

**COUNCIL MEETING
OCTOBER 18, 2016**

Mayor Casavant called the meeting to order at 6:06 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.

Adjustment to the Agenda:

Move Executive Session to just after the City Manager Report.

Consideration of Minutes: **September 28, 2016; October 4, 2016**

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

Vote: Unanimous.

Second Reading:

{For a copy of the ordinance amendments and first reading, see the Council Meeting minutes of August 2, 2016}

2016.69) Amendment/Land Use Regulations/Art. XIV-Shoreland Zoning Amendments

Motion by Councilor Mills, seconded by Councilor McCurry to remove the ordinance amendments from the table.

Vote: Unanimous.

Motion by Councilor Ready, seconded by Councilor Mills to grant the second reading of the order.

Motion by Councilor McCurry, seconded by Councilor Mills to amend the ordinance with all the suggested edits/amendments as proposed by the City Planner.

Vote: Unanimous.

Vote on second reading, as amended: Unanimous.

Orders of the Day:

2016.90 IN BOARD OF CITY COUNCIL..OCTOBER 4, 2016

BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt the following ***Delinquent Property Tax Policy:***

Section I – Purpose

The purpose of this policy is to establish clear and fair guidelines for the collection of delinquent property taxes that reflect State statutes.

Section II – Commercial (including Industrial) and multi-family real property

The Tax Collector shall notify commercial, industrial or multi-family taxpayers when their taxes are overdue and to try to make arrangements for payments of all past due taxes, interest and penalties.

If the taxpayer fails to pay all past due taxes, interest, penalties and costs, sale of the property shall be commenced by a sealed bid process within a reasonable period after automatic foreclosure. Such sale proceedings shall be initiated against all taxpayers with respect to commercial, industrial and multi-family real property who have more than one year of delinquent taxes due, or who have one year of delinquent taxes due which is more than one year in arrears. Any exceptions to the foregoing regarding any individual property shall require approval by vote of the ~~Finance Committee~~ City Council.

Section III – Single-family residential real property

The Tax Collector shall notify taxpayers when their taxes are overdue and try to make arrangements for payments of all past due taxes, interest and penalties.

The Treasurer is authorized to enter into a delinquent tax payment agreement with any taxpayer with delinquent property taxes with respect to the taxpayer's single-family residential property. A taxpayer

who desires to enter into a delinquent tax payment agreement must do so within six months of the property becoming tax acquired. A delinquent tax payment agreement shall include:

- The name of the property owner;
- The parcel number of the delinquent tax account;
- The tax years covered under the agreement;
- The payment plan negotiated with the taxpayer;
- A statement clearly stating that the agreement will be voided if a payment is not received as scheduled unless prior agreement is received from the Tax Collector;
- A clear statement that if the agreement is voided the account will immediately become eligible for tax sale or within a reasonable time after automatic foreclosure if automatic foreclosure has not yet occurred; and
- A clear statement that if the agreement is voided the taxpayer forfeits his or her right to enter into a subsequent tax payment agreement.

The payments under any delinquent tax payment agreement shall be at a minimum sufficient to repay all past due taxes, interest, penalties and costs and to bring the taxpayer current with respect to the property within three years of entering into the delinquent tax payment agreement.

Annually, the Tax Collector shall review all delinquent tax payment agreements to make sure (1) taxpayers who have entered into such agreements are complying with those agreements and (2) the payment terms continue to be sufficient to resolve all outstanding amounts within three years from when the agreement was made.

If there already has been an automatic foreclosure of the single-family residential property, the delinquent tax payment agreement may provide for the conveyance of the property by quit claim deed to the taxpayer but only after all taxes, assessments, liens and other charges, including interest thereon, have been paid and the taxpayer otherwise has complied with all provisions of the agreement.

If for any reason the taxpayer with delinquent property taxes does not enter into a delinquent tax payment agreement or does not enter into such agreement within six months of the property becoming tax acquired, or fails to comply with a delinquent tax payment agreement, and the single-family residential property has become tax acquired, sale of the property shall be commenced by a sealed bid process. If an automatic foreclosure has not yet occurred, the sale shall be commenced within a reasonable period after automatic foreclosure. Any exceptions to the foregoing regarding any individual property shall require approval by vote of the ~~Finance Committee~~ City Council.

