

**COUNCIL MEETING
OCTOBER 2, 2018**

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., Victoria Foley, Norman Belanger, Michael Ready, Laura Seaver

Marc Lessard was excused.

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

Adjustments to the Agenda:

- Remove Order 2018.119 – Approval/Sewer Abatement Policy
- Remove Executive Session

Recognition: Biddeford Citizen James Beaudry

Mayor Casavant noted Mr. Beaudry's long-standing and remarkable leadership as a citizen of Biddeford. Mr. Beaudry was the Director of Athletics at St. Francis College for 21 of his 38 years in education; Mr. Beaudry was head coach or assistant in seven sports, baseball, boys and girls basketball, football, soccer and cross-country. He was an all season's sports standout at Chevrus High School, class of 1941, served in the U.S. Army in World War II, and returned to enroll at the University of Maine at Orono. He taught several courses as an Associate Professor and coached baseball, men's basketball, men's soccer, cross-country and golf at St. Francis before it became the University of New England. Mr. Beaudry was presented with a University of New England chair and a "lifetime pass" to all UNE sporting events. He is a Charter and Executive Committee member of the Maine High School Coaches Association and the District Five National Association of Intercollegiate Athletics which he also served as Vice President. He was inducted into the New England Basketball Hall of Fame and named an Honorary Alumnus and the First Inductee into the University of New England Athletics Hall Of Fame in 2004, and in December, UNE will name their basketball facility the James A Beaudry Gymnasium with a dedication ceremony. Mr. Beaudry served as a Commissioner of the Biddeford Parks and Recreation Department and the Biddeford Wastewater Commission and served on numerous boards and committees. He continues to be active in local sports, teaching clinics at the elementary level and can be seen at numerous sporting events in the Southern Maine area.

Presentation: ShifAME

Molly Fox and Sara Farris of ShifME explained that ShifAME is part of Spurwink and offers Multicultural Case Managers who work specifically with refugees, asylees and immigrant families. They work through the barriers that these groups have when seeking assistance from DHHS, the City's General Assistance Program, Fedcap and other agencies. ShifAME also offers assistance with finding jobs for non-English or limited-English speaking folks; as well as securing public transportation for them.

Consideration of Minutes: September 18, 2018

Motion by Councilor McCurry, seconded by Councilor Seaver 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 September 18, 2018}

2018.109) Amendment/Land Development Regulations/Art. III-Official Zoning Map/Expansion of MSRD-2 District

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

Vote: Unanimous.

2018.110) Amendment/Land Development Regulations/Change Certain R-1-A and R-3 Zones to New R-1-B Zone w/Different Dimensional Standards

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

Vote: Unanimous.

**2018.112) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-1-Definitions/
Amend LOADING ZONE Definition**

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

Vote: Unanimous.

Orders of the Day:

2018.115

IN BOARD OF CITY COUNCIL.....OCTOBER 2, 2018

BE IT ORDERED, that the City Manager be authorized to purchase two (2) 2019 Ford Fiesta SE cars as per bid of September 21, 2018 (the "Equipment") from Arundel Ford (the "Vendor") and may pay the Vendor an amount not to exceed \$33,996.00 (before discounts valued at \$3,500.00) for the Equipment as follows:

The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;

The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$33,996.00;

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 \$33,996.00, (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;

The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and

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 will review this item on October 2, 2018 and vote to recommend it to the City Council for approval. The purchase of this item is included in the FY19 CIP budget

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

Vote: Unanimous.

2018.116

IN BOARD OF CITY COUNCIL.....OCTOBER 2, 2018

BE IT ORDERED, that the City Manager be authorized to purchase a 2019 Ford Transit van as per bid of September 21, 2018 (the "Equipment") from Arundel Ford (the "Vendor") and may pay the Vendor an amount not to exceed \$34,212.00 for the Equipment as follows:

The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;

The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$34,212.00;

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 \$34,212.00, (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;

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.

