

COUNCIL MEETING

NOVEMBER 16, 2021

NOTE: Due to COVID-19, this meeting was held in-person in the Council Chambers, as well as virtually (via ZOOM),

Mayor Casavant called the meeting to order at 6:03 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Ashanti Williams, Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz and Marc Lessard

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

Adjustment to the Agenda:

- Add Proclamation: Small Business Saturday

Proclamation: Small Business Saturday

Mayor Casavant ready the proclamation.

Update: Thatcher Brook Watershed: Morin Street Soil Filters

Craig Chekan, Deputy City Engineer gave an update on the Thatcher Brook Watershed Management Plan, including the completion of Phase II, Morin Street Soil Filters. He pointed out the City's website, on the Engineering page for the history of the Thatcher Brook Watershed Management Plan. The Thatcher Brook Watershed is currently classified as an Urban Impaired Stream. The most recent project of the Plan is the installation of the Morin Street Soil Filters in two different locations on Morin Street. The design of the soil filters was done in-house by Craig Chekan and the actual construction and installation has been done by the Public Works Department. The completion of this project brings the Management Plan to the end of Phase II.

Tom Milligan, City Engineer, noted that the City has received 60% of the cost for this project in Grant money, which leaves 40% to be covered by the City. Each year, Thatcher Brook Watershed Management Plan is budgeted for in the CIP Fund.

Game of Chance Applications:

Motion by Councilor McCurry, seconded by Councilor Clearwater to recommend the issuance of the Game of Chance application to **York County Veterans Alliance**.

Vote: Unanimous.

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

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Clearwater to recommend the issuance of the Game of Chance application to **AMVEST, Post #1**.

Vote: Unanimous.

Consideration of Minutes: November 3, 2021; November 4, 2021

Motion by Councilor Ready, seconded by Councilor Clearwater to accept the minutes of **November 3, 2021** as printed.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Clearwater to accept the minutes of **November 4, 2021** as printed.

Vote: Unanimous.

Orders of the Day:

2021.112

IN BOARD OF CITY COUNCIL...NOVEMBER 16, 2021

BE IT ORDAINED by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone 1 Hills Beach Rd, (Map 51, Lot 11), 583 Pool St, (Map 51, Lot 10), 590 Pool St, (Map 51, Lot 18-1) from Suburban Residential-1 (SR-1) to Institutional (IN).

NOTE: Following a duly noticed Public Hearing the Planning Board recommended unanimously (4-0 vote) that this amendment be approved.

Motion by Councilor Emhiser, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: 1/8; Councilor Emhiser in favor.

Councilors McCurry, St. Cyr, Williams, Clearwater, Belanger, Ready, Ortiz and Lessard opposed.

Motion fails.

2021.113 IN BOARD OF CITY COUNCIL..NOVEMBER 16, 2021

BE IT ORDERED, that the City Council of the City of Biddeford per Biddeford Code of Ordinances, Part III (Land Development Regulations), Article V (Establishment of Zones), Section 9.F.2, does hereby advise the Planning Board of its endorsement of the concept of a new Contract Zone for 200 Graham Street, LLC, as outlined in the letter *Gorrill-Palmer* dated October 26, 2021, to allow for the redevelopment of 200-208 Graham Street into 72 residential market rate apartments.

No motion was made.

2021.114 IN BOARD OF CITY COUNCIL..NOVEMBER 16, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase and installation of two(2) Electric Vehicle Dual Port EV Chargers from All Pro Electric of Haverhill, Massachusetts, in an amount not to exceed \$38,900.00, with funds to come from the FY22 Capital Projects Funds.

NOTE: The Finance Committee will consider this item at their November 16, 2021 meeting and pass along their recommendation to the Council.

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

{Councilor Clearwater left the meeting at 6:44 p.m.}

Councilor Lessard wanted it noted that this item did not go the Capital Projects Committee for review prior to consideration by the full Council. He feels that since this purchase involves FY22 CIP funds, it should have been first reviewed by the Capital Projects Committee.

Vote on order: Unanimous.

2021.115 IN BOARD OF CITY COUNCIL...NOVEMBER 16, 2021

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 58, Solid Waste, Article I IN GENERAL, Section 58-7 Regulated Activities and Administration be amended by [adding](#) or ~~deleting~~ to read as follows:

Sec. 58-7. Regulated activities and administration.