Policy Implications/Dates

<u>Unpaid tax bill</u>	➤	<u>30-60 days – make contact</u>
<u>Attempt Voluntary Repayment Plan</u>	➤	<u>30-60 days of placement of lien</u>
<u>Tax acquired properties (matured tax liens)</u>		
<u>Commercial</u>	➤	<u>10 – 30 days for repayment</u>
<u>Fails to pay</u>	➤	<u>Commence sale process</u>
<u>Residential</u>		
<u>Enter into mandatory repayment plan</u>	➤	<u>Within 6 months of tax acquired</u>
<u>Fails to enter into agreement</u>	➤	<u>Commence sale process</u>
<u>Fails to follow agreement</u>	➤	<u>30 days to cure default</u>
<u>Fails to cure default</u>	➤	<u>Commence sale process</u>

Six month review for compliance

One year review for compliance and to make sure terms still sufficient to resolve all outstanding amounts within 3 years.

<u>State Law/Process</u>		
<u>30-day Notice of lien</u>	➤	<u>9 to 12 months from commitment date (date Assessor commits taxes to Tax Collector, usually a few days after Council sets the budget)</u>
<u>Lien Maturity</u>	➤	<u>18 months from placement of lien</u>
<u>Notice of lien maturing</u>	➤	<u>30-45 days before lien maturity</u>
<u>To avoid losing property</u>	➤	<u>Before lien matures - requires payment of all taxes, costs & interest</u>
<u>Once Lien Matures</u>	➤	<u>Taxpayer loses property and City becomes owner</u>

Motion by Councilor McCurry, seconded by Councilor Laverriere to remove the order from the table.
Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Mills to amend the order by changing the approval by the Finance Committee to the City Council; and that the policy include an “Implications/Dates” section.
Vote on amendment: Unanimous.

Vote on policy, as amended: Unanimous.

2016.95 **IN BOARD OF CITY COUNCIL...OCTOBER 18, 2016**
BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2014 John-Deere 650K LGP Dozer as per quote of October 7, 2016 (the “Equipment”) from Nortrax Equipment (the “Vendor”) and may pay the Vendor an amount not to exceed \$96,500.00 (before trade-in valued at \$7,000.00) 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 \$96,500.00;
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 \$96,500.00, (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 reviewed this item on October 18, 2016 and voted to recommend it to the City Council for approval. The lease-purchase of this item is included in the FY17 CIP budget for Public Works, with a down payment of \$12,000.

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

2016.96

IN BOARD OF CITY COUNCIL..OCTOBER 18, 2016

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 42-100 Disability Parking**, is amended by adding or ~~deleting~~ to read as follows:

~~Alfred Street, even-numbered side, one space before crosswalk in front of the Farm Store.~~

~~Alfred Street, even-numbered side, from the curb cut in front of 16 Alfred Street for 30 feet between crosswalks.~~

~~Birch Street, beginning at a point 113 feet northwest from the northwest corner of the intersection with Foss Street, thence northwesterly for a distance of 21 feet, one space in front of 63 Birch Street.~~

~~Bradbury Street, two spaces in front of the DAV hall.~~

~~Small's Court, , even-numbered side, one space in front of the Paul Bergeon residence, being 14 Small's Court.~~

~~St. Joseph Street, church side, from Elm Street to church side entrance.~~

Lester B. Orcutt Blvd., even-numbered side, beginning at a point 20 feet east of the intersection with First Street, thence easterly for a distance of 50 feet, St. Brendan's Chapel Mass times only – Saturday and Sunday – from May 1st to October 31st.

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

Vote: Unanimous.

Committee of the Whole: Discussion of Proposed Charter Revision Questions on the November 8, 2016 Municipal Referendum Election

Motion by Councilor Ready, seconded by Councilor Lessard to move into Committee of the Whole.

