

**COUNCIL MEETING  
NOVEMBER 15, 2022**

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

Mayor Casavant called the meeting to order at: 6:05 p.m.

**Roll Call:** William Emhiser, Scott Whiting, Martin Grohman, Bobby Mills, Norman Belanger, Liam LaFountain, Marc Lessard. Amy Clearwater attended the meeting via zoom. Doris Ortiz was excused.

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

There were no adjustments to the Agenda.

**Mayor Casavant read the following Proclamation;**

The government of Biddeford, Maine celebrates our local small businesses and the contributions they make to our local economy and community; and

**WHEREAS**, according to the United States Small Business Administration, there are 32.5 million small businesses in the United States, they represent 99.7% of firms with paid employees, and they are responsible for 62% of net new jobs created since 1995, and small businesses employ 46.8% of the employees in the private sector in the United States; and

**WHEREAS**, 79% of consumers understand the importance of supporting the small businesses in their community on Small Business Saturday®, 70% report the day makes them want to encourage others to Shop Small®, independently-owned retailers, and 66% report that the day makes them want to Shop Small all year long; and

**WHEREAS**, 58% of shoppers reported they shopped online with a small business and 54% reported they dined or ordered takeout from a small restaurant, bar, or café on Small Business Saturday in 2021; and

**WHEREAS**, Biddeford supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

**WHEREAS**, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

**NOW, THEREFORE**, I, Alan Casavant, Mayor of the City of Biddeford, do hereby proclaim, November 26, 2022, as: **SMALL BUSINESS SATURDAY** and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

**Presentation: Abigail Smallwood Summary Report of Ward Meetings**

Abigail Smallwood, Community Development Coordinator gave the presentation, referencing the Memo, Survey Results and Ward Reports that were provided to the Council, which can be found on the City's website.

**Presentation: Jeremy Ray School Program Building Expansion**

Jeremy Ray, Superintendent of Schools gave the presentation, referencing the Power Point presentation provided to the Council, which can be found on the City's website.

Public Addressing the Council: There were no comments from the public.

**Consideration of Minutes: November 2, 2022 Meeting Minutes**

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

Vote: Unanimous

**Public Hearing: FY23 General Assistance Maximums**

The Public Hearing was opened at 7:16

There were no public comments

The Chair closed the Public Hearing at 7:16

**Orders of the Day:**

**2022.95) Acceptance/General Assistance Maximums**

Motion by Councilor Lessard, seconded by Councilor Whiting to accept General Assistance Maximums.

Vote: Unanimous

**2022.96) Approval/Municipal Airport Consultant Agreement with Gale Associates Inc.**

**2022.96 IN BOARD OF CITY COUNCIL..NOVEMBER 15, 2022 BE IT ORDERED**, that the City Manager be authorized to sign a contract with Gale Associates, Inc. for airport planning and engineering services for the Biddeford Municipal Airport for a 5-year term. The consultants would focus on projects that are eligible for Federal and State grants covering 95% of the cost. The project costs that are eligible for grants also include the consultant's fees. NOTE: At their September 29, 2022 meeting, the Airport Commission reviewed the RFQ's for an Airport Consulting Firm and unanimously recommended Gale Associates, Inc.

Motion by Councilor Belanger, seconded by Councilor Emhiser to Approve the Municipal Airport Agreement with Gale Associates Inc.

Vote: Unanimous

## **2022.97) Approval/City Council Blanket Letter of Approval – Gaming License**

**2022. 97 IN BOARD OF CITY COUNCIL..NOVEMBER 15, 2022 BE IT ORDERED**, that the City Council of the City of Biddeford does hereby approve a “blanket letter of approval” for the renewals of State Beano/Bingo applications and State Game of Chance applications for all applicable local organizations, to cover the calendar year of 2023. NOTE: This Blanket Letter of Approval eliminates the need to obtain Councilors’ signatures each time an application is filed with the City Clerk. However, the City Council still needs to consider and approve each application.

Motion by Councilor Belanger, seconded by Councilor Emhiser to Approve a “blanket letter of approval” for the renewal of Game of Chance applications.