The accumulation, collection, transportation and disposal of solid waste, both acceptable and unacceptable, generated within the City of Biddeford shall be regulated in the following manner:

- (1) Such City collection will be limited to properties whose primary use is residential in nature.
- (2) The operating hours and general administration of the City transfer station shall be set by the City Council, except for holidays or emergencies where the Director of Public Works would have the authority to set emergency hours.
- (3) When a holiday falls upon the day of collection, or severe weather necessitates cancellation of collection services, recycling services for the residents on that day's route will be collected on the following Saturday. Collection of waste shall be on the next day following the cancellation.
- (4) In the event of two or more collection service cancellations in one week, the Public Works Director shall publish an emergency collection schedule, which may include, but may not be limited to, no collection for one or more routes with

collection occurring on the next week's regular schedule. The requirement that all acceptable municipal solid waste fit in the designated municipal solid waste container shall be waived during emergency collection events.

(5) All grandfathered facilities shall submit a written performance- based recycling plan to the Director of Public Works as identified by the following schedule:

- (1) Grandfathered facilities shall submit a written performance- based recycling plan within 30 days of the effective date of this subsection.
- (2) A written performance-based recycling plan shall be submitted to the Code Enforcement Office. The method of delivery may include plans submitted via email, fax, regular mail or hand delivery.
- (3) The Code Enforcement Office shall identify any deficiencies, in writing, along with a due date for a response/corrective action and may request a plan modification upon failure to provide a performance-based demonstration of compliance.

(6) Residential, 3/5 unit facilities. Contamination of Recyclables

Residential property owners are issued a Recycling Container (Blue Tote), and are responsible for compliance with the rules and restrictions for its use. Violations are subject to the provisions of Section 58-9.

(7) If there is a loss of recycling service and privileges, as a result of non-compliance with the Recycling Rules, the recycling container will be removed and owner required to lease a larger garbage bin or at the owner's sole option, decline municipal curbside trash collection and secure a private commercial trash collection service.

The larger garbage bin shall consist of one (1) 65-gallon green tote at a yearly fee of \$122.00 for the first year (price per year will vary by tipping fee cost). City staff will replace the existing 35-gallon green tote with a registered 65-gallon green tote, for use at the user's address. This fee will offset the extra tipping fee for the additional garbage attributed to the loss of recycling bin privileges due to non-compliance.

If the offender's lease is voided the new lease holder must return the larger green garbage tote and will be provided with the original 35-gallon green garbage tote and 65-gallon blue recycling tote. Education information will be given to the new tenant.

Motion by Councilor McCurry, seconded by Councilor Belanger to grant the first reading of the ordinance amendment.

Vote: 3/5; Councilors Belanger, Williams and Emhiser in favor.

Councilors McCurry, St. Cyr, Ready, Ortiz and Lessard opposed.

Motion fails.

2021.116 IN BOARD OF CITY COUNCIL...NOVEMBER 16, 2021

BE IT ORDERED, by the City Council of the City of Biddeford that the City Manager be authorized to sign a utility easement with Northern Utilities, Inc., doing business as Unitil, at 14 Pomerleau Street in Biddeford, as presented.

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

Vote: 6/2; Councilors McCurry and St. Cyr opposed.

Councilors Emhiser, Williams, Belanger, Ready, Ortiz and Lessard in favor.

Motion carries.

2021.117 IN BOARD OF CITY COUNCIL...NOVEMBER 16, 2021

BE IT ORDERED, by the City Council of the City of Biddeford that the City Manager be authorized to enter into an agreement with Phil Radding to serve as owner's representative to oversee and coordinate building renovation projects associated with the November 2020 \$3.75 million dollar Building Bond at a rate not to exceed \$550 per day, or portion thereof, plus related expenses, **not to exceed \$20,000.**

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

Motion by Councilor Lessard, seconded by Councilor Belanger to amend the order by adding the following language: "...**not to exceed \$20,000.**"

Vote on amendment: 7/1; Councilor Ready opposed.

Councilors Emhiser, McCurry, St. Cyr, Williams, Belanger, Ortiz and Lessard in favor.

Amendment carries.

