

**WESTBROOK CITY COUNCIL  
CITY COUNCIL MEETING MINUTES  
MONDAY FEBRUARY 5, 2017 AT 7:00PM  
WESTBROOK CITY HALL**

**CALL TO ORDER**

Called to order at 7:00pm by Vice President O'Hara, who led all present in the Pledge of Allegiance.

**Councilors Present:** Lynda Adams (Ward 5); Victor Chau (Ward 2); Ann Peoples (At-Large); Gary Rairdon (Ward 4); Anna Turcotte (Ward 3); John O'Hara (At-Large/Vice President)

**Councilors Absent:** Brendan Rielly (Ward 1/President)

**Other City Officials Present:** Rebecca Albert (Library Director); Ranya Al Obaidi (Student Representative); Scott Anderson (Separate Legal Counsel, Verrill Dana, LLP); Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Eric Dudley (Director of Public Services); Jennie Franceschi (Director of Code Enforcement & Planning); Katherine Gray (Wastewater Division Manager); Greg Hamilton (Director of IT & Communications); Angela Holmes (City Clerk); Suzanne Knight (Finance Director); Sean Lally (Police Captain); Michael Sanphy (Mayor); Steve Sloan (Deputy Fire Chief); Daniel Stevenson (Economic Development Director); Andrew Turcotte (Fire Chief)

**APPROVAL OF MINUTES**

Vice President O'Hara noted that unless any objections were received, he would let stand the minutes from the Special City Council Meeting held on January 22, 2018. No objections received. Minutes stand as presented.

**MAYOR'S MESSAGE**

Mayor Sanphy announced the following items:

1. The City of Westbrook's 2017 4<sup>th</sup> Quarter Employee of the Quarter is Kara Reiman, Youth Services Librarian at the Walker Memorial Public Library. Mayor Sanphy read her award letter into the record. The letter will be placed on display at City Hall.
2. Mayor Sanphy asked Councilor Turcotte to share news of her recent award. In December, Councilor Turcotte received the Armenian National Committee Activism Award.
3. Robert Barton has been reappointed by the Mayor to serve on the Parks & Cemeteries Board of Trustees for an additional three-year term.
4. Mayor Sanphy announced the annual appointment of Administrative Officers for 2018, as provided under Article III, Administrative Officers, § 2 – 53, *Appointment of Administrative Officers*, of the Westbrook Code of Ordinances. The appointments are as follows:
  - City Administrator** – Jerre Bryant
  - City Clerk** – Angela Holmes
  - Chief of Fire Department/Local Health Officer** – Andrew Turcotte
  - Chief of Police Department** – Janine Roberts
  - Emergency Management Agency Director** – Greg Hamilton
  - Finance Director/City Treasurer** – Suzanne Knight

**City Tax Collector** – Jordan Shelburne  
**Tax Assessor** – James Thomas  
**Road Commissioner/Director Engineering & Public Services** – Eric Dudley  
**Director of Planning & Code Enforcement** – Jennie Franceschi  
**City Electrician/Electrical Inspector** – Steve Corey  
**City Solicitor** – Natalie Burns  
**Code Enforcement Officer/Health & License Inspector** – Richard Gouzie  
**Director of Walker Memorial Library** – Rebecca Albert  
**City Arborist** – Douglas Eaton  
**Director of Economic & Community Development** – Daniel Stevenson

### **STUDENT REPRESENTATIVE UPDATE**

Student Representative Al Obaidi announced the following items:

1. The Westbrook High School Math Team came in second place last week.
2. The Westbrook High School One-Act Play Festival performance will take place on March 7, 2018.
3. Student Representative Al Obaidi was selected to attend a Maine Youth Action Network conference, and found the experience very educational.

### **PUBLIC COMMENT**

Vice President O'Hara opened the floor for the first public comment portion of the City Council meeting. The following individuals spoke:

1. Councilor Adams
2. Dallas Peare (44 North Street)
3. Councilor Turcotte
4. Councilor Peoples

### **ORDERS OF THE DAY (SECOND AND FINAL READING)**

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

1. **Point of Order.** Vice President O'Hara noted that unless there were any objections, he would consider Orders 2018-8 through 2018-11 first, before Order 2018-7.
2. **Orders 2018-8 through 2018-11.**  
Motion to approve second and final reading of the following orders:  
Order 2018-08            Authorizing Fire Department Expenditure for Firefighting Gear  
Order 2018-09            Acceptance of Distracted Driving Grant Funds  
Order 2018-10            Acceptance of Impaired Driving Grant Funds  
Order 2018-11            Authorizing Expenditure for Records Preservation

Moved by Councilor Peoples, seconded by Councilor Rairdon.

