

**WESTBROOK CITY COUNCIL
CITY COUNCIL MEETING MINUTES
MONDAY MAY 7, 2018 AT 7:00PM
WESTBROOK HIGH SCHOOL, ROOM 114**

CALL TO ORDER

Called to order at 7:00pm by Council President Rielly, 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); Brendan Rielly (Ward 1/President)

Councilors Absent: None

Other City Officials Present: Ranya Al Obaidi (Student Representative); Natalie Burns (City Solicitor); Jerre Bryant (City Administrator); Eric Dudley (Director of Public Services); Dean Flanagan (Director of Operations, Westbrook School Department); Jennie Franceschi (Director of Code Enforcement & Planning); Angela Holmes (City Clerk); Suzanne Knight (Finance Director); Jodi Mezzanotte (Assistant Superintendent of Schools); Michael Sanphy (Mayor); Daniel Stevenson (Economic Development Director)

APPROVAL OF MINUTES

No minutes to approve.

MAYOR’S MESSAGE

Mayor Sanphy read two proclamations into the record – a Proclamation in Honor of International Firefighters Day, and a Proclamation in Honor of Arbor Week.

STUDENT REPRESENTATIVE UPDATE

Student Representative Al Obaidi announced the following items:

1. Tomorrow is Academic Recognition Night.
2. Advanced Placement exams are in full swing. The first exam was for Chemistry, which took place today. Exams will continue for the next few weeks.
3. The Westbrook High School Junior Prom took place last Saturday.

PUBLIC COMMENT

President Rielly opened the floor for the first public comment portion of the City Council meeting. No one spoke.

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. **Order 2018-59. Approving FY 2018 – 2019 Annual Budget and Appropriations.**
 - a. Motion to approve second and final reading of Order 2018-59.
Moved by Councilor Adams, seconded by Councilor Peoples.

- b. President Rielly requested permission to recuse himself from voting upon Order 2018-59, as the City contracts with his employer (Jensen, Baird, Gardner & Henry) for legal services, though he does not provide legal services to the City himself.
- c. Motion to allow President Rielly to abstain from voting on Order 2018-59.
Moved by Councilor Rielly, seconded by Councilor Chau.
Motion carried by a show of hands. None opposed.
- d. President Rielly stepped down from the chair. Vice President O'Hara assumed the chair for the remainder of deliberations on this item.
- e. The following individuals commented on the motion to approve second and final reading of the legislation:
 - i. Councilor Adams
 - ii. Mayor Sanphy
 - iii. Mr. Bryant
 - iv. Councilor Rairdon
 - v. Vice President O'Hara
- f. Revisiting the motion to approve second and final reading of Order 2018-59.
Motion carried. Order 2018-59 adopted (Vote 4-2-1)
Ayes: Councilor Adams, Councilor Chau, Councilor Peoples, Councilor Turcotte
Nays: Councilor Rairdon, Vice President O'Hara
Abstain: President Rielly

2. **Order 2018-60. Approving FY 2018 – 2019 School Budget Warrants.**

Motion to approve second and final reading of Order 2018-60.

Moved by Councilor Adams, seconded by Councilor Turcotte

Motion carried. Order 2018-60 adopted. (Vote 5-2)

Ayes: Councilor Adams, Councilor Chau, Councilor Peoples, Councilor Turcotte, President Rielly

Nays: Councilor Rairdon, Vice President O'Hara

3. **Point of Order.** President Rielly stated that unless there were any objections, he would allow for the consideration of Orders 2018-61 through 2018-63 together in one motion.

4. **Orders 2018-61 through 2018-63.**

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

Order 2018-61 Authorizing the Establishment of the Westbrook Façade Improvement Program and Approving WEIC Funds to Support the Program

Order 2018-62 Authorizing Payment for City Hall Administrative Wing Redesign

Order 2018-63 Authorizing Emergency Sewer Repairs

Moved by Councilor Peoples, seconded by Councilor Adams

- b. The following individuals commented on the motion to approve second and final reading of the legislation:
 - i. Councilor Rairdon
 - ii. Mr. Bryant

