

**COUNCIL MEETING
NOVEMBER 20, 2018**

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

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Amy Clearwater, Norman Belanger, Michael Ready, Marc Lessard

Robert Quattrone, Jr., and Laura Seaver were excused.

The Council, and all who were present, recited the Pledge of Allegiance.

There were no adjustments to the agenda.

Beano/Bingo Application: **AMVETS, Post #1**

Motion by Councilor Ready, seconded by Councilor McCurry to recommend the issuance of the Beano/Bingo – Game of Chance Application to AMVETS, Post #1.

Vote: Unanimous.

Public Hearing: **Liquor License – Dizzy Birds Rotisserie, LLC**

The Chair opened the public hearing at 6:01 p.m.

There were no public comments.

The public hearing was closed at 6:01 p.m.

Consideration of Liquor License: **Dizzy Birds Rotisserie, LLC**

Motion by Councilor McCurry, seconded by Councilor Ready to recommend the issuance of a Liquor License to Dizzy Birds Rotisserie, LLC.

Vote: Unanimous.

Consideration of Minutes: **November 8, 2018**

Motion by Councilor McCurry, seconded by Councilor Ready to accept the minutes as corrected.

Vote: Unanimous.

Orders of the Day:

2018.131

IN BOARD OF CITY COUNCIL.....NOVEMBER 20, 2018

BE IT ORDERED, that the City Manager be authorized to purchase a 2020 Perterbilt truck as per bid of November 9, 2018 (the “Equipment”) from Whitehead Perterbilt (the “Vendor”) and may pay the Vendor an amount not to exceed \$177,500.00 (before discounts valued at \$55,000.00) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$177,500.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$177,500.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or

otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on November 20, 2018 and vote to recommend it to the City Council for approval. The purchase of this item is included in the FY19 CIP budget.

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

2018.117 IN BOARD OF CITY COUNCIL..OCTOBER 2, 2018

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into negotiation and execute an agreement with Hans and Anne Asoera, or their designated representative, owners of the property located at 1 Bay Street (GIS 60-48), to facilitate landscape improvements at said property and the public right-of-way to the beach substantially in the form presented in the letter from Jessica Kimball of Terrence J. DeWan & Associates dated August 2, 2018. The final terms of the agreement shall be beneficial to the City of Biddeford in consultation with the City Attorney.

BE IT FURTHER ORDERED, that any cost associated with the negotiated agreement shall be the responsibility of the property owner except as otherwise required by law.

NOTE: This authorization is limited to the establishment of an agreement between the parties. This Order does not guarantee or otherwise convey or imply permit approval for the proposed improvements. All permitting shall be administratively processed under the independent jurisdiction of the applicable agency, board, commission, or committee.

Motion by Councilor Swanton, seconded by Councilor St. Cyr to remove the order from the table.

Vote: 6/1; Councilor McCurry opposed.

Councilors Swanton, St. Cyr, Clearwater, Belanger, Ready and Lessard in favor.

Motion carries.

Motion by Councilor Swanton, seconded by Councilor Lessard to grant the order.

Motion by Councilor Lessard, seconded by Councilor McCurry to table the order until the full Council is present to vote on this issue.

Vote: 2/5; Councilors Lessard and McCurry in favor.

Councilors Swanton, St. Cyr, Clearwater, Belanger and Ready opposed.

Motion to table fails.

Motion by Councilor Ready, seconded by Councilor McCurry to suspend the rules and allow Councilor Swanton to speak for a 3rd time.

Vote: Unanimous.

Motion by Councilor Ready, seconded by Councilor McCurry to suspend the rules and allow Councilor Lessard to speak for a 3rd time.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Lessard to table the order to get a fair market value if the City were to sell the piece of property in question; and also to determine what the cost would be to install and maintain parking spaces in that area, should the City retain the property.

Vote: 5/2; Councilors Belanger and Clearwater opposed.

Councilors Swanton, McCurry, St. Cyr, Ready and Lessard in favor.

Motion carries.

