

COUNCIL MEETING

OCTOBER 19, 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 6:00 p.m.

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

Stephen St. Cyr and Norman Belanger were excused.

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

The Council observed a moment of silence for former City Councilor Rosemarie Sheltra, who recently passed away.

There were no adjustments to the agenda.

Proclamation: Lung Cancer Awareness Month – November 2021

Mayor Casavant read the proclamation.

Proclamation: Extra Mile Day – November 1, 2021

Mayor Casavant read the proclamation.

Consideration of Minutes: **October 7, 2021**

Motion by Councilor McCurry, seconded by Councilor Lessard to accept the minutes as printed.

Vote: Unanimous.

Second Readings:

{For a copy of the ordinance amendments and first readings, see the Council Meeting minutes of October 7, 2021}

**2021.101) Amendment/Land Development Regulations/ Art. XIII-Amendments/
Section 3-Contract and Conditional Zoning/Add Adams Street Contract Zone**

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: Unanimous.

**2021.102) Amendment/Land Development Regulations/Art. VI-Performance
Standards/Section 56-Restaurants – Add Mobile Food Vendor Courts in the
MSRD-1 and MSRD-3 Zones; and Ch. 22, Businesses/Sec. 22-17 to 22-21.1/
Add Mobile Food Vendor Courts**

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: 6/1; Councilor Lessard opposed.

Councilors Emhiser, McCurry, Williams, Clearwater, Ready and Ortiz in favor.

Motion carries.

Orders of the Day:

2021.106

IN BOARD OF CITY COUNCIL..OCTOBER 19, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt the provisions of 5 M.R.S. § 18252-C (PL 2021, Chapter 286) as allowed by MainePERS Rule Chapter 803.

The City of Biddeford agrees:

1) To adopt the provisions of 5 M.R.S. §18252-C as enacted by PL 2021, Chapter 286 as allowed by MainePERS Rule Chapter 803 for its non-participating employees with optional membership who previously declined to participate in MainePERS (“eligible employees”) and to comply with the following requirements:

a. To offer by November 1, 2021 the opportunity to join MainePERS prospectively to all its eligible employees who have been employed for 5 years or more, to advise these employees that this will be their only

opportunity to join, and to provide MainePERS with documentation of each eligible employee's election; and

b. Beginning in 2022, to annually offer eligible employees who have been employed for less than 5 years, and in 2022 eligible employees who had reached 5 years of employment between November 1, 2021 and November 1, 2022, the opportunity to join MainePERS on a prospective basis during an open enrollment period from September 1st through November 1st and to provide MainePERS with documentation of each election made by eligible employees under this provision: and

c. To withhold employee contributions for employees who join under this provision after all taxes have been withheld, and to remit them to MainePERS as after-tax contributions.

2) To authorize City Manager, James Bennett to sign the Amended Agreement between the Employer and the Maine Public Employees Retirement System.

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

Vote: Unanimous.

2021.107 IN BOARD OF CITY COUNCIL..OCTOBER 19, 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 IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or deleting to read as follows:

Main Street, even-numbered side, beginning at a point 20 feet west of the perpendicular sight line with the northwest corner of the intersection with Emery Street, thence westerly to Laconia Street, No Parking.

NOTE: The Policy Committee considered this amendment at their October 12, 2021 meeting and voted 3 to 1 to recommend passage by the City Council.

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

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

Councilors Emhiser, McCurry, Ready, Ortiz and Lessard in favor.

Motion carries.

Motion by Councilor McCurry, seconded by Councilor Lessard to suspend the rules to allow for an immediate second reading and the passage of the ordinance amendment as an emergency amendment.

Vote: 6/1; Councilor Clearwater opposed.

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

Motion carries.

Motion by Councilor McCurry, seconded by Lessard to grant the second reading of the ordinance amendment.

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

Councilors Emhiser, McCurry, Ready, Ortiz and Lessard in favor.

Motion carries.

2021.108 IN BOARD OF CITY COUNCIL..OCTOBER 19, 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 IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or ~~deleting~~ to read as follows:

Foss Street, odd-numbered side, from King Street to Main Street

~~Foss Street, odd-numbered side, No Parking within three (3) feet of either side of the entrance (within the curb cut) to the Foss Street Public Parking Lot.~~

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-92 Limited Parking**, be amended by adding or ~~deleting~~ to read as follows:

~~Foss Street, odd numbered side, from Main Street to Bacon Street, two (2) hours, Monday through Saturday between the hours of 8:00 a.m. to 5:00 p.m., excluding Holidays.~~

NOTE: The Policy Committee considered this amendment at their October 12, 2021 meeting and voted unanimously to recommend passage by the City Council.

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

Vote: Unanimous.

2021.109 IN BOARD OF CITY COUNCIL..OCTOBER 19, 2021

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 2022.

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 Lessard, seconded by Councilor Clearwater to grant the order.

Vote: Unanimous.

2021.110 IN BOARD OF CITY COUNCIL..OCTOBER 19, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the extension of the City Manager Employment Contract with James Bennett until July 31, 2024.

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

Vote: Councilors McCurry and Ready opposed.

Councilors Emhiser, Williams, Clearwater, Ortiz and Lessard in favor.

Motion carries.

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

There were no public comments.

City Manager Report:

City Manager James Bennett thanked the Council for the affirmative vote on his employment contract extension.

Other Business:

Councilor Clearwater - is happy to have filled out her absentee ballot today!

Councilor Ready – took this opportunity to encourage voters to ask questions about those who are running for office and find out the facts rather than believing all comments made on social media. He also encouraged folks to reach out to the City Council to ask questions.

Councilor Lessard - requested that the Public Works Dept. open the Recycling Center on Sunday, November 7th for folks to bring leaves. He is confident that the City can cover the costs of opening for that day.

Councilor Lessard then shared that he has served with many Councils over the past decade or so, and he thanked the out-going Councilors on this Council for their time and dedication to the City during their tenure; and he thanked Mayor Casavant for his service and for seeking another term.

Council President Addressing the Council: Councilor McCurry encouraged the citizens to get out and vote at the November 2nd Election. He reiterated what Councilor Ready said about not believing everything that is on social media, and he urged folks to reach out to him for clarification on candidates and issues.

Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.
Vote: Unanimous. Time: 6:23 p.m.

Attest by: _____
Carmen J. Morris, City Clerk