Vote: Unanimous

## **2022.98) Amendment/Ch. 30, Public Safety, Article III Fire Prevention Bureau, Section 30-147, Fire Lanes**

**2022.98 IN BOARD OF CITY COUNCIL...November 15, 2022 BE IT OREDER**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 30, Public Safety, Article III FIRE PREVENTION BUREAU, Section 30-147 Fire Lanes, be amended by adding or ~~deleting~~ text to read as follows:

### **Sec. 30-147 Fire lanes.**

(a) Purpose. Fire lanes are established for the purpose of promoting the public health, safety and welfare by recognizing that there exist, and will in the future exist, buildings and other areas within the City within which and to which the public will be invited, served or housed. These buildings or other areas must be provided prompt, adequate emergency services, including access by fire fighters and firefighting equipment and other emergency personnel and equipment, in order to accomplish such purposes and effect the saving of life and property in emergency situations.

### **(b) Applicability.**

The provisions of this article shall, in order to accomplish the stated purpose, be applicable to all proposed developments, subdivisions, buildings and other premises as defined by the Planning Board; or, in any other areas within the City that the Fire Chief deems access to public land is necessary in order to accomplish its mission.

### **(c) Establishment of fire lanes.**

(1) Each application for residential or nonresidential subdivision approval and each application for site plan review submitted to the Planning Board shall be reviewed by the Chief of the Fire Department and/or the State Fire Marshal within which such development or building is located. The Fire Chief and/or Fire Marshal shall review each

such application to determine the location of such fire lanes as are necessary and report his finding, recommendations and suggested designation of fire lanes to the Planning Board, in writing, which findings, recommendations and suggested designations of fire lanes shall be made a part of the record of proceedings before the Planning Board on each such subdivision site plan review application. In such cases, the decision of the Planning Board shall govern the requirement and designation of such fire lanes.

(2) Within existing developments and premises to which this article is applicable, the Fire Chief shall designate fire lanes by written order and shall notify in writing both the Planning Board and the owner, owners or agents of such development or premises by certified mail of such designation and of any specific requirements for compliance with this article, and shall publish notice of such establishment of such fire lanes once in a newspaper having general circulation within the City. The Fire Chief shall file one copy of any order of designation of any such fire lanes with the City Clerk. Any person aggrieved by such order may file with the Clerk within 30 days after the date of the receipt of such order written notice of appeal, setting forth therein reasons for aggrievement. A public hearing shall be held by the Planning Board, after which the board must affirm, modify or rescind such order within 30 days of the public hearing. The Board shall notify the Fire Chief, as may be applicable, by written communication, any and all action taken relative to the establishment of a fire lane.

(3) Excepting any fire lane ordered by the Planning Board, a person aggrieved by the creation of a fire lane otherwise designated within this section may file a written appeal. Said appeal shall be consistent with section 30-147(c)(2) above, excepting that the appeal shall be filed with the City Manager or their official designee.

(4) Fire department access roads require 20 feet of unobstructed width, 13.5 feet of unobstructed vertical clearance and an appropriate radius for turns in the roads and dead ends for the vehicles apparatus to turn around.

(d) Compliance. Notice of establishment of fire lanes shall prescribe a reasonable time for compliance, such compliance time being 30 days from time of notification by certified mail. If compliance is not obtained within such time, then the owner, owners or agents receiving such notice shall be subject to a fine in accordance with Section 1-12. Each day following such specified time for compliance shall constitute a new and separate violation.

(e) Parking prohibited; notice of violation; towing of vehicles.

(1) No person shall park or permit to stand unattended a motor vehicle in any fire lane established in accordance with this article, except when actually picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle.

(2) Whenever any vehicle ~~shall be~~ is found parked in violation of this section, any police officer or parking enforcement official shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of these regulations. Any motor vehicle found parked or standing in a fire lane that has been established in

accordance with this article, in addition to the foregoing, may be towed upon the direction of a police officer or parking enforcement official to any public or private parking facility or area; and all expense of such towing and any subsequent storage shall be borne by the registered owner or operator of such vehicle.

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

Vote: Unanimous

*Appointments:*

Kristy Cyr; Confirmation of Mayor's nomination for City Clerk

Motion made by Councilor Belanger, seconded by Councilor Whiting to appoint Kristy Cyr as City Clerk.