2018.132 IN BOARD OF CITY COUNCIL...NOVEMBER 20, 2018

BE IT ORDERED, that the City Manager prepare amendments to Chapter 58-Solid Waste, by creating multifamily housing recycling program standard, amending the definition of “grandfathered facility” to include a performance-based demonstration of compliance with the multifamily housing recycling program standards, and developing an enforcement protocol applicable to all multifamily housing units of three or more to include loss of curbside solid waste services.

BE IT FURTHER ORDERED, that a draft of the amendments be presented to the Solid Waste Commission in December and that the Solid Waste Commission prepare recommendations for consideration by the Policy Committee no later than January 2, 2019, through the use of special meetings if necessary, for the regular Policy Committee Meeting on January 7, 2019.

BE IT FURTHER ORDERED, that the Policy Committee prepare recommendations for consideration by the City Council no later than January 30, 2019 in preparation for the regular City Council Meeting on February 5, 2019.

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

At this time, former City Councilor, Victoria Foley was recognized for her years of service on the City Council and was presented with a souvenir chair.

2018.133 **IN BOARD OF CITY COUNCIL....NOVEMBER 20, 2018**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to negotiate and enter into an agreement with Broadreach Public Relations for on-call public relations services under terms determined to be in the best interest of the City as follows:

1. Onboarding/Media Analysis..... \$4,000 (one-time cost)
2. On-Call Retainer..... \$3,000 (annual, prorated)
3. Communications Plan Review/Recommendations..... \$3,000 (one-time cost)
4. Measurement & Reporting @ \$450/month

Item 4 shall not apply until after Broadreach completes a review of the City's communications plan and recommendations are implemented.

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

2018.134 **IN BOARD OF CITY COUNCIL..NOVEMBER 20, 2018**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the Management Agreement with York County Arena Association to manage the Ice Arena.

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

2018.135 **IN BOARD OF CITY COUNCIL.....NOVEMBER 20, 2018**

BE IT ORDERED, that the City Manager be authorized to purchase the Biddeford Ice Arena Refrigeration system from Miller Refrigeration Company, Inc.(the "Vendor") and may pay the Vendor an amount not to exceed \$350,000.00 for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$350,000.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$350,000.00, (b) the term of such agreement will not exceed two hundred and forty (240) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions,

limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

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

Vote: Unanimous.

2018.136 **IN BOARD OF CITY COUNCIL...NOVEMBER 20, 2018**
Order Providing For: ISSUANCE OF UP TO \$365,000 CITY OF BIDDEFORD, MAINE REVENUE OBLIGATION SECURITIES (ICE ARENA PROJECT)

WHEREAS, the Finance Authority of Maine Act, 10 M.R.S.A., Ch. 110, §§961 et seq., as amended (the “Act”), authorizes and empowers municipalities in the State of Maine to issue revenue obligation securities in order to provide financing for eligible projects within the corporate limits of the municipality, and to make and enter into all financing documents, security agreements, mortgages, contracts, and trust agreements necessary or convenient to carry out each such power; and

WHEREAS, the City of Biddeford, Maine (the “City”), a municipality of the State of Maine, acting through its City Council (the “Council”), is authorized and empowered by Section 1074 of the Act to issue its taxable municipal revenue bonds for the purpose of financing a replacement compressor system (the “Project”) for the City’s ice arena facilities known as the Biddeford Ice Arena (the “Arena”); and

WHEREAS, under the Act, taxable bonds issued pursuant to Section 1074 are not subject to any limitations or restrictions of any law which may limit the City’s power to issue such taxable bonds or to the procedures set forth in Section 1063 or in Section 1064, subsection 1 of the Act; and

WHEREAS, the Council desires to authorize the issuance, sale and delivery by the City of its taxable revenue bonds in a principal amount not to exceed \$365,000, to finance the Project (the “Revenue Bonds”); and

NOW THEREFORE, BE IT ORDERED, by the City Council of the City of Biddeford as follows:

Section 1. Pursuant to the Act, the acquisition, construction and installation of the Project on such terms and conditions terms as the City Manager shall determine, is hereby authorized and approved.