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

BE IT FURTHER ORDERED, that any cost associated with the negotiated agreement shall be the responsibility of the property owner except as otherwise required by law.

Motion by Councilor Swanton, seconded by Councilor Quattrone to grant the order.

2018.118 **IN BOARD OF CITY COUNCIL...OCTOBER 2, 2018,**
BE IT ORDERED, that the City Manager is hereby authorized to purchase Scale Computing equipment and services through CDW-G in the amount of \$94,953.41.00 in accordance with the CDW-G quote dated September 13, 2018. The funding source shall be from the approved FY2019 CIP IT allocation.

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

Sec. A-5 Rule 5: Committees.

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- b. (Reserved)^[1]
 [1] *Editor's Note: Former Subsection b, which provided for the establishment of the Finance Committee was repealed 2-4-2014 by Ord. No. 2014.10. For current provisions, see now Subsection a. Prior provisions setting forth the composition for the Coordinating Committee, were repealed 11-4-2010 by Ord. No. 2010.118.*
- c. The Capital Projects/Operations and Policy Committees shall consist of a chairperson, two Council members and two citizens. The two citizen members shall be appointed by the Mayor and confirmed by the Council. No citizen member may be a chairperson.
 [Amended 2-4-2014 by Ord. No. 2014.10]
- d. The Personnel Committee shall consist of a chairperson who shall be a City Councilor and three Council members. There shall be no citizen members on the personnel committee.
- e. The Downtown Committee shall consist of the mayor, four councilors, and a member of the Downtown Development Commission. The Downtown Development Commission member shall serve as a non-voting member except in the absence of a full time voting member. A chairperson shall be selected from the voting members.
- f. (Reserved)^[2]
 [2] *Editor's Note: Former Subsection e, regarding the membership of the Public Safety Committee, was repealed 3-21-2017 by Ord. No. 2017.27.*
- g. The Council committees are subagents of the full Council which is the sole governing body of the City of Biddeford. The committees are delegated various functions by the full Council and are to provide recommendations upon which the full Council will act except where otherwise specified. The committees will examine the appropriate subject matter before them, collect the facts pertaining thereto and make a report which will recommend what action, if any, should be taken by the full Council. Additionally, each committee may take whatever action specifically authorized by the Charter, ordinance, or state law.
- h. In general, the committees shall have the following subject matter before them:
- (1) ^[3]Finance Committee. The duties of the Finance Committee are set forth in the City Charter.
 [3] *Editor's Note: Former Subsection f(1), Coordinating Committee, was repealed 11-4-2010 by Ord. No. 2010.118.*
 - (2) Personnel Committee. The Personnel Committee will investigate matters pertaining to employment matters with the City of Biddeford. It shall review the salaries of department heads and the City Manager. In the event of a termination hearing, for cause, it shall serve as a fair hearing authority before whom an impartial hearing shall take place involving the subject municipal employee.
 [Amended 2-4-2014 by Ord. No. 2014.10; 1-5-2016 by Ord. No. 2016.2]
 - (3) Capital Projects/Operations Committee. The Capital Projects/Operations Committee shall establish a five-year plan for implementation of major capital improvements in the City. It shall review matters involving the Public Works Director, Public Works Department and public property issues. This committee shall review the City's claims issues, insurance issues, making appropriate recommendations to the full Council when necessary. It shall coordinate with the Capital Projects Committee when necessary if issues involve the use of capital improvements within the City.
 [Amended 1-5-2016 by Ord. No. 2016.2]
 - (4) Policy Committee. The Policy Committee shall be responsible for establishing and recommending ordinance language, Code revisions, (except for Chapter 42, Motor Vehicles and Traffic, and all other matters and ordinances that relate to Public Safety) and City policy to the full Council. The Policy Committee shall coordinate with the City Planner and the Code Enforcement Officer regarding the amendment, establishment and/or update of the City's land use ordinances.^[4]
 [Amended 8-19-2014 by Ord. No. 2014.79]
- [4] *Editor's Note: Former Subsection g(5), Public Safety Committee, which immediately followed, was repealed 3-21-2017 by Ord. No. 2017.27.*
- (5) **Downtown Committee. The Downtown Committee shall be responsible for reviewing matters affecting the City of Biddeford's downtown, including but not limited to, downtown improvement initiatives, collaborating with external agencies and businesses on downtown**

improvement projects, all minor garage design feature decisions, and is delegated as the Parking Authority with powers limited to those defined in Sec 42-8.

