

**MUNICIPAL OFFICERS MEETING
NOVEMBER 15, 2016**

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

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Bob Mills, Rick Laverriere, Michael Ready, Laura Seaver, Marc Lessard

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

Administrative Hearing: Title 17, §2851-Dangerous Buildings: 21 Cole Road
Motion by Councilor Laverriere, seconded by Councilor Quattrone to the table the Administrative Hearing.
Vote: Unanimous.

Administrative Hearing: Title 17, §2851-Dangerous Buildings: 303 Hill Street
City Solicitor, Keith Jacques explained the process of the condemnation of the building at 303 Hill Street. He asked the Council that they let the presentation take place and let evidence be presented before asking any questions and making any decisions. The owner of the property, Albert W. Coffin, is present at the meeting and will be allowed to make his own presentation, if he chooses. Once the facts have been presented, the Council will have the opportunity to amend and approve the Facts and Findings..

City Manager, James Bennett facilitated the Hearing. Roby Fecteau and Paul Labrecque both gave testimony to the condition of the buildings on this property, with both recommending the demolition of the buildings located at 303 Hill Street.

The Chair closed the Administrative Hearing at 6:22 p.m.

Update: River Walk Project

City Planner, Greg Tansley gave an update on the River Walk Project, and presented pictorials of the future plans for continuing development of the River Walk.

The Municipal Officers Meeting was suspended at 6:56 p.m.

**COUNCIL MEETING
NOVEMBER 15, 2016**

Mayor Casavant called the meeting to order at 6:56 p.m.

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Bob Mills, Rick Laverriere, Michael Ready, Laura Seaver, Marc Lessard

Adjustment to the Agenda:
Remove Order 2016.101

Consideration of Minutes: **November 1, 2016**
Motion by Councilor McCurry, seconded by Councilor Lessard to accept the minutes as printed.
Vote: Unanimous.

Orders of the Day:

**CITY OF BIDDEFORD, MAINE
MUNICIPAL OFFICERS/CITY COUNCIL
303 HILL STREET, BIDDEFORD, MAINE
NOVEMBER 15, 2016**

ORDER OF DEMOLITION PURSUANT TO 17 M.R.S. §§2851-2859

Notice having been given to Albert W. Coffin; and all other persons having an interest in the premises situated at 303 Hill Street in Biddeford, Maine described as Lot 23 on Tax Map 22, a copy of which is on file at the Biddeford City Hall, and more particularly described in the deed from Joan Coffin

Wishart, Personal Representative of the Estate of Josephine Marie Coffin, to Albert W. Coffin dated January 6, 1993 and recorded in the York County Registry of Deeds in Book 6400, Page 142;

A hearing having been duly held by the Municipal Officers/City Council in the City Council Chambers in Biddeford City Hall on November 15, 2016; and

The said premises having been adjudged to be structurally unsafe; unstable; unsanitary; constituting a fire hazard; unsuitable and improper for the use or occupancy to which they have been put; constituting a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; and otherwise dangerous to life and property within the meaning of 17 M.R.S. §2851 and beyond repair for the reasons set forth in the attached Findings and Conclusions;

NOW, THEREFORE, it is hereby ORDERED that the structures located on the premises known as 303 Hill Street, Tax Map 22, Lot 23 all as more fully described above, be removed within 45 days from the date of this Order, that the removal comply with all State and local requirements and that the premises be left in a safe and sanitary condition or that the nuisance be abated in a manner satisfactory to the City within 30 days from the date of this Order;

IT IS FURTHER ORDERED that the City Clerk cause attested copies of this Order to be served upon the persons above named as required by law;

IT IS FURTHER ORDERED that if this Order is not complied with, then the City Manager is authorized to cause the removal of the said structure described herein; and

IT IS FURTHER ORDERED that a lien be placed on the premises located at 303 Hill Street described as Tax Map 22, Lot 23, for all expenses as defined in 17 M.R.S. §2853 incurred by the City in connection with the removal of the said structure and/or the abatement of the nuisance.

DATED: November 15, 2016

CITY OF BIDDEFORD

Michael Swanton

John McCurry

Stephen St. Cyr

Robert Quattrone

Bob Mills

Rick Laverriere

Michael Ready

Laura Seaver

Marc Lessard

City Council
City of Biddeford
205 Main Street
Biddeford, Maine 04005

Motion by Councilor Laverriere, seconded by Councilor Mills to include the Findings of Fact to this Order of Demolition, as read out loud by Councilor Laverriere.

Motion by Councilor McCurry, seconded by Councilor Mills to amend the Findings of Facts, as shown here:

**BIDDEFORD CITY COUNCIL/MUNICIPAL OFFICERS
FINDINGS OF FACT
303 HILL STREET, BIDDEFORD, MAINE
DANGEROUS BUILDING HEARING
NOVEMBER 15, 2016**

1. On October 27, 2016, the Municipal Officers/City Council of the City of Biddeford gave notice of a public hearing under the Dangerous Building Statute, 17 M.R.S. §§2851-2859, on November 15, 2016 to determine whether the property located at 303 Hill Street, Biddeford, Maine was dangerous or a nuisance as defined in 17 M.R.S. §2851.