Vote on order, as amended: 6/2; Councilors Ready and McCurry opposed.

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

Motion carries.

2021.118 **IN BOARD OF CITY COUNCIL...NOVEMBER 16, 2021**
BE IT ORDERED, by the City Council of the City of Biddeford that the City Manager prepare and release a request for qualifications (RFQ) for an assessment of the Biddeford Fire Department.

Note: The purpose of the assessment shall be to provide information and recommendations regarding the effectiveness and efficiency of fire department's operations. This includes, but is not limited to, analyzing the department's organization, programs and services, operating policies and procedures, training, budget, and staffing. Engaging a qualified contractor/consultant for such work shall be evaluated under a separate authorization in accordance with the City of Biddeford's purchasing rules and procedures.

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

Vote: Unanimous.

2021.119 **IN BOARD OF CITY COUNCIL...NOVEMBER 16, 2021**
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article III PARKING, STOPPING AND STANDING, Section 42-59 Snow Emergency Parking Ban be amended by adding or ~~deleting~~ to read as follows:

Sec. 42-59 Snow Emergency Parking Ban.

The following provisions shall apply during snow emergencies as declared by the Director of Public Works:

(1) When the Director of Public Works deems it necessary to allow for the safe and efficient removal of snow and ice from the public ways within the City, the Director may declare that a snow emergency exists. The Director of Public Works will announce the snow emergency by notifying the local radio and television media and request that they make periodic announcements of the parking ban. The Director will state in his notice that, during the hours of the emergency, parking of motor vehicles is prohibited on any way or municipal parking lot within the jurisdiction of the City, except that the municipal parking lots at the Community Center (Myrtle Street side only), Clifford Park East Biddeford Little League parking lot (on Hill Street), and Public Access parking lot (on Pool Street) ~~and Sullivan Street parking lot~~ are open for parking during the period of the emergency at no fee.

(2) A vehicle parked in violation of the declared snow emergency ~~shall~~ may be towed at the owner's expense.

(3) Vehicles parked in the Clifford Park, Community Center, or municipal parking lots as authorized by this section must be removed prior to 7:00 a.m. on the day of the end of the snow emergency, and these municipal parking lots may not be used until they have been cleared of snow.

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

Vote: Unanimous.

2021.120 **IN BOARD OF CITY COUNCIL...NOVEMBER 16, 2021**
BE IT ORDERED, by the City Council of the City of Biddeford that expenses associated with the October 2021 river wall failure repair project be assigned to funds currently reserved for construction of the next phase of the RiverWalk and associated pedestrian connections.

Note: The amount of the current dedicated reserve is \$3,000,000.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the order.
Vote: 3/5; Councilors Lessard, Williams and McCurry in favor.
Councilors Emhiser, St. Cyr, Belanger, Ready and Ortiz opposed.
Motion fails.

Appointments:

IN BOARD OF CITY COUNCIL...NOVEMBER 16, 2021
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 2022.

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

IN BOARD OF CITY COUNCIL...NOVEMBER 16, 2021
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 2022.

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

IN BOARD OF CITY COUNCIL...NOVEMBER 16, 2021
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
re-appoint:

Carmen Morris
30 Beacon Avenue
Ward 7

to the *Airport Commission*, for a term to expire in December 2024.

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

IN BOARD OF CITY COUNCIL...NOVEMBER 16, 2021
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
re-appoint:

Richard Rhames
10 West Loop Road
Ward 3

to the *Conservation Commission*, for a term to expire in December 2026.

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

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 City has received the renewal rates for the Fire Department and all non-Police and non-Public Works Employees and one of the insurance programs will increase by 1% and the other program will increase by 3% through Maine Municipal Health Trust. The City had budgeted for a possible 5% increase, so he is happy to have come in below the budgeted amount.
- (2) Jim publicly recognized the work that City Staff has done in dealing with the recent collapse of the River Wall. The work that they have done has been nothing short of amazing and he thanked Jeff Demers, Public Works Director; Tom Milligan and Craig Chekan from the Engineering Department; Brian Phinney, Chief Operating Officer, Roby Fecteau, Code Enforcement Officer; as well as the support from Roger Beaupre, Police Chief and Scott Gagne, Fire Chief and their respective departments. How these folks dealt with permitting, the Army Corps of Engineers, the Saco River Corridor Commission and contractors to come up with a plan and how to execute the plan was remarkably done.
- (3) Jim thanked the four out-going City Councilors for the opportunity to work with them and he expressed his appreciation for the professional and personal relationships he has developed with each of them during their tenure.