- i. Each committee meeting is a public proceeding as defined in 1 M.R.S.A. § 402(2). Each committee may hold executive sessions pursuant to the conditions and limitations expressed in 1 M.R.S.A. § 405. Should a committee vote, in public, to proceed into executive session, only those members of the committee shall be present in the executive session.

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

Vote: Unanimous.

2018.121

IN BOARD OF CITY COUNCIL..OCTOBER 2, 2018

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 2019.

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 Ready, seconded by Councilor McCurry to grant the order.

Vote: Unanimous.

Appointments:

IN BOARD OF CITY COUNCIL...OCTOBER 1, 2018

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint the following to the **Downtown Committee**:

**Councilor Norman Belanger
Councilor Marc Lessard
Councilor John McCurry, Jr.
Councilor Michael Ready**

Motion by Councilor McCurry, seconded by Councilor Belanger to confirm the appointments.

Vote: Unanimous.

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

One citizen addressed his concern to the Council.

City Manager Report:

City Manager, James Bennett had the following items:

- 1) Noted that the draft of the Comprehensive Plan is complete and has been forwarded to the Council. The Planning Board will now begin their review process.
- 2) The City has received the paperwork for the Grant that pays for the Opiate Outreach Program that had been instituted as a shared program with Biddeford and Saco. The City’s Grant Writer, Christine Ohman worked to secure the grant.
- 3) Explained that the City is currently competing for a \$150,000 preservation grant from American Express for Historic Preservation. If the City is successful in securing this grant, the money will be used to restore the City Hall Clock Tower. Folks are asked to go online and cast their five votes a day until the end of October.

Other Business:

Councilor Ready: asked about the progress of the Saco River Dredge Project. City Manager, Jim Bennett will get the details and report back.

Councilor St. Cyr: announced that the Chamber of Commerce has a new Director, James Labelle. He thanked Mayor Casavant and City Manager, Jim Bennett for their parts in the selection of the new Director.

Councilor Foley: announced that she is purchasing a new home in Biddeford, but unfortunately, will no longer be living in Ward 5; therefore, she is stepping down from her Ward 5 Council seat. She is honored to have been able to serve on the City Council. She is excited that she will

now have the opportunity to serve the citizens of Biddeford as the District 12 State Representative in Augusta.

Council President Addressing the Council: Councilor McCurry thanked Councilor Foley for her service on the Council and he expressed that she has been a delight and knowledgeable to work with.

Mayor Addressing the Council: Mayor Casavant made the following comments:

- He also thanked Councilor Foley for serving on the Council and he is pleased that he was the one who had originally appointed her. He is thankful for the new points of view she brought to the Council.
- He thanked the Fire Department for hosting an Open House this past weekend. It was very well done, as well as very well attended.
- A couple of weeks ago, he attended a concert of Chamber Singers from Quebec at BMS. His hope is to continue bringing in such events to the City in an effort to bring more cultural heritage and awareness to our citizens.
- He announced that nominations for the BHS Athletic Hall of Fame will be accepted soon, as well as nominations for the Biddeford Hall of Fame.
- He expressed his pleasure with all the recent accolades that some of Biddeford's eating establishments have received from sources outside of Biddeford, and even from outside of Maine. He is thankful to the Council for their vision and continued support of our local businesses.

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

Vote: Unanimous.

Time: 7:08 p.m.

Attest by: _____
Carmen J. Morris, City Clerk