**Motion carried. Orders 2018-8 through 2018-11 adopted. (Vote 6-0-1)**

Ayes: Councilor Adams, Councilor Chau, Councilor Peoples, Councilor Rairdon, Councilor Turcotte, Vice President O'Hara

Nays: None

Absent: President Rielly

3. **Order 2018-7. Amending the Land Use Ordinance, Chapter II, Section 205, Medical Marijuana.**

a. Vice President O'Hara noted for the record that this Order requires a public hearing. Notice of the public hearing was published in the American Journal on February 1, 2018. Notice was also mailed to all property owners within 500' of the affected area and was posted to the City website.

b. Vice President O'Hara opened the public hearing. The following individuals spoke:

- i. Chris O'Neil (O'Neil Paulson Consulting, on behalf of Green Harbor Technologies)
- ii. Tucker Noyes
- iii. Councilor Adams
- iv. Ms. Franceschi
- v. Ms. Burns
- vi. Councilor Chau
- vii. Kyle Noyes

c. Vice President O'Hara closed the public hearing.

d. Motion to amend Order 2018-7 in Section 205 (D), *Hours of operation*, to state ". . . open to the public for business only between the hours of 8:00 a.m. and 8:00 p.m. . . ." in accordance with the recommendation submitted by Ms. Franceschi.

Moved by Councilor Chau, seconded by Councilor Rairdon.

**Motion carried by a show of hands. None opposed. Language amended.**

e. Motion to approve Order 2018-7, as amended.

Moved by Councilor Adams, seconded by Councilor Peoples.

**Motion carried. Order 2018-7 adopted as amended. (Vote 6-0-1)**

Ayes: Councilor Adams, Councilor Chau, Councilor Peoples, Councilor Rairdon, Councilor Turcotte, Vice President O'Hara

Nays: None

Absent: President Rielly

**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. **Liquor License Renewal.** Motion to approve the Liquor License Renewal Application submitted by Mighty Mo d/b/a Mister Bagel, located at 609 Main Street, Suite 1.

Moved by Councilor Rairdon, seconded by Councilor Chau.

**Motion carried by a show of hands. None opposed.**

2. **Towing License Application Appeal Hearing.** A request to appeal the denial of a Towing License application was submitted by Deborah Nason of Nappi's Towing.
  - a. Vice President O'Hara opened a public hearing on the appeal. The following individuals spoke:
    - i. Joseph Nason
    - ii. Ms. Holmes
    - iii. Deborah Nason
    - iv. Councilor Adams
    - v. Captain Lally
  - b. Vice President O'Hara closed the public hearing.
  - c. Motion to grant the appeal and to issue a Towing License to Nappi's Towing.  
Moved by Councilor Adams, seconded by Councilor Peoples.
  - d. The following individuals commented on the motion to grant the appeal and issue the Towing License:
    - i. Councilor Peoples
    - ii. Councilor Turcotte
    - iii. Ms. Holmes
    - iv. Councilor Chau
    - v. Councilor Rairdon
  - e. Revisiting the motion to grant the appeal and to issue a Towing License to Nappi's Towing.  
**Motion carried by a show of hands. None opposed. Appeal granted.**
3. **Order 2018-12. Approving Distribution of Snowmobile Revenues to Westbrook Trail Blazes.**
  - a. Motion to approve first and final reading of Order 2018-12.  
Moved by Councilor Rairdon, seconded by Councilor Adams.
  - b. The following individuals commented on the motion to approve first and final reading of the legislation:
    - i. Councilor Chau
    - ii. Dan McCarthy (President of Westbrook Trail Blazes)
    - iii. Mr. Bryant
    - iv. Councilor Adams
  - c. Revisiting the motion to approve first and final reading of Order 2018-12.  
**Motion carried. Order 2018-12 adopted. (Vote 6-0-1)**  
Ayes: Councilor Adams, Councilor Chau, Councilor Peoples, Councilor Rairdon, Councilor Turcotte, Vice President O'Hara  
Nays: None  
Absent: President Rielly
4. **Order 2018-13. Approving the IDEXX Laboratories Tax Increment Financing District Amendment.**
  - a. Vice President O'Hara noted for the record that this Order requires a public hearing. Notice of the public hearing was published in the American Journal on January 25, 2018 and was posted to the City website.