iii. Mr. Stevenson

- c. As a Point of Order concerning Order 2018-61, Mr. Stevenson noted for the record that the attachment to Order 2018-61 is different from what was previously provided during first reading of the legislation. City Council had asked for clarification in the program guidelines to provide municipal discretion in approving applications and to limit the percentage of a project that is funded by municipal loans and grants. Mr. Bryant noted that the proposed amendments to the program guidelines can be incorporated into the legislation this evening if Council approved a motion to amend Order 2018-61 to include those amendments.
- d. Councilor Peoples and Adams agreed to amend their motion to consider Order 2018-61 separately.
- e. Motion to amend Order 2018-61 to incorporate program guideline changes which provide municipal discretion in approving applications and which limit the percentage of a project that is funded by municipal loans and grants.
Moved by Councilor Peoples, seconded by Councilor Turcotte.
Motion carried by a show of hands. None opposed. Order 2018-61 amended.
- f. Revisiting the motion to approve second and final reading of Order 2018-61, as amended.
Motion carried. Order 2018-61 adopted, as amended. (Vote 7-0)
Ayes: Councilor Adams, Councilor Chau, Councilor Peoples, Councilor Rairdon, Councilor Turcotte, Vice President O'Hara, President Rielly
Nays: None
- g. As a Point of Order concerning Order 2018-63, Mr. Bryant noted for the record that the owners of O'Brien Brothers, Inc., the service provided referenced in the legislation, also own Pompeo Sand & Gravel, Inc. The owners sent an invoice to the City of Westbrook from the incorrect company – Pompeo Sand & Gravel, Inc. was the company that provided the emergency sewer repairs.
- h. Councilor Peoples and Adams agreed to amend their motion to consider Order 2018-63 separately.
- i. Motion to amend Order 2018-63 to replace "O'Brien Brothers, Inc." with "Pompeo Sand & Gravel, Inc." as the name of the service provider.
Moved by Councilor Chau, seconded by Councilor Adams.
Motion carried by a show of hands. None opposed. Order 2018-63 amended.
- j. Revisiting the motion to approve second and final reading of Order 2018-63, as amended.
Motion carried. Order 2018-63 adopted, as amended. (Vote 7-0)
Ayes: Councilor Adams, Councilor Chau, Councilor Peoples, Councilor Rairdon, Councilor Turcotte, Vice President O'Hara, President Rielly
Nays: None
- k. Revisiting the motion to approve second and final reading of Order 2018-62.
Motion carried. Order 2018-62 adopted. (Vote 7-0)
Ayes: Councilor Adams, Councilor Chau, Councilor Peoples, Councilor Rairdon, Councilor

Turcotte, Vice President O'Hara, President Rielly
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. **Business License Referral.** The City Clerk's Office referred a Mobile Vending Unit license renewal application to City Council for consideration, submitted by Don's Lunch, operating at 925 Main Street, as complaints against the business had been submitted. Ms. Franceschi distributed copies of the business license application and letters from the neighbors.
 - a. Motion to approve the business license renewal application.
Moved by Councilor Rairdon, seconded by Councilor Adams.
 - b. The following individuals commented on the motion to approve the business license renewal application:
 - i. President Rielly
 - ii. Councilor Adams
 - iii. Nancy Litrocapes (917 Main Street Condo Association)
 - iv. Councilor Turcotte
 - v. Mr. Bryant
 - vi. Craig Bernier (Owner of Don's Lunch)
 - vii. Brian Beaulieu (40 Terminal Street)
 - viii. Ms. Holmes
 - ix. Vice President O'Hara
 - x. Ms. Franceschi
 - xi. Mr. Dudley
 - xii. Councilor Chau
 - xiii. Councilor Rairdon
 - xiv. Councilor Peoples
 - xv. Cheryl Doherty (99 Harrisburg Avenue)
 - xvi. Josh Gelston (Owner of Starlite Catering)
 - xvii. Ms. Burns
 - c. Motion to table the business license renewal application submitted by Don's Lunch until the City Council meeting scheduled for May 21, 2018 to provide the business owner and neighbors with an opportunity to review the complaints and to develop a mutually agreeable solution.
Moved by President Rielly, seconded by Councilor Peoples.
 - d. The following individuals commented on the motion to table consideration of the business license renewal application:
 - i. Councilor Peoples
 - ii. Councilor Adams
 - iii. Councilor Turcotte
 - iv. Councilor Rairdon

v. Mayor Sanphy

- e. Revisiting the motion to table consideration of the business license renewal until the City Council meeting scheduled for May 21, 2018.

Motion carried by a show of hands. None opposed. Item tabled.

2. **Order 2018-64. Authorizing Recreation & Conservation Commission Expenditures for Conference Attendance.**

Motion to approve first and final reading of Order 2018-64.

Moved by Councilor Rairdon, seconded by Councilor Peoples

Motion carried. Order 2018-64 adopted. (Vote 7-0)

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

Nays: None

3. **Order 2018-65. Amending Master Fee Schedule, Banner Permit Fee.**

- a. Motion to approve first and final reading of Order 2018-65.

Moved by Councilor Turcotte, seconded by Councilor Chau.

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

- i. Councilor Rairdon
- ii. Vice President O'Hara
- iii. Councilor Peoples

- c. Revisiting the motion to approve first and final reading of Order 2018-65.

