COUNCIL MEETING
DECEMBER 1, 2020

NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM), and was live streamed on the City's website

Mayor Casavant called the meeting to order at 6:00 p.m.

Roll Call: John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

William Emhiser and Amy Clearwater were excused.

Adjustments to the Agenda:
- Add Game of Chance Application – York County Veterans Alliance
- Add Order of the Day: 2020.114) Authorization/Waiver of Fees for Biddeford School Department
- Add Executive Session: 1 MRSA 405(6)(D)…Labor Contract Negotiation
  1 MRSA 405(6)(A)…Personnel Issue

Game of Chance Application: **York County Veterans Alliance**
Motion by Councilor McCurry, seconded by Councilor Ready to recommend the issuance of a Game of Chance permit to York County Veterans Alliance.
Vote: Unanimous.

Presentation: **FY22 Capital Improvement Projects Budget**
City Manager, James Bennett, through a PowerPoint presentation, gave a high level overview of the FY22 CIP Budget, and 5-year projections. He reminded the Council that the presentation is for planning purposes only.

Consideration of Minutes: **November 17, 2020**
Motion by Councilor McCurry, seconded by Councilor Lessard to accept the minutes as printed.
Vote: Unanimous.

Orders of the Day:
2020.110 IN BOARD OF CITY COUNCIL..DECEMBER 1, 2020
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 2, Administration, Article V, Finance, Section 2-340 – Sole source procurement**, is amended by adding or ~~deleting~~ to read as follows:

Sec. 2-340. Sole source procurement.
A contract may be awarded without competition when the ~~Purchasing Agent~~ City Manager determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service or construction item. The ~~Purchasing Agent~~ City Manager with the appropriate department head or designee shall conduct negotiations, as appropriate, as to the price delivery and terms. A record of sole source procurement shall be maintained as a public record and shall list each contractor's name, the amount and type of each contract, a listing of the item(s) procured under each contract and the identification number of each contract file.

NOTE: This ordinance amendment was discussed and approved by the Finance Committee at their October 20, 2020 meeting.

Motion by Councilor Ready, seconded by Councilor Lessard to grant the first reading of the ordinance amendment.
Vote: Unanimous.

NOTE: The language that is highlighted are the recommendations from the November 19, 2020 Policy Committee meeting.

2020.84 IN BOARD OF CITY COUNCIL..OCTOBER 6, 2020

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 2, Administration, Article IV BOARDS, COMMITTEES, COMMISSIONS, DIVISION 12 POLICE ADVISORY COMMITTEE Sections 2-230 et seq.** be amended by adding or deleting to read as follows:

Sec. 2-320 Establishment.

There is hereby created and established the Biddeford Police Advisory Committee, herein after BPAC, comprised of five members and a member of the Biddeford Police Department to serve as an ex officio member. All members shall be citizens and reside within the corporate limits of the City of Biddeford, with the exception of the ex officio member who may reside outside of the City. In appointing members to the BPAC, the Mayor and City Council shall seek to appoint members from a cross section of all citizens, taking into consideration the person's expertise, background and other relevant experiences. The BPAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council.

Sec. 2-321 Purpose; responsibilities.

(a) The purpose of the Committee is to provide an organized forum for two-way communication between the Biddeford Police Department and the community.

(b) Responsibilities shall include:

(1) ~~Where~~ When appropriate, make recommendations to ~~the City Council and~~ Police Department on ~~substantive issues~~ matters, with a goal of ~~improved~~ enhancing police-community relations ~~services~~. ~~For the purpose of this article, "substantive" issues are defined as matters of major or practical importance to all concerned. It~~ These recommendations shall not include personnel matters ~~issues~~ involving individual members or officers of the Police Department, or matters that deal with daily police operational enforcement and implementation strategies.

(2) Assist in identifying potential Police Department community partnerships ~~to~~ that focus or address public safety ~~related issues~~ matters within the community.

(3) Identify community resources and support for public safety activities ~~(such as parking and traffic); and give input to the City Council and the Police Department regarding perceived effectiveness~~.

(4) Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.

(5) Make reports to the City Council and/or Police Chief at such times as may be requested by the City Council, Police Chief or as the BPAC determines is necessary. Make reports to the City Council at such times as may be requested by the City Council.

Sec. 2-322 Membership.