Other Business:

Councilor Belanger: acknowledged that this is the last council meeting for four of the Councilors. He expressed his gratitude to Ashanti Williams for serving the last few months. He further expressed his gratitude, stating that for the five years that he has served on the council, it has been his pleasure to work with Mike Ready, Steve St. Cyr and John McCurry, and he noted the impact each of them has had on where the City is today.

Councilor Ready – offered his departing sentiments, stating that serving on the Council has been a tremendous learning experience. As much as the Council may make decisions that they feel are the best for the community, it really is the City Staff that works so hard to do things right. He feels that the City is blessed with exceptional employees who go above and beyond and he really thanks those folks who he has worked with over the years and learned so much from. He also appreciates working with the Council and having had the much needed discussions to move the City forward.

Councilor Lessard – echoed Councilor Ready’s sentiment that City Staff does an impeccable job throughout the City in all the work they do and the services that are provided. He would even go as far as to support some sort of token of appreciation to the employees. He went on to recognize the fantastic job by all the out-going Councilors. He knows that they will be very missed.

Councilor Emhiser – shared that he attended the E2E presentations of this year’s group of 10 Employees and how impressed he was. He feels that the E2E Program is a tremendous program and that each Employee who was part of the this year’s program seemed to take away a lot from the experience. He then thanked the departing Councilors individually.

Councilor Ortiz – expressed her pleasure in working with all four out-going Councilors. She has truly enjoyed serving with Ashanti during his short time on the Council. She went on to say that she has learned so much from John, Steve and Mike and will miss them very much. She respects their opinions and the work that they have done during their tenures. She hopes to make them proud as she continues serving on the Council.

Councilor Williams – expressed his appreciation to his fellow Councilors for helping to make his short time on the Council feel like home. He is grateful for all that he has learned while serving on the Council. He hopes to stay involved in the City at some level and will keep in contact. He went on to wish the new in-coming Councilors good luck.

Councilor St. Cyr – thanked Mayor Casavant for appointing him at first; and then the voters in Ward 3 for electing him for subsequent terms. He thanked his fellow Councilors; the City Manager and the rest of the City Staff for all their work. He reminded the Council to always remember his adage: “Don’t ever forget the third, the third and the third.”

Council President Addressing the Council: Councilor McCurry began by thanking his wife for putting up with the busy schedule that comes with being a Councilor. The last couple of Councils that he has served on have been tremendous and the civility has been superb and he hopes that continues with future Councils.

He encouraged all the Councilors to meet the City Staff, find out what they do and ask the questions. City Staff are superb and have been a tremendous help to him over the years.

He thanked Mayor Casavant and expressed how much he has enjoyed working with him, and now enjoys a friendship that will last beyond his tenure on the Council.

Lastly, he recognized Superintendent of Schools, Jeremy Ray and the entire School Department and all that is going on at the Schools and what they do and how they impact what we do here on the City side.

Mayor Addressing the Council: Mayor Casavant thanked all four of the out-going Councilors for all they have done while serving on the Council for the City. He feels that this is one of, if not the strongest and best Councils he has served with. He highlighted the strengths and contributions of John, Steve, Mike and Ashanti to the Council during their respective tenures.

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

Motion by Councilor McCurry, seconded by Councilor Emhiser to move into Executive Session.

Vote: Unanimous.

Time: 7:55 p.m.

Motion by Councilor Emhiser, seconded by Councilor McCurry to move out of Executive Session.

Vote: Unanimous.

Time: 8:18 p.m.

2021.121

IN BOARD OF CITY COUNCIL.NOVEMBER 16, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute the proposed Police Union Contract substantially in the form presented to the City.

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

Vote: 6/2; Councilors McCurry and St. Cyr opposed.

Councilors Emhiser, Williams, Belanger, Ready, Ortiz and Lessard in favor.

Motion carries.

Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.

Vote: Unanimous.

Time: 8:19 p.m.

Attest by: _____
Carmen J. Morris, City Clerk