

**COUNCIL MEETING
DECEMBER 20, 2022**

{The meeting was held in a hybrid model – in person and via Zoom}

Mayor Casavant called the meeting to order at 6:01p.m.

Roll Call: William Emhiser, Scott Whiting, Martin Grohman, Bobby Mills, Norman Belanger and Liam LaFountain were present. Amy Clearwater, Doris Ortiz and Marc Lessard were excused.

The Council and all that were present recited the Pledge of Allegiance

Adjustment to the Agenda:

REMOVED – 2022.102 Approval/Adoption of General Assistance Model Ordinance

ADDITION – Executive Session – MRS 405(6)(E) – Consultation with City Legal Counsel

Game of Chance Applications:

Motion by Councilor Mills, seconded by Councilor Grohman to recommend the issuance of the game of chance application to **York County Veteran's Alliance**

Vote: Unanimous

Motion Carries

Public Hearing: State Liquor License Application – 404 Elm Otto, LLC

The Public Hearing was opened at 6:01

There were no public comments

The Chair closed the Public Hearing at 6:01

Consideration of Liquor License: 404 Elm Otto, LLC

Motion made by Councilor Grohman, seconded by Councilor Mills to recommend the issuance of a State Liquor License to 404 Elm Otto, LLC.

Vote: Unanimous

Motion Carries

Public Addressing the Council: One person from the public addressed the Council

Consideration of Minutes: **December 6, 2022** – Page 12, Item 2022.101 was corrected

Motion made by Councilor Belanger, seconded by Councilor Mills to approve the minutes as printed.

Vote: Unanimous

Motion Carries

Recognition:

Swearing in of Fire Department Officers

Derick Ouellette was sworn in as a Captain

Steve Szostek was sworn in as a Lieutenant

Second Reading:

2022.99) Shoreland Zoning Amendment

{For a copy of the Shoreland Amendment and first readings, see the Council Meeting minutes of December 6, 2022}

Motion by Councilor Belanger, seconded by Councilor Emhiser to grant the second reading of the Shoreland Zoning Amendment.

Vote: Unanimous

Motion Carries

Orders of the Day:

2022.103) Donation to General Assistance for Fuel Assistance

2022.103) IN BOARD OF CITY COUNCIL...DECEMBER 20, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve a donation from Biddeford High School Class of 1972 in the amount of \$422.61 for distribution by General Assistance for fuel assistance to those in need.

Motion made by Councilor Belanger, seconded by Councilor Whiting

Vote: Unanimous

Motion Carries

2022.104) Approval/Saco – Lowell Joint Development Agreement Amendment

2022.104 IN BOARD OF CITY COUNCIL... DECEMBER 20, 2022

BE IT ORDERED, that the City Manager is hereby authorized to execute an Agreement to amend certain terms of a Joint Development Agreement between Saco-Lowell, LLC, River Lot, LLC and the City of Biddeford dated December 21, 2020 by adding or ~~deleting~~ text to the last paragraph of Article I, Section 3 of JDA as follows:

The last paragraph of Section of the Joint Development Agreement is hereby deleted in its entirety as follows:

~~While the City shall contemporaneously execute the Credit Enhancement Agreement, the City's obligations thereunder are conditioned upon Saco Lowell and/or its affiliates agreeing to file applications for a site plan approval for the re-development of the Saco-Lowell Building and the adjacent property located at 20 and 30 Gooch Street (the "Gooch Street Property") within three (3) years from the date of execution of this Agreement or the Credit Enhancement Agreement, whichever is earlier. In addition, Saco Lowell and/or its affiliates agree to complete construction of the re-development of the Saco-Lowell Building and the Gooch Street Property within two (2) years of receiving final City approval for each of the Saco-Lowell Building and Gooch Street Property re-development projects. In the event that Saco Lowell and/or its affiliates fail to comply with the above obligations, the Credit Enhancement Agreement shall terminate and the City shall have no further obligations thereunder, it being the intent hereof, however, that so long as Saco Lowell and/or its affiliate file applications for a site plan approval for the re-development of each of the Saco-Lowell Building and the Gooch Street Property within said three (3) year period and complete the proposed re-development projects within two (2) years of receiving final City approval for each such project, then Saco-Lowell and/or its affiliates shall be deemed to have satisfied its obligations under this paragraph and the City shall have no right to terminate the Credit Enhancement Agreement pursuant to the terms and conditions of this paragraph. For the avoidance of doubt, Saco Lowell, River Lot and/or their affiliates agree to not request a credit enhancement agreement for the re-development of the Gooch Street Property.~~

