3-4 (Councilors Harriman, Gelinas and Mayor Sheline in favor)

VOTE (325-2022)

Motion by Councilor LaChapelle, seconded by Councilor Clement:

To replace the educational reference with the following language:

Children or youth education requirements: Create and maintain relationships with McKinney Vento liaisons, mainstream schools and alternative education programs to ensure the educational needs of youth are met; provide youth access to technology as needed to participate in remote learning; provide educational assessment and referrals. Passed - Vote 7-0

VOTE (326-2022)

Motion by Councilor Clement, seconded by Councilor LaChapelle:

To change 500 feet to 300 feet in Section i, 7. Did Not Pass - Vote 0-7

VOTE (327-2022)

Motion by Councilor LaChapelle, seconded by Councilor Clement:

To change 500 feet to 250 feet in Section i, 7. Passed - Vote 5-2 (Mayor Sheline and Councilor Harriman opposed)

VOTE (328-2022)

Motion by Councilor Scott, seconded by Councilor Harriman:

To remove item 5 pertaining to the Coordinated Entry System from Section J/exemptions. Passed - Vote 7-0

VOTE (329-2022)

Motion by Councilor Pease, seconded by Councilor LaChapelle:

That the proposed amendments to Chapter 22, Business Licenses, Article XVI. “Homeless Shelters” of the City’s Code of Ordinances receive final passage by a roll call vote.

Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE TO AMEND THE ZONING AND LAND USE CODE FOR PURPOSES OF DEFINING HOMELESS SHELTERS, CREATING A HOMELESS SHELTER OVERLAY DISTRICT, AND PARKING REQUIREMENTS FOR HOMELESS SHELTERS

Mayor Sheline opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (330-2022)

Motion by Councilor Clement, seconded by Councilor LaChapelle:

That the proposed amendments to Appendix A, Article II, Section 2 “Definitions”; Article XI, District Regulations, Section 22 “Land Use Requirements” and Section 24(6) “Homeless shelter overlay district”; and Article XII, Section 17(d) “Off-street parking required” of the City’s Zoning and Land Use Code receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE TO AMEND THE ANIMAL ORDINANCE REGARDING THE KEEPING OF CHICKENS ON LOTS DEVELOPED WITH SINGLE-FAMILY DETACHED DWELLINGS

Mayor Sheline opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (331-2022)

Motion by Councilor LaChapelle, seconded by Councilor Pease:

That the proposed amendment to Chapter 14, Article VII, Division 4 of the Code of Ordinances receive final passage by a roll call. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE TO AMEND THE LAND USE CODE REGARDING THE KEEPING OF CHICKENS ON LOTS DEVELOPED WITH SINGLE-FAMILY DETACHED DWELLINGS

Mayor Sheline opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (332-2022)

Motion by Councilor LaChapelle, seconded by Councilor Clement:

That the proposed amendment to Appendix A, Article XI, Section 22 of the Zoning and Land

Use Code of the City’s Code of Ordinances receive final passage by a roll call.

Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE TO AMEND THE ANIMAL ORDINANCE
REGARDING THE KEEPING OF BEES IN PROXIMITY TO
ABUTTING PROPERTIES**

Mayor Sheline opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (333-2022)

Motion by Councilor Clement, seconded by Councilor LaChapelle:

That the proposed amendments to Chapter 14, Article VII, Division 3 of the Code of Ordinances receive final passage by a roll call vote. Passed - Vote 7-0

**PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE
ELECTIONS ORDINANCE FOR THE REDISTRICTING OF CITY WARD
BOUNDARY LINES**

Mayor Sheline opened the public hearing to receive citizen input and comment. No member of the public spoke for or against this issue. The Mayor then closed the hearing.

