

**WESTBROOK CITY COUNCIL
REGULAR CITY COUNCIL MEETING MINUTES
MONDAY JANUARY 7, 2019
WESTBROOK HIGH SCHOOL, ROOM 114**

CALL TO ORDER

Meeting called to order at 7pm by City Council President Gary Rairdon.

City Councilors Present: Lynda Adams (Ward 5); Victor Chau (Ward 2); Michael T. Foley (At-Large); Ann E. Peoples (At-Large); Brendan Rielly (Ward 1); Gary Rairdon (Ward 3, President); Anna A. Turcotte (Ward 4, Vice President)

City Councilors Absent: None

Other City Officials Present: Rebecca Albert (Walker Memorial Library Director); Jerre Bryant (City Administrator); Natalie Burns (Legal Counsel); Stephen Fields (Assistant City Administrator/Director of Human Resources); Greg Hamilton (Director of Public Safety Communications); Danielle Higgins (Community Services Office Coordinator); Angela Holmes (City Clerk); Katherine Kelley (Wastewater Supervisor); Suzanne Knight (Finance Director); Dena Lebeda (Tax Collector); Brian Olsen (Police Sergeant); Greg Post (Interim Director of Community Services); Janine Roberts (Police Chief); Michael Sanphy (Mayor); Daniel Stevenson (Director of Economic Development); Andrew Turcotte (Fire Chief)

PLEDGE OF ALLEGIANCE

President Rairdon led all present in the Pledge of Allegiance.

MINUTES

President Rairdon stated that unless any objections are received, the minutes from the December 17, 2018 City Council Workshop and Special Council Meeting will stand as presented. No objections were received; minutes stand as presented.

MAYOR'S MESSAGE

Mayor Sanphy presented the following items:

1. A gavel was presented to Past City Council President Brendan Rielly in honor of his many years of service as the City Council President.
2. The Mayor read into the record a Proclamation in Support of Winter Kids at Canal School.
3. Mayor Sanphy announced the reappointment of Ann McAlpine, Patricia Harford and Ann Bittner as Overseers of the Poor.
4. Mr. Post was invited to the podium to give a presentation on a proposed fee schedule for programming at the Westbrook Community Center. The following individuals presented questions and/or comments: Councilor Foley, Mr. Bryant, Councilors Adams, Rielly and Turcotte.
5. Chief Roberts introduced Sergeant Olsen, who gave a presentation on police patrols. The following individuals presented questions and/or comments: Councilor Turcotte, President Rairdon, Councilors Foley, Rielly and Adams, Chief Turcotte.

STUDENT REPRESENTATIVE UPDATE

There were no Student Representatives present.

PUBLIC COMMENT

President Rairdon opened the floor for the first public comment portion of the evening's meeting. The following individuals spoke: Councilors Rielly and Adams, Ms. Holmes, Chief Roberts, President Rairdon.

SUSPENSION OF RULES

President Rairdon stated that unless any objections were received, he would suspend the rules to consider Order 2019-5 out of order on the agenda, to accommodate Mr. Hamilton's schedule. No objections were received.

1. **Order 2019-5. Approving the 2018-2021 Collective Bargaining Agreement with Public Safety Dispatch Unit.**

Motion to approve the first of two readings of Order 2019-5.

Moved by Councilor Rielly, seconded by Councilor Peoples.

President Rairdon opened the floor for comments on the motion. The following individuals spoke: Mr. Hamilton.

Motion carried by a show of hands. None opposed.

ORDERS OF THE DAY (SECOND AND FINAL READING)

Included below are the City Council Orders which require second and final reading.

1. **Order 2018-193. Authorizing Expenditure for Election Materials and Amending the FY 2018-2019 General Fund Annual Vendor List.**

Order 2018-194. Authorizing Three-Party Partnership Agreement for Improvements to Cumberland Street.

Motion to approve second and final reading of Orders 2018-193 and 2018-194.

Moved by Councilor Foley, seconded by Vice President Turcotte.

President Rairdon asked if any Councilor would like any of these Council Orders considered separately; no response received.

President Rairdon opened the floor for comments on the motion; none received.