Vote: Unanimous.

Councilor Lessard likes the placement of the Police & Fire Commissions question as question 1; and he vocalized his support for question 1 and the abolishment of the Police and Fire Commissions. He stated that he knows of no other community in Maine that still has a Police and/or Fire Commission and he feels it's an archaic practice.

Councilor Laverriere stated that he does not support 15 out of 19 of the questions. Contrary to Councilor Lessard's comments, he is not in support of question 1 and feels the Commissions are very useful to their respective departments and should remain intact.

Councilor Ready agrees that the most important item is the first question and he supports it. He is fearful that there are so many questions on the municipal ballot that many voters will not go through all 19 of them; although he really hopes voters do take the time to do so.

Councilor McCurry whole-heartedly agrees with the comments from Councilor Lessard and Councilor Ready regarding the abolishment of the Police and Fire Commissions. However, he does not necessarily support many of the other questions.

Councilor Mills appreciates the work of the Charter Commission on coming up with the Charter questions and urged the voters to read the questions carefully before voting.

Councilor St. Cyr asked what the numbers would be associated with questions 2 (revaluation) and 4 (CIP budget). City Manager, Jim Bennett explained that if approved by the voters, question 4 would not be more of a burden of what is typically being budgeted now by Councils (about \$1.5 million). Charter Commission Chair, Paul Therrien explained that question 4 would reflect a \$.04 increase per \$100,000 of assessed value.

Councilor St. Cyr went on to question Charter question 8 and why the Ward Councilors were not listed. Mr. Therrien explained that the current Charter language for the Recall of a Ward Councilor is sufficient; however, the Charter felt the number of signatures needed to Recall the Mayor, an At-Large Councilor or a School Committee member should be lower, hence the proposed Charter revision.

Councilor St. Cyr also questioned Charter question 12 and the purpose behind it. Mr. Therrien explained that the ten positions listed are the thought-to-be necessary positions to run the City.

Councilor Seaver expressed confusion with question 12. As written, she feels that the City would need to hire more staff, namely a City Treasurer (since it's understood that the Finance Director currently serves as the City Treasurer). City Manager, Jim Bennett explained that if this question were to be approved by the voters, he (as City Manager) would assume the title of City Treasurer, and then end up delegating the work back to the Finance Director. Mr. Bennett went on to explain that the intent of this question is to clean up who answers to whom within the administration. Councilor Seaver does not feel the question reflects that intent.

Councilor Ready's concern about question 12 is that it still leaves the issue unclear and inconsistent.

Councilor Lessard is concerned that the listed positions may change over time; and if this question is approved by the voters, then future councils would be tied to this language, even if certain positions would not necessarily still be needed, or may morph into something different.

Councilor McCurry is also concerned about listing particular positions and how it ties the hands of future councils.

Councilor Mills agrees that question 12 is unclear; which is why he is encouraging voters to read the questions very carefully.

Councilor Quattrone thanked the Charter Commission for all their hard work. He doesn't support many of the questions, and feels that some of the questions are reactionary to some of the events that went on in the community over the past year or two. He feels the quantity of the questions should have been limited since 19 questions are just too many for a lot of the voters to get through.

Councilor Seaver has a concern with question 17 and the lack of a definition of "goods and services." She will be voting no on most of the questions.

Councilor McCurry feels that the fact that question 9 is directed at the Mayor does not make much sense since it's the Councilors who have all the voting power.

Motion by Councilor McCurry, seconded by Councilor Lessard to move out of Committee of the Whole.

Vote: Unanimous.

Committee of the Whole: Discussion – Newspapers Left on the Ground

Motion by Councilor McCurry, seconded by Councilor Mills to move into Committee of the Whole.

Vote: Unanimous.

Councilor Lessard strongly feels that something HAS to be done and the leaving of newspapers on the ground around the City has to stop.

Councilor Laverriere feels that if the newspapers are left on the ground and the newspaper companies are not going out and picking them up after a day or so, then the newspaper companies should be fined.