Vote: Unanimous

Julian Schlaver; Downtown Development Commission

Motion made by Councilor Belanger, seconded by Councilor Mills to appoint Julian Schlaver to the Downtown Development Commission.

Vote: Unanimous

Community Members; SMPDC General Assembly

Motion made by Councilor Belanger, seconded by Councilor Emhiser to appoint Councilor Grohman to SMPDC General Assembly.

Vote: Unanimous

Public Addressing the Council: There were no comments from the public.

*City Manager report:*

Chief Operating Officer Brian Phinney announced that City Hall received a visit from the Blast after School Learning Works Organization. Rebecca Cote brought about ten students by to take a tour of City Hall. They visited the Council Chambers and was able to sit at the dais. The talked about how the City is set up as far as the form of government and the various roles. From City Hall they went over to the Library. Brian mentioned that it was a fun tour and that Tim Boston did most of the tour.

Brian also went over a quick update on the distribution undesignated ARPA Funds. He mention that they are continuing that review and that he anticipates they should be ready by the 1<sup>st</sup> of December to start distributing the allocations.

Brian also wanted to follow up on the October 18<sup>th</sup> meeting and the first discussion about Climate Action Plan – Race to Zero. There was a comment made that there are some difficulties dealing with Biddeford in regards to solar panels. Brian wanted to clarify that the City's Code Enforcement Office and Fire Department rely on recommendations through NFPA and building codes and it requires that there needs to be proper ventilation on roofs for safety purposes. Though there has been some limitations on the installation of solar panels both Codes and the

Fire Department works with anyone that brings forward an application and they look at those individually and they make accommodations when they can but the root cause of any limitations are based on NFPA requirements and Fire Fighter safety.

*Other Business:*

Councilor Lessard mentioned that it would be great to have a 2023 calendar of Sundays that would be open at Recycling.

Councilor Mills mentioned that the dredge was passed by the County Commissioner so the dredge is in the process of being purchased.

Councilor Mills also mentioned that one of the things that came up at the Ward 4 meeting was a large item pick up and he had mentioned it to Jim but it was a budgetary item. He would like that during the review of budget process if they could consider once or twice a year doing a large item pick up throughout the City.

Councilor Grohman spoke about his curiosity with the Silver Bus Line and asked his fellow Councilors if anyone would be interested in riding the Silver Line with him. Because of the low usage of the Silver Line, he's curious as to where it goes and maybe encourage some usage for it and make a little event out of it.

Councilor Lessard spoke about when he was on the Zoning Board of Appeals. He spoke that when he was on the Board they had a meeting with the State of Maine to give counsel to the members of the Zoning Board of Appeals and direction of what the rolls are and how you should be doing things on the Zoning Board of Appeals. He mentioned that the training they received from the State was fantastic and really helped to understand and put into perspective what should pass and what shouldn't pass. Councilor Lessard said when he had the training it really opened his eyes to how he should perform his task on that Board.

Councilor Mills just wanted to add to Councilor Lessard's comments on the State of Maine training for the Zoning Board of Appeals. Councilor Mills mentions that he's confident that MMA has some sort of training for the Commission that Councilor Lessard was talking about and that MMA may offer it at a lower cost.

*Council President Addressing the Council:*

Council President Norman Belanger welcomes Kristy Cyr aboard. He also mentions that we are soon approaching our winter season which means snow removal. Public Work trucks will be out and about and that people need to be on the lookout for them and encourages everyone to be careful. He also goes on to thank the Public Works Department for their hard work and overtime they put in during the winter months.

*Mayor Addressing the Council:*

Mayor Alan Casavant in recognition of Veterans Day just passing wanted to mention that the Historical Society put on a real cool event at the Meeting House on Saturday and Mayor Casavant was asked to speak. One of the things he spoke about was Armistice Day and how WWI was an Industrial War and how soldiers didn't know what they were getting into. Someone at the event pointed out to him that he should watch "All Quiet on the Western Front," which is a new film on Netflix. He said that he watched it and it really nailed to him the concept of young kids, 17, 18, and 19yr olds going into combat and what they saw and the psychological trauma of what they were seeing and what they were doing. He encourages anyone looking for something to do to check it out.

Motion made by Councilor Belanger and seconded by Councilor Emhiser to Adjourn.

Vote: Unanimous

Time: 7:34 p.m.