Motion carried. Orders 2018-193 and 2018-194 adopted. (Vote 7-0)

Ayes: Adams, Chau, Foley, Peoples, Rairdon, Rielly, Turcotte

Nays: None

NEW BUSINESS

Included below are the Council actions on New Business, which includes 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. **License Denial Hearing.** The Administration denied the inclusion of David Young as a driver for Bayside Towing and Nappi's Towing due to a conviction of theft. Deb Nason, owner of the two companies, appealed the denial to City Council, which initiated a hearing on the matter. President Rairdon opened the hearing on the denial, and invited Ms. Burns to give an overview of the procedures. Ms. Burns stated that this is a de novo hearing, giving Councilors an opportunity to look at the evidence and make their own determination on the matter. The

appellant should be provided with an opportunity to speak first, and the Clerk should be provided with an opportunity to respond. Councilors may ask questions, but no public comment is allowed. Ms. Burns clarified that Mr. Young can still operate a tow truck in Westbrook, but he cannot operate a tow truck for a company that wishes to be placed on the City's tow call list. Mr. Young was provided with an opportunity to speak. He stated that he was convicted of shoplifting 23 years ago, and his record has been clean since. Chief Roberts stated that the Police Department does not necessarily oppose issuing a license to Mr. Young, but current Code of Ordinance regulations do not allow the Police Department the discretion to make this decision. Chief Roberts stated she did not oppose the appeal. The following individuals commented on this matter: Councilor Adams, Ms. Burns, Chief Roberts, President Rairdon, Councilor Foley.

Motion to grant the appeal.

Moved by Councilor Foley, seconded by Councilor Peoples.

Motion carried. Appeal granted. (Vote 7-0)

Ayes: Adams, Chau, Foley, Peoples, Rairdon, Rielly, Turcotte

Nays: None

Motion to adopt as Facts and Findings that the City Council heard the testimony of the appellant, that Mr. Young had one shoplifting conviction 23 years ago and has had a clean record since, and that Council has granted the appeal based upon these facts and findings. Moved by Councilor Rielly, seconded by Councilor Foley.

Motion carried by a show of hands. None opposed.

2. **Liquor License Renewal Applications for American Legion Westbrook Memorial Post 197, located at 300 Conant Street, and Lenny's Pub, located at 1274 Bridgton Road.**

Motion to approve the liquor license renewal applications outlined above.

Moved by Councilor Foley, seconded by Councilor Peoples.

President Rairdon opened the floor for comments on the motion. The following individuals spoke: Ms. Holmes

Motion carried by a show of hands. None opposed.

3. **Resolve 2019-1. Appointing Thomas Rubino to the Westbrook Housing Authority.**

Order 2019-1. Approving Revised Call Company Pay Scale.

Order 2019-2. Authorizing Program Fee Adjustments at Westbrook Community Center.

Order 2019-3. Amending the FY 2018-2019 General Fund Annual Vendor List.

Order 2019-4. Authorizing Hold Harmless Agreement with Schlotterbeck & Foss.

Motion to approve first and final reading of Resolve 2019-1 and Orders 2019-1 through 2019-4.

Moved by Councilor Rielly, seconded by Councilor Peoples.

President Rairdon opened the floor for comments on the motion. The following individuals spoke: Councilor Foley, Chief Turcotte.

President Rairdon asked if any Councilor would like any of these Council Orders considered separately. Mr. Bryant asked that Order 2019-4 be tabled. He was informed that the Maine Department of Environmental Protection is reviewing the requirements for Schlotterbeck & Foss, which may make this legislation unnecessary. Vice President Turcotte asked that Order 2019-2 be considered separately.

President Rairdon opened the floor for comments on the motion to approve Resolve 2019-1 and Orders 2019-1 and 2019-3. No one spoke.

Motion carried. Resolve 2019-1 and Orders 2019-1 and 2019-3 adopted. (Vote 7-0)

Ayes: Adams, Chau, Foley, Peoples, Rairdon, Rielly, Turcotte

Nays: None

President Rairdon opened the floor for comments on the motion to approve Order 2019-2. The following individuals spoke: Councilor Adams, Mr. Post

Motion to amend the City of Westbrook Employee fee structure to allow municipal employees to purchase annual and 16-visit flex passes at the senior discount rate.

Moved by Councilor Adams, seconded by Councilor Peoples.