Councilor Mills suggested coming up with a policy that would address the bags that the newspapers are in, which would then allow the City to circumvent the newspaper company's stance that it's a matter of free speech to distribute the newspapers.

Councilor McCurry agrees that the issue needs to be addressed, and he suggested that something be done possibly in conjunction with Saco.

City Manager, Jim Bennett and City Solicitor Keith Jacques offered to come up with some legal solutions. This issue will first be worked through by the Policy Committee and ultimately brought to the full Council for approval.

Councilor Ready agrees with working with Saco to come up with a solution.

Motion by Councilor McCurry, seconded by Councilor Lessard to move out of Committee of the Whole.

Vote: Unanimous.

City Manager Report:

City Manager, James Bennett made the following comments:

- On Monday, Oct. 17th, the 8th edition of the Biddeford Beat was released. He hopes that folks are finding the newsletter informative.
- Over the past few months, City Staff has been making efforts to improve teamwork and cooperation among the City Departments and all Staff Members. Just last week, a couple of employees organized an ice cream social, with all extra donations going toward Breast Cancer Awareness.
- He noted that he has never worked in a community where there is more Staff outreach to the community. He cited City Planner, Greg Tansley and Code Enforcement Officer, Roby Fecteau as examples of this when they held meetings with the citizens to address concerns with the recently approved Shoreland Zoning amendments.
- He noted that per State Law, the City will need to have at least 30% of voters actually vote on the Charter Revision questions for them to be considered approved.
- On a final note, he recognized all the operations and efforts put forth by the Police Department, who often do their work without acknowledgment. The most recent example of this is the institution of Operation Safe Zone.

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

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

Vote: Unanimous.

Time: 7:24 p.m.

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

Vote: Unanimous.

Time: 8:13 p.m.

Other Business:

Councilor Ready: reminded folks that on Sunday, October 30th, and all Sundays in November, the Public Works facility will be open – including the recycling, large item container and leaf/brush drop off.

Councilor McCurry: announced that this Saturday, Oct. 22nd from 10:00 a.m. to 2:00 p.m. there will be a Drug Take Back at the Public Works Dept and at Market Basket.

If the State Referendum question to legalize marijuana is approved in November, Councilor McCurry thinks that the Council needs to be thinking about putting some regulations into place for a local ordinance in the very near future.

With all the new development at UNE, Councilor McCurry would like the City to re-look at the PILOT program with some of the City's non-tax paying entities.

Councilor Swanton: asked City Clerk, Carmen Morris to explain about the extended hours that the City Clerk's Office has scheduled. She announced that the City Clerk's Office will be open on the next two Saturdays, October 22nd and 29th for voter registration and absentee voting only. Also, the Clerk's Office will be open on Thursday, November 3rd until 7:00 p.m. 5:00 p.m. to 7:00 p.m. is for voter registration and absentee voting only. She also reminded folks that November 3rd is the last day that voters can request an absentee ballot; and that voters have until and on election day to return their absentee ballots.

Councilor Mills: had received a call from a constituent who lives on Cutts Street and would like the City to look into improving the sidewalks on this street.

Councilor Mills asked City Solicitor, Keith Jacques about the “auditing” of absentee ballots, which is something he read about on social media. He and Councilor Seaver have heard that absentee voter lists have been obtained and they are concerned about voters being contacted and being instructed how to vote. They questioned the legality of this. Mr. Jacques will look into what is going on.

Council President Addressing the Council: Councilor McCurry announced that the next Waterhouse Field meeting is scheduled for Tuesday, Oct. 25th at 7:30 p.m. (after the School Committee meeting).

Mayor Addressing the Council: Mayor Casavant thanked a number of people: He thanked the Biddeford Historical Society for putting on an all-day event to celebrate the founding of Vines Landing.

He thanked the 500 UNE students who did a cleanup around the City on Saturday; as well as the Biddeford High School athletes who were also around the City participating in a city-wide clean up.

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

Vote: Unanimous.

Time: 8:24 p.m.

Attest by: _____
Carmen J. Morris, City Clerk