

**COUNCIL MEETING
NOVEMBER 17, 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: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Doris Ortiz, Marc Lessard

Michael Ready was excused.

Adjustment to the Agenda:

- Add Executive Session – 1MRSA 405(6)(D)...Labor Contract Negotiations

Proclamation: Small Business Saturday – November 28, 2020

Mayor Casavant read the proclamation.

Game of Chance Applications: Biddeford Eagles, #804; AMVETS, Post 1

Motion by Councilor McCurry, seconded by Councilor Clearwater to recommend the issuance of a Game of Chance License to *Biddeford Eagles, #804*.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Ortiz to recommend the issuance of a Game of Chance License to *AMVETS, Post 1*.

Vote: Unanimous.

Consideration of Minutes: October 20, 2020; November 10, 2020

Motion by Councilor McCurry, seconded by Councilor Emhiser to accept the October 20, 2020 minutes as printed.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Emhiser to accept the November 10, 2020 minutes as printed.

Vote: Unanimous.

Orders of the Day:

2020.106

IN BOARD OF CITY COUNCIL..NOVEMBER 17, 2020

BE IT ORDERED, that the City Council does hereby request the Planning Board conduct a Public Hearing and make recommendations to the City Council regarding a requested amendment to the Zoning Ordinance to delete Contract Zone #8, or amend Contract Zone #8 that two of the units be designated as affordable housing; and not necessarily the two additional units that the applicant is requesting.

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

Motion by Councilor McCurry, seconded by Councilor Clearwater to allow Councilor Belanger to participate in the discussion and vote despite the fact that he has worked with a company associated with the applicant and has had direct dealings with Mr. Conroy, although, not on this issue.

Vote: Unanimous.

Motion by Councilor Lessard, seconded by Councilor Clearwater to amend the order by including language that the Planning Board consider either deleting Contract Zone #8, OR amending Contract Zone #8 to have two of the units be designated as affordable housing; and not necessarily the two additional units that the applicant is requesting.

Vote: Unanimous.

Vote on order, as amended: Unanimous.

2020.107

IN BOARD OF CITY COUNCIL.....NOVEMBER 17, 2020

BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2020 Trackless sidewalk tractor as per bid of October 23, 2020 (the “Equipment”) from HP Fairfield (the “Vendor”) and may pay the Vendor an amount not to exceed \$175,960.75 (before discounts valued at \$20,000.00) 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 \$175,960.75;
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 \$175,960.75, (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 17, 2020 and vote to recommend it to the City Council for approval. The lease-purchase of this item is included in the FY20 CIP budget line 21204-60603.

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

Vote: Unanimous.

2020.108

IN BOARD OF CITY COUNCIL..NOVEMBER 17, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve an FY20 Abatement in the amount of \$12,075.92 to Unitol/Northern Utilities as a Good Faith Agreement between the City and the taxpayer.

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

Vote: Unanimous.

2020.109) Recommendation/Wastewater Management Commission/Adjustment to Industrial Pretreatment Program

Motion by Councilor Clearwater, seconded by Councilor Ortiz put the item on the table for discussion.

Councilor Belanger called a point of order, asking what exactly is being considered.

Motion by Councilor Clearwater, seconded by Councilor Lessard to move into Committee of the Whole for open discussion.

Vote: Unanimous.

Time: 6:32 p.m.

Councilor Emhiser, who serves on the Wastewater Management Commission explained that a proposed adjustment to the Industrial Pretreatment Administrative Fee is recommended in an effort to treat all the users on the program fairly. He recommends that the Administrative Fee be reduced to \$500.

Councilor Clearwater noted that there are very few users in the Industrial Pretreatment Program, so any changes would not affect many folks. She supports Councilor Emhiser's recommendation.

Councilor Belanger is inclined to agree with Councilor Emhiser's recommended reduction in the Administrative Fee; however, he would like to have the actual administrative fees determined so that a more accurate fee can be assessed.

Councilor McCurry asked what the Administrative Fee covers; and Chief Operating Officer, Brian Phinney explained that most of the fees cover permitting costs and some of the fees cover partial wages for a couple of City employees. Like Councilor Belanger, Councilor McCurry would like to see the true administrative fees broken down.

Councilor Clearwater agreed that using arbitrary numbers is not the best practice and would also like to see how the true administrative costs breakdown.

Motion by Councilor Belanger, seconded by Councilor Clearwater to move out of Committee of the Whole.

Vote: Unanimous.

Time: 7:00 p.m.

2020.109 IN BOARD OF CITY COUNCIL..NOVEMBER 17, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the reduction of administrative fees for the industrial pretreatment program by \$500 per half year.

BE IT FURTHER ORDERED, that the City Manager initiate review of the actual cost of administration for the industrial pretreatment program and report back to the City Council at a future date.

Motion by Councilor Emhiser, seconded by Councilor Clearwater to grant the order.

Vote: 7/1; Councilor McCurry opposed.

Councilors Emhiser, St. Cyr, Quattrone, Clearwater, Belanger, Ortiz and Lessard in favor.

Motion carries.

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

One citizen addressed his comments to the Council.

City Manager Report:

City Manager, James Bennett had the following items:

- 1) The tentative schedule for the selling of the bonds that the voters approved at the November election will close on or about April 15, 2021. He plans to work with the Council on an overall strategy.
- 2) A Council Workshop has been scheduled for Tuesday, December 8th to discuss strategy alternatives for the housing goals that were approved at the November 10, 2020 council meeting.

Other Business:

Councilor Clearwater: announced that tomorrow, November 18th, there will be a free food box distribution at the Biddeford Middle School. The food boxes are called Farmers to Family.

Council President Addressing the Council: Wished everyone a Happy Thanksgiving!

Mayor Addressing the Council: Mayor Casavant announced that the Heart of Biddeford will be hosting a drive-through Winter Wonderland on December 4th where folks will be able to drive through the Biddeford and Saco downtowns to enjoy the holiday lighting.

He stressed how important it is that folks remain vigilant and adhere to the restrictions that are currently in place to keep everyone safe.

Executive Session: 1MRSA 405(6)(D)...Labor Contract Negotiations

Motion by Councilor Clearwater, seconded by Councilor Lessard to move into Executive Session.

Vote: Unanimous.

Time: 7:17 p.m.

Motion by Councilor McCurry, seconded by Councilor Clearwater to move out of Executive Session.
Vote: Unanimous. Time: 8:05 p.m.

Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.
Vote: Unanimous. Time: 8:05 p.m.

Attest by: _____
Carmen J. Morris, City Clerk