

# CITY OF LEWISTON

CITY COUNCIL

JANUARY 3, 2023

## REGULAR MEETING HELD IN THE COUNCIL ROOM AT 6:30 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.

### EXECUTIVE SESSION

#### VOTE (1-2023)

Motion by Councilor McCarthy, seconded by Councilor Pease:

To enter into an Executive Session pursuant to MRSA Title 1, Section 405 (6) (c) to discuss an Economic Development issue 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 6:31pm and ended at 6:54pm.

Regular Meeting began at 7:00pm.

Pledge of Allegiance to the Flag.

### LEWISTON LEADS PRESENTATION

Councilor Harriman recognized Jimmy Cutting who arrived in Lewiston in 2012 as a homeless person and is now a volunteer at the 12 Hour Club and house manager for St. Martin de Porres shelter. He started the WAY project – “Who Are You” - to help homeless residents obtain identification documents to assist them with employment and housing.

### PUBLIC COMMENT PERIOD

Ron Potvin, 291 Pond Rd, is vice-president of The Store Next Door program serving homeless students and he thanked the City Council for their support of the program. He noted they are incorporated as a separate entity and are not a part of the school system. Their volunteer board of directors works to educate the public about the needs of local homeless youth and works to fundraise to provide the services from The Store Next Door.

#### VOTE (2-2023)

Motion by Councilor McCarthy, seconded by Councilor Pease:

To dispense with the reading of the minutes of the meetings of November 1 and 15, 2022 and to accept and place them on file as prepared by the City Clerk. Passed - Vote 6-0-1 (Councilor Clement abstained since he was absent from the Nov. 15 meeting)

**ELECTION OF CITY COUNCIL PRESIDENT FOR 2023**

Councilor LaChapelle nominated Councilor Clement. Councilor Harriman read emails from the past year in which he quoted Councilor Clement and felt that his actions were bullying other Councilors. Councilor Harriman suggested the Council needed a change in leadership and nominated Councilor Scott. The Mayor then opened the floor for public comment:

1) Megan Parks, Ward 7 – read a statement from another resident who could not be present, expressed concerns about Councilor Clement contacting this resident’s place of employment based upon a comment the resident made as an individual and not as an employee. 2) Melissa Dunn, 254 Blake St, said that she has received harassment from Councilor Scott in the past. 3) Alex Pine, Wakefield St, noted Councilor Scott is his Councilor and he is very happy with the work she performs for the ward and is great at communicating with residents. 4) Sara Morin, 22 Grove St, has worked with Councilor Scott as a school parent and has found her to always be friendly, thoughtful and kind in her actions. 5) Deanna Arheart, Dean at Lewiston Middle School, said the school works hard to eliminate bullying within the student body and to hear it is occurring on the Council is a big concern. 6) Steve Miller, encouraged Councilors to work together to represent the city.

**VOTE (3-2023)**

Councilor Clement was nominated by Councilor LaChapelle and Councilor Scott was nominated by Councilor Harriman.

Councilors cast votes for Councilor Clement or Councilor Scott:

Voting for Councilor Clement: Councilors LaChapelle and Clement  
Voting for Councilor Scott: Councilors Harriman, Pease, Gelinas, Scott, and McCarthy

Councilor Scott was elected as the City Council President, said term to expire January 2, 2024.

Passed - Vote 5-2

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE, ARTICLE II, DEFINITIONS**

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

**VOTE (4-2023)**

Motion by Councilor Pease, seconded by Councilor Harriman:

That the proposed amendments to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article II, Definitions receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE  
APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE,  
ARTICLE III, OFFICIAL MAP**

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

**VOTE (5-2023)**

Motion by Councilor Harriman, seconded by Councilor McCarthy:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article III, Official Map as shown on Proposed Zoning – Area C Map receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE  
APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE,  
ARTICLE III, OFFICIAL MAP**

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

**VOTE (6-2023)**

Motion by Councilor Pease, seconded by Councilor LaChapelle:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article III, Official Map as shown on Proposed Zoning – Area D Map receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE  
APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE,  
ARTICLE III, OFFICIAL MAP**