2. Notice was given to the following persons of the public hearing: Albert W. Coffin. Mr. Coffin was served with the Notice of Hearing on November 1, 2016. In addition, the City of Biddeford recorded the Notice of Hearing in the York County Registry of Deeds in Book 17353, Page 678.

3. On November 15, 2016, the Municipal Officers/City Council held the public hearing provided for in 17 M.R.S. §2851.

4. During the hearing, the Municipal Officers/City Council heard testimony from the City of Biddeford Code Enforcement Officer, Roby Fecteau and Deputy Fire Chief Paul R. LaBrecque ~~and Police Chief Roger Beaupre~~.

5. Albert Coffin addressed the City Council and agreed that the buildings needed to be torn down. Richard Coffin asked whether the Biddeford Fire Department could burn the buildings for training. Deputy Fire Chief Paul R. LaBrecque indicated that was not possible because of the condition of the buildings.

6. Roby Fecteau also provided photographs of the current condition of the property.

7. Based upon the testimony of Code Enforcement Officer Roby Fecteau and Deputy Fire Chief Paul LaBrecque ~~and Police Chief Roger Beaupre~~ and the photographs presented, the City Council determines that:

- a. A single family vacant building and storage building are located on the property. With the exception of transients who have repeatedly entered the buildings, the buildings have been vacant for over ~~ten~~ seven years.
- b. The Biddeford Fire Department has posted the buildings with an unsafe Building Posting since 2009.
- c. The property has not been habitable for over ~~ten~~ seven years. The buildings' exterior and interior conditions to deteriorate.
- d. On October 30, 2011, the Code Enforcement Office served a Notice of Violation on the property owner after receiving complaints of children in and around the buildings on the property.
- e. The Biddeford Police Department has responded to multiple service calls to the property after receiving complaints of children and other individuals around the buildings.
- f. The buildings are located in close proximity to a youth baseball field and municipal schools.
- g. There is no water and electricity in the buildings. Most of the buildings' utility systems have been removed.
- h. The buildings have been tagged with graffiti on multiple occasions.
- i. The buildings have been vandalized on multiple occasions resulting in broken windows and the removal of plywood securing the buildings.
- j. The Property Owner, Albert Coffin, has agreed that the buildings on the property need to be taken down.

8. The property at 303 Hill Street Street, Biddeford, Maine is described as Lot 23 on Tax Map 22, a copy of which is on file at the Biddeford City Hall, and is more particularly described in a deed from Joan Coffin Wishart, Personal Representative of the Estate of Josephine Marie Coffin, to Albert W. Coffin dated January 6, 1993 and recorded in the York County Registry of Deeds in Book 6400, Page 142.

Based upon the above findings, the Biddeford City Council concludes that the premises located at 303 Hill Street, Biddeford, Maine is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable and improper for the use or occupancy to which the buildings have been put; constitutes a

hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; and is otherwise dangerous to life and property within the meaning of 17 M.R.S. §2851 and beyond repair.

These findings and conclusions shall be attached to the Demolition Order dated November 15, 2016.

Vote on Findings of Fact, as amended: Unanimous.

Motion by Councilor Lessard, seconded by Councilor Laverriere to accept that:

Based upon the above findings, the Biddeford City Council concludes that the premises located at 303 Hill Street, Biddeford, Maine is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable and improper for the use or occupancy to which the buildings have been put; constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; and is otherwise dangerous to life and property within the meaning of 17 M.R.S. §2851 and beyond repair.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Mills to approve the Order of Demolition for 303 Hill Street, Biddeford, Maine.

Vote: Unanimous.

2016.103 IN BOARD OF CITY COUNCIL...NOVEMBER 15, 2016

BE IT ORDERED, that the City Manager is hereby authorized to purchase licenses and software for Microsoft Office 2016 from GovConnection, Inc., as low bidder, in the amount of \$34,849.80 in accordance with Sales Quote #24212995.01-W1. The funding source shall be from the approved FY2017 CIP under 21201-60963.

NOTE: The Finance Committee will review this item on November 15, 2016.

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

Vote: Unanimous.

2016.104 IN BOARD OF CITY COUNCIL..NOVEMBER 15, 2016

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to seek proposals from consultants for the design and associated services for the downtown parking structure project.

Motion by Councilor Laverriere, seconded by Councilor Mills to grant the order.

Vote: Unanimous.

City Manager Report:

City Manager, James Bennett made the following comments:

- 1) The City will be trying out an electric car in a few weeks. The City is looking to this as a small way to save on gas emissions.
- 2) He publicly thanked the City Clerk, Carmen Morris and all who were involved in planning, organizing and running last week's election. He was impressed that folks did not wait in long lines to get and cast their ballots, as was the case in many municipalities throughout the State.
- 3) He noted that all but two of the Charter questions passed; and those that did pass will go into effect January 1st. At their meeting last night, the Policy Committee has directed Staff to start drafting an ordinance for the establishment of a Police Advisory Committee and a Fire Advisory Committee. The hope is to get this new ordinance to the full Council for consideration by the end of the year.