Members shall be appointed by the Mayor and confirmed by a majority of the City Council for staggered three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or written resignation to the BPAC Chair, or upon the vote of the City Council to remove a member. Members of the Committee shall serve without pay and at the discretion of the City Council. The Biddeford Police Chief, or his designee, shall serve as the administrator, advisor and ex officio member, and shall provide assistance to the BPAC.

Sec. 2-323 Organization of Committee.

(a) The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three members. The Chair shall be counted in determining a quorum and shall have one vote.

(b) The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair, or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one vote.

(c) The ex officio member of the BPAC is a nonvoting member and shall serve in an advisory capacity.

(d) The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.

(e) A quorum consisting of three members shall be necessary to take any BPAC action authorized or required by this article. An issue shall carry by a majority of those voting.

(f) Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.

(g) The BPAC may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provisions of this division.

Sec. 2-324 Meetings.
(a) Meetings of the Biddeford Police Advisory Committee shall be at the call of the Chair, and established by the BPAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff 48 hours in advance of said meeting.

(b) All regularly scheduled and special meetings shall have an agenda approved by the Chair.

Motion by Councilor McCurry, seconded by Councilor Belanger to remove the ordinance amendment from the table.
Vote: 6/1; Councilor Lessard opposed.
Councilors McCurry, St. Cyr, Quattrone, Belanger, Ready and Ortiz in favor.
Motion carries.

Motion by Councilor McCurry, seconded by Councilor Belanger to amend the ordinance to reflect the changes that were recommended (in highlights) by the Policy Committee.
Vote: Unanimous.

Vote on ordinance, as amended: Unanimous.

2020.111 IN BOARD OF CITY COUNCIL..DECEMBER 1, 2020
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the Chief of Police to sign the Memorandum Of Understanding (MOU) “Extended Police Authority Agreement” regarding Mutual Aid Assistance, with other Police Agencies, pursuant to 30-A M.R.S.A. 2671 and 30-A M.R.S.A. 2674.

Motion by Councilor Ready, seconded by Councilor Lessard to grant the order.
Vote: Unanimous.

2020.112 IN BOARD OF CITY COUNCIL...DECEMBER 1, 2020
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into an agreement with the Maine Department of Transportation (MeDOT) and Maine Turnpike Authority (MTA) to form a three-party planning partnership initiative to conduct a so called South Street Connections Study (the Study). In accordance with the terms of the three-party agreement the cost of the Study shall be a maximum of $125,000 with the MeDOT contributing up to 60% (maximum of $75,000) and the City and MTA contributing 20% (maximum of $25,000 each).

NOTE: Staff recommends repurposing up to $25,000 of the unspent funds assigned to the FY21 CIP for channel clearing in anticipation of the Biddeford Pool/Wood Island Dredge project. The FY21 CIP included $50,000 for the dredge project channel clearing work.

Motion by Councilor McCurry, seconded by Councilor Belanger to grant the order.
Vote: 6/1; Councilor Ortiz opposed.
Councilors McCurry, St. Cyr, Quattrone, Belanger, Ready and Lessard in favor.
Motion carries.

2020.113 IN BOARD OF CITY COUNCIL..DECEMBER 1, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby recognize the "above and beyond" attitude and work ethic shown by City Staff over the course of the year in the face the Covid-19 pandemic, and as a thank you grant Friday, December 31, 2020 as a paid day off for all non-union City employees.

NOTE: The granting of New Year's Eve off is a one-time authorization, and is not intended for future years. The Personnel Committee considered this item at their November 17, 2020 meeting and voted 3/1 to recommend passage by the City Council.

Motion by Councilor Belanger, seconded by Councilor Ready to grant the order.
Vote: 4/3; Councilors McCurry, Lessard and Quattrone opposed.
Councilors Ready, Belanger, Ortiz and St. Cyr in favor.
Motion carries.

2020.114 IN BOARD OF CITY COUNCIL..DECEMBER 1, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the waiver of project application fees due to the City of Biddeford from the Biddeford School Department for projects involving local funds only, until otherwise rescinded. The payment of local statutory project fees that cannot be waived shall be reimbursed.

Note: Project fees due from the Biddeford School Department are an expense for the school department and a revenue for the City of Biddeford resulting in a net zero impact to the tax burden. Waiving of project fees reduces the administrative burden associated with the transaction. This waiver does not apply to projects involving state, federal, or other non-local project funding where project fees may be covered by the external funding source.

Motion by Councilor Ready, seconded by Councilor Belanger to grant the order.
Vote: Unanimous.