The last paragraph of Section of the Joint Development Agreement is replaced in its entirety as follows:

While the City shall contemporaneously execute the Credit Enhancement Agreement, the City's obligations thereunder are conditioned upon Saco-Lowell and/or its affiliates agreeing to: (i) file applications for a site plan approval for the re-development of the Saco-Lowell Building within one (1) year from the date of execution of this Agreement; and (ii) file applications for a site plan approval for the re-development of the adjacent property located at 20 and 30 Gooch Street (the "Gooch Street Property") within two (2) years from the date of execution of this Agreement. In addition, Saco-Lowell and/or its affiliates agree to: (A) complete construction of the re-development of the Saco-Lowell Building within two (2) years of receiving final, unappealable, City approval for the re-development of the Saco-Lowell Building; and (B) complete construction of the re-development of the Gooch Street Property within three (3) years of receiving final, unappealable, City approval for the re-development of the Gooch Street Property. In the event that Saco-Lowell and/or its affiliates fail to comply with the above-obligations, the Credit Enhancement Agreement shall terminate and the City shall have no further obligations thereunder, it being the intent hereof, however, that so long as Saco-Lowell and/or its affiliate file applications for site plan approval for the re-development of each of the Saco-Lowell Building and the Gooch Street Property within the time periods set forth above and complete the construction for the proposed re-development projects within the time periods set forth above for each such project, then Saco-Lowell and/or its affiliates shall be deemed to have satisfied its obligations under this paragraph and the City shall have no right to terminate the Credit Enhancement Agreement pursuant to the

terms and conditions of this paragraph. For the avoidance of doubt, Saco-Lowell, River Lot and/or their affiliates agree to not request a credit enhancement agreement for the re-development of the Gooch Street Property.

In addition to the foregoing, the City hereby agrees to convey to the Developer and/or its affiliates fee title to that certain parking area which is owned by the City and located at the end of Gooch Street near the existing railroad underpass (the "City Parking Area") in consideration for Developer and/or its affiliates completing certain improvements to City Parking Area and the portion of the Riverwalk which is located within the City Parking Area and which abuts the City Parking Area to the reasonable satisfaction of the City. It is the intent hereof that, other than said consideration for completing such improvements, no payment is owed to the City for said conveyance of the City Parking Area.

Saco-Lowell, River Lot and the City each reaffirm the Joint Development Agreement as amended, and all terms and conditions of the Joint Development Agreement, including all defined terms, except as specifically amended by this Amendment to Joint Development Agreement, shall have the same meaning and remain in full force and effect. No covenant or condition of the Joint Development Agreement shall be deemed waived by any action or non-action in the past.

Motion made by Councilor Belanger, seconded by Councilor Mills

Vote: Unanimous

Approval Carries

2022.105) Council Meeting date changes for January 2023

2022.105 IN BOARD OF CITY COUNCIL, DECEMBER 20, 2022

BE IT RESOLVED, that the regularly scheduled city council meetings of January 3, 2023 and January 17, 2023 held in the Chambers be re-scheduled for January 10, 2023 and January 24, 2023, respectively.

Motion made by Councilor Whiting, seconded by Councilor Belanger

Vote: Unanimous

Motion Carries

2022.106) Approval/City Manager Contract Extension

2022.106) IN BOARD OF CITY COUNCIL, DECEMBER 20, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the extension of the City Manager Employment Contract with James Bennett ending on the last day of July 2025.