Section 2. The City Council hereby finds and determines that:

- a. The City is a duly organized municipality of the State of Maine and the City Council are the duly elected municipal officers of the City; and
- b. The Act authorizes and empowers the City to issue the Revenue Bonds and to use the proceeds thereof to finance the cost of the Project; and
- c. The Act authorizes the City to enter into financing documents including security agreements, mortgages, contracts, and trust agreements and all other contracts and agreements which are necessary or convenient to the exercise of its powers under the Act; and
- d. The City Council has determined that at all times there will be revenues and funds sufficient to pay the principal of and interest on the Revenue Bonds as they become due and payable and to pay the cost of operating, maintaining and repairing the Arena and the Project; and
- e. The proceeds of the Revenue Bonds in an aggregate principal amount not to exceed \$365,000 will be required and, when added to the funds provided by the City, will be sufficient to pay the estimated costs of the Project.

Section 3. Pursuant to Section 1074 of the Act, the City Council hereby authorizes and approves issuance of the City’s taxable Revenue Bonds in an aggregate principal amount not to exceed \$365,000, to be designated “City of Biddeford, Maine, Revenue Bonds (Series [Year] - Ice Arena Project) (Federally Taxable)”. The proceeds of the Revenue Bonds, if and when issued by the City, shall be used to finance the Project.

Section 4. The Revenue Bonds shall be executed in the name of and on behalf of the City by the City Treasurer, countersigned by its Mayor, and sealed with the seal of the City, attested to by its Clerk.

Section 5. The Revenue Bonds and may be secured by the Mortgage and the Security Agreement (both as defined below) and such other instruments as the Treasurer shall determine, and shall be in such denominations, with such dates, maturities (not to exceed 25 years), interest rates, call features (with or without premium), and other details as may be approved by the City Treasurer in his sole discretion, his approval to be conclusively evidenced by his execution thereof.

Section 6. The Revenue Bonds may be callable, with or without premiums, prior to their stated dates of maturity.

Section 7. **The Revenue Bonds shall be, and shall contain on their face, a statement substantially to the effect that the Revenue Bonds are, a limited obligation of the City and shall not constitute any debt or liability of the City, the State of Maine or any other political subdivision thereof or municipality therein or a pledge of the faith and credit of the City, the State of Maine or of any other such political subdivision or municipality, but shall be payable solely from revenues of the Project for which they are issued; and the issuance of the Revenue Bonds and the Bond Documents shall not directly or indirectly or contingently obligate the City, the State of Maine or any other political subdivision thereof or municipality therein to expend any funds of the City or to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.**

Section 8. The City Treasurer is authorized to approve, execute and deliver, in the name of and on behalf of the City, a mortgage of the Arena on such terms and conditions as the City Treasurer shall determine to secure the City's performance of the Revenue Bonds (the "Mortgage") and a security agreement with respect to the Arena pledging, among other things, the revenues of the Arena, to secure the City's performance of the Revenue Bonds (the "Security Agreement").

Section 9. The City Treasurer is authorized to approve, execute and deliver, in the name of and on behalf of the City, such other agreements, security agreements, assignments, instruments, documents and certificates, including title insurance, as the City Treasurer determines are necessary and proper to carry out (i) the completion and financing of the Project and (ii) the execution, sale, and delivery by the City of the Revenue Bonds (the "Bond Documents"), which Bond Documents shall be in such form and contain such terms, provisions, and conditions, not inconsistent herewith, as may be approved by the City Treasurer such approval to be conclusively evidenced by his execution thereof.

Section 10. The City Manager, City Treasurer, Mayor and Clerk are authorized in the name of and on behalf of the City to do or cause to be done all such other acts and things as may be necessary or desirable in order to effect the completion of the Project and the issuance, sale and delivery of the Revenue Bonds.

Section 11. If the City Treasurer, Mayor or Clerk are for any reason unavailable to approve and execute the Revenue Bonds or any of the Bond Documents, the person or persons then acting in any such capacity whether as an assistant, a deputy, as the "acting" official or otherwise, are each individually authorized to act for such official with the same force and effect as if such official had herself or himself performed such act.