Other Business:

Councilor McCurry – received another email from a citizen who is not happy with the upgrades that Time Warner is making to their equipment, especially since there's a chance that the upgrades won't work with the televisions that folks own. Inevitably, more and more people are going to go to dish TV.

Councilor McCurry agreed with the comments made by the City Manager regarding the election, and that staff did a great job. Now that election is over, he would like to schedule a meeting with the State Representatives to discuss the issues that are important to this Council and the City.

Councilor Lessard – is pleased that folks are expressing positive comments on the election; especially in light of the fact that this was the first Presidential Election we’ve held at the consolidated polling place. He feels it was a great job by all Staff involved.

In regards to the parking structure that was discussed earlier in this meeting, he cautioned that there are going to be many parallel issues that will need to be addressed throughout the process, and the project is going to encompass much more than just building a parking garage.

Councilor Ready – noted that the Policy Committee looked at the issue of handbills being thrown in folks’ driveways; as well as a discussion of the newly approved Charter revisions.

Councilor Ready reminded folks that on all Sundays in November, the Public Works facility will be open – including the recycling, large item container and leaf/brush drop off.

Councilor Ready agreed that the City Clerk did a tremendous job planning the election and that all Staff members who were involved at the election did a great job. He feels that the election was well planned out and well executed.

Councilor Mills – echoed the sentiments of a job well done by all Staff with the election planning.

Councilor Mills commended the Biddeford Schools, Staff and Students for the Veterans Day events held last week.

Councilor Mills noted that the Cable TV Committee has been and will continue to talk about what is going on with the proposed upgrades from Time Warner. He reminded folks that unfortunately, the City is locked into a contract with Time Warner until 2020.

Toni Sipka, a Cable TV Committee member is in the process of putting together a workshop for folks on how to properly do a Public Access appearance.

Lastly, Councilor Mills asked the City Manager for a public update on the former Voltigeur property. He would also like a public update on the proposed relocation of the York County Courthouse to the former Pate property.

Councilor Swanton – asked if and when the Downtown Task Force meeting minutes will be available to the public.

Councilor Swanton asked if there is a way to pull up City maps on the iPad.

Councilor Swanton announced that one member is needed on the Solid Waste Management Commission.

Executive Session: 1 MRSA 405(6)(D)..Update: Labor Contract for Fire Department
Motion by Councilor McCurry, seconded by Councilor Laverriere to move into Executive Session.

Vote: Unanimous.

Time: 7:54 p.m.

Motion by Councilor McCurry, seconded by Councilor Ready to move out of Executive Session.
Vote: Unanimous.

Time: 8:45 p.m.

Motion by Councilor Laverriere, seconded by Councilor Mills to authorize the City Manager to execute the proposed Contract significantly in the format as currently agreed upon by a majority of the City Council to the Fire Department Union.

Vote: 5/4; Councilors McCurry, St. Cyr, Lessard and Quattrone opposed.

Councilors Swanton, Mills, Laverriere, Ready and Seaver in favor.

Motion carries.

Motion by Councilor Swanton, seconded by Councilor Ready to suspend the rules to extend the meeting until 9:30 p.m.

Vote: 8/1; Councilor McCurry opposed.

Councilor Swanton, St. Cyr, Quattrone, Mills, Laverriere, Ready, Seaver and Lessard in favor.

Motion carries.

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

Vote: Unanimous.

Time: 9:19 p.m.

**RECONVENE MUNICIPAL OFFICERS MEETING
NOVEMBER 15, 2016**

Mayor Casavant reconvened the Municipal Officers meeting at 9:19 p.m.

Adjustments to the Agenda:

Add Game of Chance Applications: AMVETS, Post #1 and St. Louis Alumni

Game of Chance Applications:

- **Fraternal Order of Eagles**
- **York County Veterans Alliance**
- **Rochambeau Club**
- **AMVETS, Post #1**
- **St. Louis Alumni**

Motion by Councilor Ready, seconded by Councilor McCurry to recommend issuance of the Game of Chance permits to the above listed civic organizations.

Vote: 8/1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Mills, Laverriere, Ready, Seaver and Lessard in favor.
Motion carries.

Public Addressing the Council..(3 minute limit per speaker):

A couple citizens addressed their concerns to the Council.

Council President Addressing the Council: in response to a concern brought forward during Public Addressing the Council, Councilor McCurry stated that the Main Street sidewalk project is a work in progress and the planters and a watering plan have not even been discussed yet.

Councilor McCurry congratulated those candidates who recently won their respective races for State office.

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

Vote: Unanimous.

Time: 9:30 p.m.

Attest by: _____
Carmen J. Morris, City Clerk