Mayor Sheline opened the public hearing to receive citizen input and comment. Tim Morin, Gloria Ave – requested that 26 Grove St and 38 Grove St be removed from the proposal, noting DeBlois Electric purchased the properties knowing the zoning was not conducive to the business they wanted to conduct and would need to be changed, noted their building is large and is 10 feet from the property line. Claire Barker, Gloria Ave – Echoed the comments from Mr. Morin and asked the Council not to approve this zone change for these parcels. Ron Potvin, 291 Pond Rd – Lives at opposite end of Gloria Ave, this is a commercial area of Sabattus St, very compact, traffic on Pond Rd already has many trucks, is 25 mph but cars go 50 mph, no need to expand on Sabattus St anymore. Brandon Robinsky and his mother Brandy reside next to 26 Grove St rear and cautioned if the land is rezoned as commercial, the business could sell and there could be many types of businesses built there in this residential area. Sarah Morin, Grove St and Gloria Ave – said the purpose is to have the nonconforming property conform and the owner should be required to go through the Planning Board approval process. Ray DeBlois, 26 Montello St and

owner of the business noted they have been good neighbors over the years and good at communicating with the neighborhood about their plans, they do not know yet what they will do with the property but want to secure it first. Roxanne Boulay, lives across the street from the proposed zone change and is opposed, has lived there for 35 years. The Mayor then closed the hearing.

**VOTE (7-2023)**

Motion by Councilor LaChapelle, seconded by Councilor Scott:

To exclude the parcel at 26 Grove St Rear from the proposed Map E zoning change.  
Passed - Vote 7-0

**VOTE (8-2023)**

Motion by Councilor McCarthy, seconded by Councilor Pease:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article III, Official Map as shown on Proposed Zoning – Area E Map receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE  
APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE,  
ARTICLE III, OFFICIAL MAP**

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

**VOTE (9-2023)**

Motion by Councilor LaChapelle, seconded by Councilor McCarthy:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article III, Official Map as shown on Proposed Zoning – Area F Map receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE  
APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE,  
ARTICLE III, OFFICIAL MAP**

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

**VOTE (10-2023)**

Motion by Councilor Gelinias, seconded by Councilor Pease:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article III, Official Map as shown on Proposed Zoning – Area H Map receive first passage

by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE  
APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE,  
ARTICLE V, ADMINISTRATION AND ENFORCEMENT**

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

**VOTE (11-2023)**

Motion by Councilor Pease, seconded by Councilor Harriman:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article V, Administration and Enforcement receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE  
APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE,  
ARTICLE VI, NONCONFORMANCE**

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

**VOTE (12-2023)**

Motion by Councilor Pease, seconded by Councilor Harriman:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article VI, Nonconformance receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed – Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE  
APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE,  
ARTICLE IX, APPEALS AND VARIANCES**

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

**VOTE (13-2023)**

Motion by Councilor Pease, seconded by Councilor Clement:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article IX, Appeals and Variances receive first passage by a roll call vote and that the public

hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE  
APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE,  
ARTICLE XI, DISTRICT REGULATIONS**

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

**VOTE (14-2023)**

Motion by Councilor Pease, seconded by Councilor LaChapelle:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code Article XI, District Regulations receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE  
APPENDIX A OF THE CODE OF ORDINANCES, ZONING AND LAND USE CODE,  
ARTICLE XIII, DEVELOPMENT REVIEW AND STANDARDS**

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

**VOTE (15-2023)**

Motion by Councilor Pease, seconded by Councilor McCarthy:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, Article XIII, Development Review and Standards receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING AND FIRST PASSAGE FOR AN AMENDMENT TO THE DESIGN  
LEWISTON SITE PLAN REVIEW AND DESIGN GUIDELINES/STANDARDS**

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

**VOTE (16-2023)**

Motion by Councilor Clement, seconded by Councilor Pease:

That the proposed amendment to Appendix A of the Code of Ordinances, Zoning and Land Use Code, the Design Lewiston Site Plan Review and Design Guidelines/Standards receive first passage by a roll call vote and that the public hearing on said ordinance amendments be continued to the next regularly scheduled City Council meeting. Passed - Vote 7-0

**AMENDMENT TO POLICY MANUAL NUMBER 6, THE RULES GOVERNING THE CITY COUNCIL**

Councilors reviewed the draft language regarding the presiding officer’s role and duties. The Mayor then opened the meeting for public input: 1) James Howanic, stated these proposed changes appear to be aimed as a personal matter which appears to be more of a political issue. 2) Alex Pine referenced Robert’s Rules of Order noting in small boards the rules may be relaxed, he said this proposal is because a majority of the current Council is unhappy with the Mayor, he found the proposed language inconsistent with the overall Policy. 3) Matt Roy, Ward 3, found the proposal to be full of hypocrisy and irony and noted it is meaningless. 4) Angela LaFrance and Cory Dufour spoke against the amendment and stated they found the Mayor to be a good communicator. 5) Melissa Dunn, 254 Blake St – Called this proposal a dog whistle, concerned for safety of Lewiston and the direction of the city due to the actions of some Councilors. 6) Deanna Arheart, Highland Ave – Dean of 8<sup>th</sup> Grade students at Middle School, shocked by what is going proposed, suggested it be voted down. 7) William Coffin, Lewiston – Councilors speak for wards, Mayor speaks for whole city, Mayor and Council need to support a proper government, tonight’s actions are partisan politics at its worst. 8) Elizabeth Eames, Ward 3 – The Mayor follows the rules strictly when presiding already such as the three minute rule, no applause from audience, does not cut off Councilors when speaking, and so forth. 9) Ron Potvin, 291 Pond Rd – suggested the Council refer to the Book of Common Sense – voters want city business done, solid solutions to issues, solid and thoughtful discussion and debate is healthy, will be disagreements, need to work through, need to get work of city done. 10) Jamie Caouette – Director at The Store Next Door – commented on the wonderful support the Mayor has provided for their program. 11) Marcus Talarico, Auburn – said this proposal and some Councilors have been involved with backdoor shenanigans and inquired who encompasses the “we” that proposed the language. 12) Mike Lajoie, 279 Old Greene Rd – as a former City Councilor, no elected officials in the past acted like children, were all professional, put into office by voters, need to act properly, Council should vote this down and hold an executive session in private to discuss issues within the Council. 13) Cathy McDonald, Ware St – cannot see the purpose of this amendment, elected in a non-partisan manner, consider future implementations of such amendment, voters trusted elected officials to be responsible, respectful, get work done.

**VOTE (17-2023)**

Motion by Councilor Clement, seconded by Councilor McCarthy:

To add in the language from the Intent of Change in Rules but to postpone this matter until after an Executive Session can be held to review the issue more in depth. Passed - Vote 7-0

**ORDER, AUTHORIZING THE ALLOCATION AND DISBURSEMENT OF \$5,500 CDBG PUBLIC FACILITIES FUNDING TO TREE STREET YOUTH**

**VOTE (18-2023)**

Motion by Councilor McCarthy, seconded by Councilor Pease:

To approve the Order, Authorizing the allocation and disbursement of \$5,500 CDBG Public Facilities funding to Tree Street Youth:

Whereas, the FY2023 Community Development Block Grant budget included \$145,651 in Public Facilities funding that would be made available to public service agencies on a rolling basis to help meet facility improvement needs that arise; and

Whereas, in order to better meet the health and safety needs of the children, two old oil tanks will be removed and a new oil tank will be installed in the basement;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, that \$5,500 of CDBG Public Facility funds be approved for use by Tree Street Youth to rehabilitate their building to better meet the health and safety needs of the children utilizing the youth center.

Passed - Vote 7-0

**ORDER, AUTHORIZING EXECUTION OF MUNICIPAL QUITCLAIM DEEDS FOR REAL ESTATE LOCATED AT 119 KING AVENUE AND 19 WINN STREET**

**VOTE (19-2023)**

Motion by Councilor Clement, seconded by Councilor LaChapelle:

To approve the Orders, Authorizing execution of municipal quitclaim deeds for real estate located at 119 King Avenue and 19 Winn Street:

119 King Avenue Order:

Whereas, the former owner, Alexandre Blanchette Heirs, failed to pay his bills on a timely basis for 119 King Avenue (Tax Map 170, Lot 58, Parcel 00-010381); and

Whereas, a tax lien was filed on June 21, 2018 (Book 9865 Page 46) and matured on December 21, 2019 in the amount of \$493.97; and

Whereas, a sewer lien was filed on March 22, 2019 (Book 10151 Page 197) and matured on September 22, 2020 in the amount of \$127.94; and

Whereas, a tax lien was filed on June 19, 2019 (Book 10106 Page 345) and matured on December 19, 2020 in the amount of \$968.43; and

Whereas, a water lien was filed on August 22, 2019 (Book 10160 Page 336) and matured on February 22, 2021 in the amount of \$116.02; and

Whereas, a storm water lien was filed on August 22, 2019 (Book 10162 Page 44) and matured on February 22, 2021 in the amount of \$98.32; and

Whereas, a storm water lien was filed on February 19, 2020 (Book 10308 Page 186) and matured on August 19, 2021 in the amount of \$98.51; and

Whereas, a tax lien was filed on June 15, 2020 (Book 10392 Page 65) and matured on December 15, 2021 in the amount of \$1,500.54; and



Whereas, a tax lien was filed on June 15, 2021 (Book 10772 Page 229) and matured on December 15, 2022 in the amount of \$1,493.14; 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 119 King Avenue to the owner.

19 Winn Street land:

Whereas, the former owner, Williams, Katherine E and Hewes, Elizabeth, failed to pay their bills on a timely basis for 19 Winn Street (Tax Map 125, Lot 21, Parcel 00-000254); and

Whereas, a tax lien was filed on June 23, 2015 (Book 9165 Page 257) and matured on December 23, 2016 in the amount of \$1,034.55; 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 19 Winn Street to the owner.

19 Winn Street mobile home:

Whereas, the former owner, Williams, Katherine E and Hewes, Elizabeth, failed to pay their bills on a timely basis for 19 Winn Street (Tax Map 125, Lot 21, Parcel 90-000246); and

Whereas, a tax lien was filed on June 23, 2015 (Book 9165 Page 258) and matured on December 23, 2016 in the amount of \$388.01; 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 19 Winn Street to the owner.

Passed - Vote 7-0

**APPOINTMENTS TO VARIOUS CITY BOARDS AND COMMITTEES**

**VOTE (20-2023)**

Motion by Councilor McCarthy, seconded by Councilor Pease:

To approve the Mayor’s nominations regarding these appointments for the following:

1) Housing Committee:

- 1 full member position – agency of affordable housing units rep – 3 year term
- Andrew Altmaier, Avesta Housing

2) 911 Committee:

1 full member position – citizen or city staff (has always been filled by staff) – 2 year term

Heather Hunter, City Administrator

3) Lewiston-Auburn Water Pollution Control Authority:

1 full member – 2 year term

Normand Lamie, Lewiston resident (application attached)

4) City Council Representative to the School Committee:

1 City Council member – 1 year term

Linda Scott, Ward 1 City Councilor

Passed - Vote 7-0

**VOTE (21-2023)**

Motion by Councilor McCarthy, seconded by Councilor LaChapelle:

To approve the nominations submitted by the Lewiston Area Public Health Committee for membership to that committee – each appointment for a three-year term:

Jeremy Hiltz, Celeste Philippon, Benjamin Sullivan and William Wallace

Passed - Vote 7-0

**VOTE (22-2023)**

Motion by Councilor McCarthy, seconded by Councilor LaChapelle:

To postpone appointment to the Lake Auburn Watershed Protection Commission to the next regular meeting. Passed - Vote 6-1 (Councilor Harriman opposed)

**ORDER, AUTHORIZING THE PURCHASE OF 3 MILL STREET FOR \$70,000 PLUS ANY ANCILLARY CLOSING COSTS AND INSTRUCT THE CITY ADMINISTRATOR TO EXECUTE ALL CLOSING DOCUMENTS, SUBJECT TO APPROVAL BY THE PLANNING BOARD**

**VOTE (23-2023)**

Motion by Councilor McCarthy, seconded by Councilor Pease:

To approve the Order, Authorizing the purchase of 3 Mill Street for \$70,000, plus any ancillary closing costs and instruct the City Administrator to execute all closing documents, subject to approval by the Planning Board:

Whereas, the .30 acre with 160 feet of frontage on the Androscoggin River parcel would be an integral parcel when implementing the Riverfront Island Master Plan and other area development in this part of Lewiston; and

Whereas, currently there is a sufficient balance in the acquisition/demolition fund to acquire this property; and

Whereas, the current asking price is \$89,500 and a quick closing will positively impact the purchase price;

Now, Therefore, Be It Ordered by the City Council of the City of Lewiston, to approve the purchase of 3 Mill Street for \$70,000, plus any ancillary closing costs and instruct the City Administrator to execute all closing documents, subject to approval by the Planning Board.

Passed - Vote 7-0

**REPORTS AND UPDATES**

Councilor Scott reported the School Committee will be meeting next week and the LYAC will be meeting on Thursday. Councilor McCarthy noted the Airport is receiving \$1.6 million in federal funds for hanger space and this should be arriving in about six months. Councilor Clement inquired about the \$1 million in federal funding earmarked for the fire substation. It was noted Jan 5 is the Riverfront Master Plan Forum at Callahan Hall and Jan 10 is the joint workshop with the Planning Board and Finance Committee for the LCIP presentation.

**OTHER BUSINESS**

No other business was presented at this time.

**VOTE (24-2023)**

Motion by Councilor LaChapelle, seconded by Councilor McCarthy:

To adjourn at 10:35P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC  
City Clerk  
Lewiston, Maine