Motion carried. Order 2018-65 adopted. (Vote 5-2)

Ayes: Councilor Adams, Councilor Chau, Councilor Peoples, President Rielly, Councilor Turcotte

Nays: Vice President O'Hara, Councilor Rairdon

4. **Orders 2018-66 and 2018-67.**

- a. Motion to approve first and final reading of Orders 2018-66 and 2018-67, as follows:

Order 2018-66 Amending Master Fee Schedule, *Temporary Food Service License*

Order 2018-67 Authorizing Agreement with Credere Associates, LLC for Phase I

Environmental Site Assessment

Moved by Councilor Turcotte, seconded by Councilor Peoples

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

- i. Councilor Adams
- ii. Ms. Holmes
- iii. Councilor Rairdon

- c. Revisiting the motion to approve first and final reading of Orders 2018-66 and 2018-67.

Motion carried. Orders 2018-66 and 2018-67 adopted. (Vote 7-0)

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

Nays: None

5. **Order 2018-68. Acceptance of Donation for Youth Summer Program Scholarships**
Motion to approve first reading of Order 2018-68.
Moved by Councilor Rairdon, seconded by Councilor Turcotte.
Motion carried by a show of hands. None opposed.
6. **Order 2018-69. Amending Westbrook Code of Ordinances Chapter 23, Article II, Recreation and Conservation Commission, Chapter 15, Forest, and Chapter 32, Trees**
Motion to approve first reading of Order 2018-69.
Moved by Councilor Turcotte, seconded by Councilor Rairdon
Motion carried by show of hands. None opposed.
7. **Order 2018-70. Award of Bid for Tilt Deck Trailer.**
 - a. Motion to approve first reading of Order 2018-70.
Moved by Councilor Rairdon, seconded by Councilor Peoples.
 - b. The following individuals commented on the motion to approve the first reading of the legislation:
 - i. Councilor Rairdon
 - ii. Mr. Dudley
 - c. Revisiting the motion to approve first reading of Order 2018-70.
Motion carried by a show of hands. None opposed.
8. **Order 2018-71. Award of Bid for One-Ton Rack Body Truck.**
 - a. Motion to approve first reading of Order 2018-71.
Moved by Councilor Peoples, seconded by Councilor Adams.
 - b. The following individuals commented on the motion to approve the first reading of the legislation:
 - i. Councilor Rairdon
 - ii. Mr. Dudley
 - c. Revisiting the motion to approve first reading of Order 2018-71.
Motion carried by a show of hands. None opposed.
9. **Point of Order.** As a point of order, Ms. Holmes noted that Orders 2018-72 and 2018-73 require public hearings to be held at the City Council meeting scheduled for June 4, 2018.
10. **Order 2018-72. Authorizing Amendment to the Land Use Ordinance Section 201, Definitions, and to Establish Section 206, Adult-Use/Retail Marijuana.**
Motion to approve first reading of Order 2018-72.
Moved by Councilor Turcotte, seconded by Councilor Chau
Motion carried by show of hands. None opposed.
11. **Order 2018-73. Authorizing Amendment to the Land Use Ordinance Section 313, Contract Zone 3.**

- a. Motion to approve first reading of Order 2018-73.
Moved by Councilor Turcotte, seconded by Councilor Peoples.
- b. As a Point of Order, Councilor Rairdon noted for the record that he works for Hannaford Brothers, and does not profit from any benefit Hannaford may receive due to this change in land use. Based upon this information, Councilor Rairdon noted that he feels he can vote on this matter.
- c. Revisiting the motion to approve first reading of Order 2018-73.
Motion carried by a show of hands. None opposed.

PUBLIC COMMENT

President Rielly opened the floor for the second and final public comment. The following individuals spoke:

1. Councilor Rairdon

REFERRALS

Motion to refer the following items to the Committee of the Whole: (1) Caron property; (2) adoption of Event Permit fee; (3) drainage at 123 Methodist Road.

Moved by Councilor Chau, seconded by Councilor Rairdon.

Motion carried by a show of hands. None opposed.

EXECUTIVE SESSION

Motion to enter into Executive Session to discuss a poverty tax abatement as it pertains to the legal rights and duties of City Council pursuant to 1 M.R.S.A. § 405-6(E), inviting the Tax Collector, City Administrator, Mayor, City Solicitor, and Finance Director to attend.

Moved by Councilor Rairdon, seconded by Councilor Peoples.

Motion carried by a show of hands. None opposed.

RECONVENE

City Council reconvened from Executive Session at 10:14pm.

ADJOURNMENT

Motion to adjourn at 10:14pm.

Moved by Councilor Rairdon, seconded by Councilor Peoples.

Motion carried by a show of hands. None opposed.