Motion carried. Order 2019-2 amended. (Vote 5-2)

Ayes: Adams, Chau, Peoples, Rielly, Turcotte

Nays: Foley, Rairdon

Discussion on Order 2019-2 continued. The following individuals spoke: Councilor Foley, Mr. Bryant, Councilor Rielly, President Rairdon, Mr. Post, Councilor Peoples, Vice President Turcotte

Motion to table Order 2019-2, as amended, until the Social Services Committee's reports and findings are ready for Council review, and to table Order 2019-4.

Moved by Councilor Foley, seconded by Councilor Rielly.

Motion carried. Order 2019-2, as amended, and Order 2019-4 tabled. (Vote 5-2)

Ayes: Foley, Peoples, Rairdon, Rielly, Turcotte

Nays: Adams, Chau

4. **Order 2019-6. Authorizing Acceptance and Expenditure of Speed Enforcement Grant Funds. Order 2019-7. Authorizing Acceptance and Expenditure of Impaired Driving Grant Funds**

Motion to approve the first of two readings of Orders 2019-6 and 2019-7.

Moved by Councilor Peoples, seconded by Councilor Adams.

President Rairdon opened the floor for comments on the motion. No one spoke.

Motion carried by a show of hands. None opposed.

5. **Order 2019-8. Authorizing Purchase of Tax Collection Software.**

Motion to approve the first of two readings of Order 2019-8.

Moved by Councilor Foley, seconded by Councilor Rielly.

President Rairdon opened the floor for comments on the motion. The following individuals spoke: Councilor Foley, Ms. Knight, Mr. Bryant, Councilor Chau, Councilor Adams

Motion carried by a show of hands. None opposed.

6. **Order 2019-9. Authorizing Three-Party Partnership Agreement for Overlay on Cumberland Street.**

Motion to approve the first of two readings of Order 2019-9.

Moved by Vice President Turcotte, seconded by Councilor Adams.

President Rairdon opened the floor for comments on the motion. As a point of order, Councilor Adams noted that the Order should be amended to reflect the correct name of Pierce Street. No one else spoke.

Motion carried by a show of hands. None opposed.

7. **Order 2019-10. Authorizing Purchase of Manhole Frames and Covers and Amending the Sewer Fund Annual Vendor List.**

Motion to approve the first of two readings of Order 2019-10.

Moved by Councilor Peoples, seconded by Vice President Turcotte.

President Rairdon opened the floor for comments on the motion. No one spoke.

Motion carried by a show of hands. None opposed.

8. **Order 2019-11. Authorizing Amendment to Order 2018-129, Safety Intercom System at Westbrook Community Center.**

Motion to approve the first of two readings of Order 2019-11.

Moved by Councilor Foley, seconded by Councilor Chau.

President Rairdon opened the floor for comments on the motion. No one spoke.

Motion carried by a show of hands. None opposed.

9. **Order 2019-12. Authorizing Expenditure for Extension of Water Service.**

Order 2019-13. Granting Permanent Non-Exclusive Easement to Vallee Square Holding, LLC.

Motion to approve the first of two readings of Orders 2019-12 and 2019-13, with the easement provisions to be drafted by the City Solicitor.

Moved by Councilor Foley, seconded by Councilor Rielly.

President Rairdon opened the floor for comments on the motion. The following individuals spoke: Councilor Rielly, Councilor Foley, Guy Cote (Owner, Vallee Square Holding, LLC), James Tranchemontagne (Owner, Frog & Turtle Restaurant), Vice President Turcotte, Councilor Peoples, President Rairdon, Councilor Adams

Motion carried by a show of hands. None opposed.

PUBLIC COMMENT

President Rairdon opened the floor for the second and final public comment portion of the evening's meeting. The following individuals spoke: Councilor Foley, Mayor Sanphy, Councilor Chau, President Rairdon, Councilor Peoples, Vice President Turcotte, Councilor Adams

REFERRAL

Motion to refer an amendment to the Charter to replace the caucus system with a primary system for municipal elections to the Committee of the Whole.

Moved by Vice President Turcotte, seconded by Councilor Adams.

Motion failed. (Vote 2-5)

Ayes: Adams, Turcotte

Nays: Chau, Foley, Peoples, Rairdon, Rielly

ADJOURNMENT

Motion to adjourn at 9:22pm.

Moved by Councilor Peoples, seconded by Councilor Foley.

Motion carried by a show of hands. None opposed.