- b. Vice President O'Hara opened the public hearing. The following individuals spoke:
    - i. Jim Saffian (Attorney with Pierce Atwood, LLP)
    - ii. Councilor Chau
    - iii. Jeff Baur (Senior Director of Tax, IDEXX Laboratories)
    - iv. Mr. Bryant
  - c. Vice President O'Hara closed the public hearing.
  - d. Motion to approve first reading of Order 2018-13.  
Moved by Councilor Peoples, seconded by Councilor Rairdon.
  - e. The following individuals commented on the motion to approve first reading of the legislation:
    - i. Vice President O'Hara
  - f. Revisiting the motion to approve first reading of Order 2018-13.  
**Motion carried by a show of hands. None opposed.**
5. **Order 2018-14. Authorizing Replacement of Emergency Communications Radio System.**
- a. Motion to approve first reading of Order 2018-14.  
Moved by Councilor Rairdon, seconded by Councilor Peoples.
  - b. The following individuals commented on the motion to approve first reading of the legislation:
    - i. Councilor Rairdon
    - ii. Mr. Hamilton
    - iii. Councilor Chau
    - iv. Christine Latini (170 Pierce Street)
  - c. Revisiting the motion to approve first reading of Order 2018-14.  
**Motion carried by a show of hands. None opposed.**
6. **Order 2018-15. Authorizing Expenditure for Police Training.**
- a. Motion to approve first reading of Order 2018-15.  
Moved by Councilor Peoples, seconded by Councilor Chau.
  - b. The following individuals commented on the motion to approve first reading of the legislation:
    - i. Mr. Bryant
  - c. Revisiting the motion to approve first reading of Order 2018-15.  
**Motion carried by a show of hands. None opposed.**
7. **Order 2018-16. Award of Bid for upgrading Wastewaters SCADA Software and Installation of Alarm Management.**  
Motion to approve first reading of Order 2018-16.  
Moved by Councilor Peoples, seconded by Councilor Rairdon.  
**Motion carried by a show of hands. None opposed.**
8. **Order 2018-17. Award of Bid for Sewer Department Truck.**

- a. Motion to approve first reading of Order 2018-17.  
Moved by Councilor Turcotte, seconded by Councilor Adams.
- b. The following individuals commented on the motion to approve the legislation:
  - i. Councilor Rairdon
  - ii. Mr. Bryant
- c. Revisiting the motion to approve first reading of Order 2018-17.  
**Motion carried by a show of hands. None opposed.**

9. **Order 2018-18. Award of Bid for Outdoor Pool Water Service Replacement.**

- a. Motion to approve first reading of Order 2018-18.  
Moved by Councilor Turcotte, seconded by Councilor Peoples.
- b. The following individuals commented on the motion to approve first reading of the legislation:
  - i. Councilor Rairdon
  - ii. Mr. Bryant
  - iii. Mr. Dudley
  - iv. Vice President O'Hara
- c. Revisiting the motion to approve first reading of Order 2018-18.  
**Motion carried by a show of hands. None opposed.**

10. **Order 2018-19. Authorizing Agreement for Loaner Fire Truck.**

- a. Motion to approve first reading of Order 2018-19.  
Moved by Councilor Turcotte, seconded by Councilor Chau.
- b. The following individuals commented on the motion to approve first reading of the legislation:
  - i. Councilor Chau
  - ii. Chief Turcotte
  - iii. Mr. Bryant
- c. Revisiting the motion to approve first reading of Order 2018-19.  
**Motion carried by a show of hands. None opposed.**

**PUBLIC COMMENT**

Vice President O'Hara opened the floor for the second and final public comment. The following individuals spoke:

1. Councilor Adams
2. Mr. Bryant

**REFERRALS**

Motion to refer the following items to the Committee of the Whole: (1) Farmland Conservation/Trusts/Collaboration Agreements, and (2) Review and Discussion of Comprehensive Plan and Land Use Ordinance; and to refer the following item to the Facilities and Streets Committee: (1) Extending Parking Time Limit for People with Disabilities.

### **EXECUTIVE SESSION**

Motion to enter into Executive Session at 9:04pm pursuant to 1 MRSA § 405-6(E) to discuss Legal Rights & Duties, pursuant 405-6(C) for discussion of an economic development matter where premature disclosure of information would prejudice the position of the City, and pursuant to 1 MRSA § 405-6(D) to discuss labor contract negotiations with Westbrook Police Association, Westbrook Fire/Rescue Department Union, Westbrook General Unit, Westbrook Public Services Department Union, and Westbrook Public Safety Dispatcher Unit, inviting the Mayor, City Administrator, the City Solicitor and separate legal counsel to attend.

Moved by Councilor Peoples, seconded by Councilor Chau.

**Motion carried by a show of hands. None opposed.**

### **RECONVENE**

City Council reconvened at 10:22pm.

**Councilors Present:** Lynda Adams (Ward 5); Victor Chau (Ward 2); Ann Peoples (At-Large); Gary Rairdon (Ward 4); Anna Turcotte (Ward 3); John O'Hara (At-Large/Vice President)

**Councilors Absent:** Brendan Rielly (Ward 1/President)

**Other City Officials Present:** Scott Anderson (Separate Legal Counsel, Verrill Dana, LLP); Jerre Bryant (City Administrator); Natalie Burns (City Solicitor); Michael Sanphy (Mayor)

### **ADJOURNMENT**

Motion to adjourn at 10:22pm.

Moved by Councilor Rairdon, seconded by Councilor Turcotte.

**Motion carried by a show of hands. None opposed.**