Section 12. If any of the officers or officials of the City who have signed or sealed the Revenue Bonds shall cease to be such officers or officials before the Revenue Bonds so signed and sealed shall have been actually authenticated or delivered by the City, such Revenue Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Revenue Bonds had not ceased to be such officer or official; and also any such Revenue Bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Revenue Bonds, shall be the proper officers and officials of the City, although at the nominal date of such Revenue Bonds any such person shall not have been such officer or official.

Section 13. All prior actions of the City Manager or City Treasurer taken with respect to the Project be and hereby are ratified, approved and confirmed.

Section 14. During the term of the Revenue Bonds, all authority granted pursuant to this Order shall be, remain and continue, in full force and effect without the necessity of any further action of the City Council.

Section 15. The City Manager is authorized to execute and deliver from time to time one or more Management Agreements on such terms and conditions as the City Manager shall determine, for the operation of all or such portion or portions of the Arena as the City Manager shall determine.

Section 16. The City Manager is authorized to execute and deliver from time to time one or more leases on such terms and conditions as the City Manager shall determine for the lease of such portion or portions of the Arena as the City Manager shall determine, including a lease of a portion of the Arena for use as a shop for the sale and servicing of ice skating and ice hockey equipment.

Section 17. The provisions of this Order shall take effect immediately.

Motion by Councilor Lessard, seconded by Councilor McCurry to grant the order.

Vote: Unanimous.

Appointment:

IN BOARD OF CITY COUNCIL...NOVEMBER 20, 2018

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

**Carolyn Southwick
16 Congress Street
Ward 4**

to the *Biddeford Police Advisory Committee*, for a term to expire in December 2022.

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

Vote: Unanimous.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):

There were no public comments.

There was no City Manager Report.

Other Business:

Councilor Swanton: reminded folks that this Thursday, which is Thanksgiving, there will be no trash and recycling pickup. Pick up for those who typically have Thursday pickup has been scheduled for Saturday, November 24th. Also, folks will not be required to use the PAYT bags from Friday, November 23rd through Wednesday, November 28th.

Councilor Clearwater: noted that a snow parking ban has been set for this evening, starting at 8:00 p.m. She is concerned that this is too early for the downtown businesses that are open past 8:00 p.m. City Manager, Jim Bennett explained that there are a couple of different kinds of snow parking bans: (1) during or just after an actual snow event for plowing of the streets; and (2) for snow removal on sidewalks and other places where snow has been piled. Snow event bans are dictated by the timing of the snowstorm; while snow removal bans are more flexible and are set to work around the hours of the downtown businesses.

Councilor McCurry: thinks that the City needs to come up with a more consistent process of scheduling parking bans. For example, should there be a set amount of snow accumulated before a parking ban is scheduled?

Councilor McCurry noted that last night's Public Meeting was very well attended and that Councilor Belanger did an excellent job mediating the meeting. He understands that it's unfortunate that the City will not please everyone with the new parking management plan; however, the City needs to be open to looking at different options.

Councilor Ready: let the rest of the Council know that the City Manager will be providing the Council with information on the possibility of selling the City-owned parking lots.

Councilor Lessard: feels that last night's Public Meeting was a great opportunity to see just how those types of meetings should be run. He commended Council Belanger for the nice job he did mediating the meeting.

Councilor Lessard shared that he recently drove by Waterhouse Field and commended all who were involved with that project on the fantastic job that was done to get the field ready for this year's Fall sports. That said, he would really like to see improvement projects also done at St. Louis Field, which he feels is the most used playing field in the City. He plans to bring this up during the upcoming budget season.

Council President Addressing the Council: Councilor McCurry wished everyone a Happy Thanksgiving and urged all to be safe.

Mayor Addressing the Council: Mayor Casavant shared that yesterday, he entertained visitors from Quebec. They were very impressed with our City and especially liked the holiday lights in the downtown. He thanked all who were involved in putting up the lights this year.

Mayor Casavant wished everyone a Happy Thanksgiving.

Motion by Councilor McCurry, seconded by Councilor Clearwater to adjourn.
Vote: Unanimous. Time: 7:24 p.m.

Attest by: _____
Carmen J. Morris, City Clerk