Motion made by Councilor Belanger, seconded by Councilor Emhiser

Vote: Unanimous

Motion Carries

2022.107) Approval/Amendment to Art. III, Waste Flow Control and Transfer St, Div. 1, Sec. 58-62 Use of Transfer Station

2022.107 IN BOARD OF CITY COUNCIL... December 20, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize that business hours for the Recycling / Transfer center be set at Wednesday 7:00am to 4:45pm, Thursday 7:00am to 4:45pm, Friday 7:00am to 4:45pm, Saturday 6:00am to 3:45pm. Closed Sunday, Monday and Tuesday.

Motion made by Councilor Belanger, seconded by Councilor Emhiser

Vote: 5-1, Councilor Grohman Opposed; Councilor Emhiser, Whiting, Mills, Belanger and Lafountain in Favor

Motion Carries as Amended

Motion made by Councilor Mills to amend the Order by changing the time on Saturday to 7:00am to 4:45pm and further that it is reviewed by the Council in 90 days, seconded by Councilor Emhiser

Motion made by Councilor Mills to amend his motion to Saturdays 7:00am to 4:45pm, seconded by Councilor Emhiser

Vote: Unanimous

Amendment Carries

Appointments:

IN BOARD OF CITY COUNCIL...DECEMBER 20, 2022

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

**Leah Schaffer
Ward 5**

to the *Citizens Advisory Committee*

Motion by Councilor Belanger, seconded by Councilor Whiting to confirm the appointment.

Vote: Unanimous.

Appointment Confirmed

IN BOARD OF CITY COUNCIL...DECEMBER 20, 2022

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Kaily George
Ward 2**

to the *Citizens Advisory Committee*

Motion by Councilor Belanger, seconded by Councilor Whiting to confirm the appointment.

Vote: Unanimous

Appointment Confirmed

IN BOARD OF CITY COUNCIL...DECEMBER 20, 2022

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Roger Hurtubise
Ward 6**

to the *Biddeford Housing Authority*

Motion by Councilor Belanger, seconded by Councilor Mills to confirm the appointment.

Vote: Unanimous

Appointment Confirmed

IN BOARD OF CITY COUNCIL...DECEMBER 20, 2022

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Larry Patoine
Ward 6**

as the *Chair of the Planning Board*

Motion by Councilor Belanger, seconded by Councilor Mills to confirm the appointment.

Vote: Unanimous.

Appointment Confirmed

Rick Laverriere - Airport Commission

IN BOARD OF CITY COUNCIL...DECEMBER 20, 2022

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

**Rick Laverriere
Ward 6**

to the *Airport Commission*

Motion by Councilor Belanger, seconded by Councilor Mills to confirm the appointment.

Vote: Unanimous.

Appointment Confirmed

Public Addressing: There were no public comments

City Manager report:

City Manager Jim Bennett spoke about several things. First he updated the Council on how the Police Chief search was going. He explained that there is a Committee that is doing the initial screening. The responsibility of the Committee is to submit at least 3 recommendations to him

to go to the next level. The Committee has all the resumes and all of the applications and they are supposed to get their recommendations into staff next week and they will be getting together the first week of January to collectively decide who they are going to be conducting interviews with. He expects the interviews will be conducted the second week of January. He thinks they are still on target to potentially have a recommendation to the Council for confirmation for the first week in February with a start date no later than the first week in March.

He also mentioned that today they switched over to the new radios on the Public Safety side. He went on to say that he received an encouraging phone call from Senator Collin's office today to let him know the funding for the Elm Street work which is the pedestrian safety improvements is included in the omnibus bill. So if that bill passes without amendment to take that funding out, the project will be funded. Lastly, on behalf of the entire City Team (employees, volunteers, the staff) and anyone that tries to make Biddeford the very best place to be from, to live, to visit, we want to extend to the public all the best wishes during the holiday season and our commitment in 2023 is that we will do everything we can to continue to improve where we are as a community and continue to make it a place that people are proud to live and be from.

Other Business:

Councilor Emhiser, for the benefit of the public, wanted to remind everybody that as we enter the holidays, City Hall has a variety of different hours and you can go to the website and get those. Additionally, you do not need to use the orange bags this coming week after Christmas, you can just put your trash out. Finally, Councilor Emhiser wished everyone Happy Holidays and safe Holidays as well.