Appointments:

IN BOARD OF CITY COUNCIL…DECEMBER 1, 2020

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

Richard "Rick" Laverriere
371 South Street
Ward 6

as CHAIR of the *Airport Commission* for 2021.

Motion by Councilor McCurry, seconded by Councilor Lessard to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL…DECEMBER 1, 2020

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

Mildred Blanchette
290 Main Street, #4
Ward 5

to the *Biddeford Housing Authority*, for a term to expire in December 2025.

Motion by Councilor Ready, seconded by Councilor Lessard to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL…DECEMBER 1, 2020

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

Kelly Seiler
43 Cathedral Oaks Drive
Ward 6

to the *Biddeford Police Advisory Committee,* replacing Harry Courtois, for a term to expire in December 2023.

Motion by Councilor McCurry, seconded by Councilor Lessard to confirm the appointment. Vote: Unanimous.

IN BOARD OF CITY COUNCIL…DECEMBER 1, 2020

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

William (Bill) Southwick
16 Congress Street
Ward 4

as CHAIR of the *Planning Board* for 2021.

Motion by Councilor Ready, seconded by Councilor Lessard to confirm the appointment. Vote: Unanimous.

IN BOARD OF CITY COUNCIL…DECEMBER 1, 2020

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

Roch Angers
26 Cathedral Oaks Drive
Ward 6

to the *Planning Board,* for a term to expire in December 2023.

Motion by Councilor McCurry, seconded by Councilor Lessard to confirm the appointment. Vote: Unanimous.

IN BOARD OF CITY COUNCIL…DECEMBER 1, 2020

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

Sean Tarpey
110 Cleaves Street
Ward 2

to the *Planning Board,* for a term to expire in December 2023.

Motion by Councilor Ready, seconded by Councilor Lessard to confirm the appointment. Vote: Unanimous.

IN BOARD OF CITY COUNCIL…DECEMBER 1, 2020

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

Martin Grohman
9 Lisa Lane
Ward 3

as CHAIR of the *Solid Waste Management Commission* for 2021.

Motion by Councilor Ready, seconded by Councilor Lessard to confirm the appointment. Vote: Unanimous.

IN BOARD OF CITY COUNCIL…DECEMBER 1, 2020

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

Brian Fleurant
77 Prospect Street
Ward 4

to the *Wastewater Management Commission* for a term to expire December 2023.

BE IT FURTHER ORDERD, that Brian Fleurant be appointed **CHAIR** of the *Wastewater Management Commission* for 2021.

Motion by Councilor McCurry, seconded by Councilor Lessard to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL…DECEMBER 1, 2020

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

Don Furman
20 Elizabeth Road
Ward 1

as CHAIR of the *Zoning Board of Appeals* for 2021.

Motion by Councilor McCurry, seconded by Councilor Lessard to confirm the appointment.
Vote: Unanimous.

Public Addressing the Council…(5 minute limit per speaker; 30 minute total time limit):
A few citizens addressed their concerns to the Council.

Motion by Councilor Belanger, seconded by Councilor Quattrone to suspend the rules to allow for an additional 10 minutes for Public Addressing the Council.
Vote: Unanimous.

There was no City Manager Report given.

Other Business:
Councilor Lessard: advised the Council that he will be sharing some proposed ordinance amendments at next week's Council Workshop that will assist with affordable housing/unit rentals.

Mayor Addressing the Council: Mayor Casavant had the following items:

- He has appointed an Ad Hoc Climate Change Task Force
- He reminded folks of the Heart of Biddeford sponsored holiday event coming up on December 4th. The **Downtown Holiday Ride: Driving Through a Winter Wonderland** event includes a drive-through of Biddeford and Saco's downtowns in appreciation for the holiday lighting. More details can be found on the Heart of Biddeford website.
- He noted that the Comprehensive Plan update will be discussed at next week's Council Workshop, and he assured folks that the public will be involved in the process. He realizes the "massive" undertaking the Comp Plan has been and he and the Council are not taking the task lightly.

Executive Session:

- **1 MRSA 405(6)(D)…Labor Contract Negotiations**
- **1 MRSA 405(6)(A)…Personnel Issue**

Motion by Councilor McCurry, seconded by Councilor Belanger to move into Executive Session.
Vote: Unanimous. Time: 7:49 p.m.

Motion by Councilor McCurry, seconded by Councilor Quattrone to move out of Executive Session.
Vote: Unanimous. Time: 8:25 p.m.

Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.
Vote: Unanimous. Time: 8:25 p.m.

Attest by:_____
Carmen J. Morris, City Clerk