VOTE (334-2022)

Motion by Councilor Harriman, seconded by Councilor Clement:

That the proposed amendments to the City Code of Ordinances, Chapter 32, “Elections”, Section 32-1 “Wards described”, receive final passage by a roll call vote. Passed - Vote 6-1 (Councilor Pease opposed)

**ORDER, AUTHORIZING THE TRANSFER OF \$249,085 FROM “CSO STORAGE AT
LAWPCA” TO “CSO SEPARATION VARIOUS AREAS”**

VOTE (335-2022)

Motion by Councilor Clement, seconded by Councilor LaChapelle:

To approve the Order, Authorizing the transfer of \$249,085 from “CSO Storage at LAWPCA” to “CSO Separation Various Areas”:

Whereas, the City has secured and designated alternate funding for the LAWPCA CSO Storage project through an ARPA federal grant; and

Whereas, the City has continuing obligations to Maine DEP under the Clean Water Act Master Plan and wastewater discharge permit to reduce combined sewer overflows; and

Whereas, storm drain installation on Webber Ave. can be completed in conjunction with planned paving work;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston to authorize the transfer of \$249,085 from “CSO Storage at LAWPCA” to “CSO Separation Various Areas” from the following accounts: 6627-627910 – CSO Storage at LAWPCA \$125,000 and 6641-641140 – CSO Storage at LAWPCA \$124,085.

Passed - Vote 7-0

**RESOLVE IN SUPPORT OF THE CITY OF LEWISTON ELECTION OFFICIALS,
WORKERS, AND VOLUNTEERS**

It was agreed by Council via a friendly amendment to remove the third Whereas clause from the Resolve.

VOTE (336-2022)

Motion by Councilor Scott, seconded by Councilor Pease:

To approve the Resolve in Support of the City of Lewiston Election Officials, Workers and Volunteers:

Whereas free and fair elections and functioning electoral systems are the quintessence of democracy; and

Whereas public support for - and trust in - free and fair elections are necessary to ensure popular support and legitimacy for those who make governmental decisions; and

Whereas the Mayor and Lewiston City Council wholeheartedly support and have full faith and confidence in the Lewiston City Clerk, city clerk staff, and other election officials and volunteers to conduct Lewiston's elections with honesty, integrity and impartiality; and

Whereas the City of Lewiston recognizes that all employees in the City Clerk’s office have obtained their state certifications voluntarily, that the City Clerk and Deputy City Clerk have both voluntarily obtained their national certification credentials, that City Clerk, Kathy Montejo graduated in 1991 from the University of Maine with a bachelor degree in public administration and with a minor in public relations and has served as a municipal clerk and registrar of voters in Maine for 30 years, the last 23 years in Lewiston; was honored in 2000 by the Maine Secretary of State’s Office with the Lorraine E. Fleury Award for Excellence in Election Administration, and is currently serving as the State of Maine local election administrator representative to the U.S. Election Assistance Commission’s Standards Board and Local Leadership Council; and

Whereas it is essential to a functioning democracy that the efforts of our election officials and the results of our elections not be undermined by unfounded statements or accusations;

Therefore, let it be resolved that the Mayor and Lewiston City Council have full confidence in the City of Lewiston’s election officials, workers, and volunteers who continue to administer our elections faithfully and fairly under increasingly challenging circumstances,

Passed - Vote 7-0

REPORTS AND UPDATES

Councilor Pease reported the Androscoggin County Budget Committee is having their first meeting tomorrow night. Councilor Scott stated the School Committee meet on September 12 and approved a series of field trips which is wonderful to see. They also recently increased the pay rate for substitutes and approved the Ed Tech union contract. She noted the District is still looking for bus drivers and a CDL is needed. Councilor Pease suggested the National Guard members could be deployed to drive the buses. LHS Homecoming is next week. Councilor Scott also noted the LSAC held their first meeting and Donna Gallant is the new chairperson.

Mayor Sheline reported on recent programs by L/A Arts and encouraged everyone to check them out. Councilor Gelinas thanked everyone for supporting the Rally for Recovery recently hosted by the Public Health Committee. Councilor Harriman reported out on the Housing Committee and the Transit Committee, noting the approved the purchase of two new buses for 2023.

OTHER BUSINESS

Councilor Harriman asked to have the option of hybrid meetings explored again for city boards and committees. The Mayor would like to have a review of City Hall operating hours. Councilor LaChapelle would like to have a future discussion on the costs to maintain the various city parks and green spaces.

EXECUTIVE SESSION

VOTE (337-2022)

Motion by Councilor Pease, seconded by Councilor Clement:

To enter into an Executive Session, pursuant to MRSA Title I, 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 9:30pm and ended at 10:12pm.

VOTE (338-2022)

Motion by Councilor Pease, seconded by Councilor Scott:

To adjourn at 10:12 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine