

**WESTBROOK CITY COUNCIL
MEETING MINUTES
Westbrook High School, Room 114
Monday October 3, 2016**

CALL TO ORDER

Called to order by Councilor President Brendan Rielly at 7:00pm.

City Councilors Present: Victor Chau (Ward 2); John O’Hara (At Large); Gary Rairdon (Ward 4); Michael Sanphy (Ward 5); Anna Turcotte (Ward 3); Michael Foley (At-Large/Vice President); Brendan Rielly (Ward 1/President)

Other City Officials Present: Connor Blake (Student Representative); Jerre Bryant (City Administrator); Eric Dudley (Director of Engineering & Public Services); Jennie Franceschi (City Planner); Rick Gouzie (Code Enforcement Officer); Sandra Guay, Esq. (Legal Counsel); Colleen Hilton (Mayor); Angela Holmes (City Clerk); Suzanne Knight (Finance Director); Janine Roberts (Police Chief); Steve Sloan (Deputy Fire Chief); Andrew Turcotte (Fire Chief); John Wipfler (Assistant City Administrator)

PLEDGE OF ALLEGIANCE

President Rielly led all Councilors and members of the audience in the Pledge of Allegiance.

MAYOR’S MESSAGE

None

STUDENT REPRESENTATIVE UPDATE

None

PUBLIC COMMENT

President Rielly opened the floor for the first public comment portion of the City Council meeting. The following individuals spoke:

1. Ms. Holmes

ORDERS OF THE DAY

Included below are the Council actions on the Orders of the Day, which are those City Council orders receiving second and final reading.

1. **Orders 2016-111 through 2016-117.** Motion to approve second and final reading of the following items:

| | |
|----------------|---|
| Order 2016-111 | Acceptance of FY 16 Edward Byrne Memorial Justice Assistance Grant & Authorizing Expenditure of Funds |
| Order 2016-112 | Authorizing Purchase of Public Services Furniture |
| Order 2016-113 | Award of bid to Thyng Paving for Paving Projects and Placement on Vendor List |
| Order 2016-114 | Authorizing WEIC Expenditure for Downtown Westbrook Coalition |
| Order 2016-115 | Authorizing a Contract with David Margolis-Pineo for Construction Inspection Services |

Order 2016-116 Authorizing Acceptance of Maine Department of Public Safety for Grant for Substance Abuse Assistance Programs

Order 2016-117 Authorizing Expenditure of Funds for Public Safety Exercise Equipment Upgrade Order

Motion to approve second and final reading of Orders 2016-111 through 2016-117.

Moved by Vice President Foley, seconded by Councilor Sanphy.

Motion carried. Orders 2016-111 through 2016-117 adopted. (Vote 7-0)

Ayes: Councilor Chau, Councilor O'Hara, Councilor Rairdon, Councilor Sanphy, Councilor Turcotte, Vice President Foley, President Rielly

Nays: None

2. **Orders 2016-118 through 2016-119.**

a. Motion to approve second and final reading of the following items:

Order 2016-118 Authorizing Expenditure of Funds for Dog Park Fencing

Order 2016-119 Authorizing Expenditure of Funds for Dog Park Benches, Trash Receptacles and Waste Stations

Moved by Vice President Foley, seconded by Councilor Sanphy.

b. The following individuals commented on the motion to approve second and final reading of Orders 2016-118 and 2016-119:

i. Councilor O'Hara

ii. President Rielly

iii. Mr. Bryant

c. Revisiting the motion to approve second and final reading of Orders 2016-118 and 2016-119.

Motion failed. Legislation not adopted. (Vote 3-4)

Ayes: Councilor Chau, Councilor Turcotte, Vice President Foley

Nays: Councilor O'Hara, Councilor Rairdon, Councilor Sanphy, President Rielly

NEW BUSINESS

Included below are the Council actions on New Business, which include business licenses requiring City Council approval, City Council resolves and orders receiving first and final reading, City Council orders receiving the first of two required readings, and all items to be considered in Executive Session.

1. **Resolve 2016-28.** Initiating the Process of Developing Impact Fees.

a. Motion to approve first and final reading of the legislation.

Moved by Councilor Rairdon, seconded by Councilor Sanphy.

b. The following individuals commented on the motion to approve first and final reading of Resolve 2016-28:

i. Councilor Rairdon

ii. Councilor Chau

iii. Councilor O'Hara

iv. Nancy St. Clair (St. Clair Associates)

v. Flynn Ross (45 Middle Street)

vi. Brian Bozsik (44 Maple Street)

- vii. President Rielly
- viii. Steve Willette (75 Stroudwater Street)
- ix. Ms. Guay
- x. Ms. Franceschi
- xi. Mr. Bryant
- xii. Kathleen O'Neil Lussier (47 Cole Street)
- xiii. Vice President Foley
- xiv. Michael Ross (45 Middle Street)

- c. Revisiting the motion to approve first and final reading of Resolve 2016-28.

Motion carried. (Vote 6-1)

Ayes: Councilor Chau, Councilor O'Hara, Councilor Sanphy, Councilor Turcotte, President Rielly

Nays: Vice President Foley

- 2. **Order 2016-120.** Amending the Master Fee Schedule Regarding Athletic Field Rental Fees.

- a. Motion to approve first and final reading of the legislation.

Moved by Councilor Sanphy, seconded by Councilor Rairdon.

Revisiting the motion to approve first and final reading of Order 2016-120.

Motion carried by a show of hands. Order 2016-120 adopted. None opposed.

- 3. **Order 2016-121.** Authorizing Night Work on William Clarke Drive.

- a. Motion to approve first and final reading of the legislation.

Moved by Councilor O'Hara, seconded by Councilor Sanphy.

- b. The following individuals commented on the motion to approve first and final reading of Order 2016-121.

- i. Vice President Foley

- ii. Mr. Dudley

- iii. Councilor O'Hara

- iv. Councilor Chau

- c. Revisiting the motion to approve first and final reading of Order 2016-121.

Motion carried. Order 2016-121 adopted. (Vote 7-0)

Ayes: Councilor Chau, Councilor O'Hara, Councilor Rairdon, Councilor Sanphy, Councilor Turcotte, Vice President Foley, President Rielly

Nays: None

- 4. **Order 2016-122.** Adopting Emergency Moratorium Ordinance on Residential Developments of 10 or More Lots or Dwelling Units.

- a. As a point of order, President Rielly requested permission to abstain from discussing or voting upon Order 2016-122 as his law firm is associated with a recently submitted development plan.

Motion to allow President Rielly to abstain from discussing or voting upon Order 2016-122.

Moved by Councilor Rairdon, seconded by Vice President Foley.

Motion carried by a show of hands. President Rielly allowed to abstain from Order

2016-122.

- b. As a point of order, Vice President Foley asked Mr. Bryant how to proceed when several sections of the proposed legislation contains blanks. Mr. Bryant indicated that he would refer this question to Ms. Guay, but also noted that Council's rules of order do not allow for an Order to be debated or discussed before it's been introduced, but also noted that it cannot be introduced when it's not fully drafted. Mr. Bryant suggested that Council move to suspend the rules and to move to approve the Order to be read by title only.
- c. Motion to suspend the rules of City Council, and to approve Order 2016-122 by title only.
Moved by Councilor Turcotte, seconded by Councilor Sanphy.
- d. As a point of order, Councilor Chau and Councilor Turcotte asked Mr. Bryant if an Order can be adopted when incomplete. Mr. Bryant stated that Ms. Guay did not find sufficient information in the Comprehensive Plan which would support the proposed moratorium, which is why blanks exist. It was concluded that City Council must review the legislation and determine legally defensible reasons to impose a moratorium.
- e. The following individuals commented on the motion to approve first reading of Order 2016-122.
 - i. Councilor Chau
 - ii. Ms. Guay
 - iii. Councilor Turcotte
 - iv. Mr. Bryant
 - v. Mayor Hilton
 - vi. Vice President Foley
 - vii. Wally Camp, Jr. (communication read into the record by Vice President Foley)
 - viii. Marie Flaherty (communication read into the record by Vice President Foley)
 - ix. Ben Waxman (55 Union Street)
 - x. Flynn Ross (45 Middle Street)
 - xi. Jim Garland (4 Laffin Drive)
 - xii. Kate Bergeron (106 McKinley Avenue)
 - xiii. James Marcisso (345 Saco Street)
 - xiv. Michael Ross (45 Middle Street)
 - xv. Michael Shaughnessy (89 Conant Street)
 - xvi. Chris LaRoche (Executive Director, Westbrook Housing Authority)
 - xvii. Deborah Shangraw (752 Main Street)
 - xviii. Richard Burman (Cape Elizabeth Resident)
 - xix. Kathleen O'Neil Lussier (47 Cole Street)
 - xx. Vincent Maietta (Developer of Winslow Green)
 - xxi. Nancy St. Clair (St. Clair Associates, Consultant for Risbara)
 - xxii. Tim Halpin (Scarborough Resident)
 - xxiii. Tim Flaherty (The Flaherty Group)
 - xxiv. Meredith Tardif (35 Middle Street)
 - xxv. Brian Bozsik (44 Maple Street)
 - xxvi. Lynda Adams (60 Adams Way)
 - xxvii. Councilor Sanphy

- xxviii. Jessica Corriveau (397 Austin Street)
- xxix. Steve Willette (75 Stroudwater Street)
- xxx. Councilor Turcotte
- xxxi. Councilor O'Hara
- xxxii. Councilor Chau

- f. As a point of order, Vice President Foley noted for the record that this evening's meeting is being broadcast live, contrary to a statement made by a resident during public comment.
 - g. Motion to table Order 2016-122, and to refer this item back to the Committee of the Whole to provide feedback to the administration in order to complete the proposed legislation.
Moved by Councilor O'Hara, seconded by Councilor Turcotte.
Motion carried. Order 2016-122 tabled. (Vote 4-2-1)
Ayes: Councilor O'Hara, Councilor
Nays: Councilor Chau, Vice President Foley
5. **Order 2016-123.** Authorizing Purchase of Mobile Shelving System.
- a. Motion to approve first reading of the legislation.
Moved by Councilor Sanphy, seconded by Councilor Chau.
 - b. The following individuals commented on the motion to approve first reading of Order 2016-123:
 - i. Councilor O'Hara
 - ii. Councilor Turcotte
 - iii. Mr. Bryant
 - iv. Ms. Holmes
 - v. Michael Ross (45 Middle Street)
 - c. Revisiting the motion to approve first reading of Order 2016-123.
Motion carried by a show of hands. None opposed.
6. **Order 2016-124.** Adopting Westbrook Code of Ordinances Chapter 4, Article VI, Dog Parks.
- a. Motion to approve first reading of the legislation.
Moved by Councilor O'Hara, seconded by Councilor Turcotte.
 - b. The following individuals commented on the motion to approve first reading of Order 2016-124:
 - i. Vice President Foley
 - ii. Mr. Bryant
 - iii. Lynda Adams (60 Adams Way)
 - c. As a point of order, a typographical error noted by Ms. Adams was corrected on the floor, in Section 4-76, amended to state the following: "Shall not give training treats to dogs other than their own."

- d. Revisiting the motion to approve first reading of Order 2016-124.
Motion carried by a show of hands.
Ayes: Councilor Chau, Council O'Hara, Councilor Rairdon, Councilor Sanphy, Councilor Turcotte, President Rielly
Nays: Vice President Foley
- 7. **Order 2016-125.** Authorizing Expenditure for Painting and Repairs at the Cornelia Warren Swimming Pool.
 - a. Motion to approve first reading of the legislation.
Moved by Councilor Rairdon, seconded by Councilor Sanphy.
 - b. As a point of order, Mr. Bryant noted that the budget line from which the painting and repairs should be paid was not originally listed in the legislation. The legislation should be amended to include budget line 23005100-589-02370.
 - c. Revisiting the motion to approve first reading of Order 2016-125.
Motion carried by a show of hands. None opposed.
- 8. **Order 2016-126.** Award of Bid for ADA Pool Lifts.
 - a. Motion to approve first reading of the legislation.
Moved by Councilor Chau, seconded by Councilor Rairdon.
 - b. The following individuals commented on the motion to approve first reading of Order 2016-126:
 - i. Councilor Chau
 - ii. Councilor O'Hara
 - iii. Vice President Foley
 - iv. Mr. Bryant
 - v. Mr. Dudley
 - c. Revisiting the motion to approve first reading of Order 2016-126.
Motion carried by a show of hands. None opposed.
- 9. **Order 2016-127.** Award of Bid for Firefighting Gear.
 - a. Motion to approve first reading of the legislation.
Moved by Councilor Turcotte, seconded by Councilor Rairdon.
 - b. The following individuals commented on the motion to approve first reading of Order 2016-127:
 - i. Councilor O'Hara
 - ii. Councilor Turcotte
 - c. Revisiting the motion to approve first reading of Order 2016-127.
Motion carried by a show of hands. None opposed.
- 10. **Order 2016-128.** Authorizing Expenditure for Bucket Truck Repairs.

- a. Motion to approve first reading of the legislation.
Moved by Councilor Rairdon, seconded by Councilor Sanphy.
- b. The following individuals commented on the motion to approve first reading of Order 2016-128:
 - i. Councilor O'Hara
 - ii. Mr. Dudley
- c. Revisiting the motion to approve first reading of Order 2016-128.
Motion carried by a show of hands. None opposed.

11. **Order 2016-129.** Amending Order 2016-76, Regarding the FY 2016-2017 Annual Vendor List for General Fund.

- a. Motion to approve first reading of the legislation.
Moved by Councilor Turcotte, seconded by Councilor O'Hara.
- b. The following individuals commented on the motion to approve first reading of Order 2016-129:
 - i. Mr. Bryant
- c. Revisiting the motion to approve first reading of Order 2016-129.
Motion carried by a show of hands. None opposed.

12. **Point of order, public comment.** As a point of order, President Rielly noted that the last item under New Business is a request to enter into Executive Session. The final public comment portion of the agenda will be held prior to convening in Executive Session.

PUBLIC COMMENT

President Rielly opened the floor for the second and final public comment portion of the City Council meeting. The following individuals spoke:

1. Rob Smith (92 Brackett Street)
2. Steve Willette (75 Stroudwater Street)
3. Michael Ross (45 Middle Street)
4. Vice President Foley

NEW BUSINESS, CONTINUED

13. **Executive Session.** Motion to enter into Executive Session at 10:48pm pursuant to 1 MRSA § 405-6(E) to discuss pending litigation.
Moved by Councilor Rairdon, seconded by Councilor Sanphy.
Motion carried by a show of hands. None opposed.

RECONVENE

City Council reconvened from Executive Session at 11:30pm.

ADJOURNMENT

Motion to adjourn at 11:30 pm.

Moved by Councilor Sanphy, Seconded by Vice President Foley.
Motion carried by a show of hands. None opposed.