Councilor Mills wished everyone Happy Holidays. Councilor Mills also mentioned that he had a couple constituents call him and one in particular was in regards to the November 1st meeting, the Council voted on Andrews Road making it a no trespassing area, resolve number 2022.93. It authorized the City Manager to post the landfill and the adjoining properties as no trespassing and the Constituent called him and said that the signs are not up and there are still old signs there and they are concerned about some activity going on there. He also mentioned an email that he received from a different constituent regarding the voting location at the High School and he thought it would be prudent before our next election to talk about that because this person was concerned about voters getting onto the floors that are holding classes. Councilor Mills goes on to say that he always saw it as a plus holding the elections at the high school where the kids could get better involved but this one constituent is concerned with the environment that we live in today, how people that are not part of the school system would be able to wonder up to the floors where classes are taking place. Because of this concern Councilor Mills asked the Council if they could hold a joint workshop further down the road to address this concern.

Councilor Lafountain mentioned that there was a nice School Board meeting this past Wednesday and he wanted to commend the School Board, Superintendent and staff for their work with response to the hoax active shooter. He says that they have taken a lot of take-away from that incident last month and really put together a plan where they left "no stone unturned" better preparing them and Councilor Lafountain wanted to commend them on that. Lastly, he wished everyone Happy Holidays and Happy Hanukkah. He mentioned the nice lighting down on city square that he encourages everyone to take a look at.

Councilor Grohman wanted to thank the members of the Biddeford/Saco Rotary Club, Superintendent Jeremy Ray and all the staff for the schools in Biddeford and Saco. The Club identified 155 kids that wouldn't otherwise have presents under the tree. They had a budget of \$125.00 for each kid and did some shopping and wrapping for those kids. Councilor Grohman was able to play Santa for one of those families and really found it rewarding to be able to leave two big sacks under their tree. He goes on to say kudos to the school department and 58 members of the Club that made this possible.

Council President Addressing the Council:

Council President Norman Belanger wished everyone Happy Hanukkah being in the second day of Hanukkah. Merry Christmas to all that celebrate that. Happy Kwanza etc. and all the other and the Happiest of New Years to everybody. Councilor Belanger thanked the Council for another wonderful year that they are wrapping up, he says it's been a joy working with everyone here. He thanked the City Staff for all they do to help deliver such a fine product. He thanked his fellow Councilors for the time they put in and all that they do.

Mayor Addressing the Council:

Mayor Alan Casavant starts by saying that he thinks it's important that we all reflect at least this past month with the holiday season. Reflecting back on the lighting of the Christmas Tree and Wreaths Across America, you begin to realize how many people give so much time to do this and they are all volunteers. He noticed some of the newspaper articles that talk about other communities and the lighting in their downtown. He goes on to say the lighting in downtown Biddeford is exceptional and was done by all volunteers. Regarding the Wreaths Across America, the Mayor singled out Greg Morin and what he does with his trucking firm and organizing the event. The Mayor mentions the event at the Middle School and how exceptional it was, with talented kids doing their performances, he says it was just really really well done. Lastly, he thinks if you are looking for the true holiday spirit, he believes you could have found it in Biddeford over the last month because so many people were giving of their time and expertise to make things better for everybody else. Which this implies of course that we still have time to do even more in terms of our individual lives by making somebody's life a little bit better just by a simple hello or whatever it happens to be, it doesn't have to be a lot to make people feel that they belong to the community and that is what we are all about, is making people feel they belong and appreciated.

Motion made by Councilor Belanger to enter into Executive Session, seconded by Councilor Whiting

Vote: Unanimous

Motion Carries

Time: 6:50pm

Motion made by Councilor Belanger to come out of Executive Session, seconded by Councilor Emhiser

Vote: Unanimous
Motion Carries
Time: 6:55pm

Adjourn:

Motion to adjourn made by Councilor Belanger, seconded by Councilor Mills

Vote: Unanimous

Motion Carries

Time: 6:55pm