

COUNCIL MEETING

SEPTEMBER 7, 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 6:09 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Ashanti Williams, Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

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

Adjustments to the Agenda:

Remove Orders 2021.93 and 2021.94

Presentation: Update on Codes Office Multi-Unit Buildings Inspection Program

Code Enforcement Officer Roby Fecteau gave an update on the Multi-Unit Buildings Inspection Program, which began in 2016 and includes all buildings with three or more units. Since the inception of the program, this is how many inspections that have been completed:

- Year 1 – 191
- Year 2 – 207
- Year 3 – 178
- Year 4 – 95
- Year 5 – 22 (the number is low due to COVID-19)

This year, 180 notices were sent out to building owners. Staff is working to complete inspections by conducting video inspections. Below is a list of the top violations being discovered:

1. Guardrails on porches/decks
2. Doors in hallways not self-closing and not fire-rated
3. E911 phone number not posted; children's' bedrooms not posted
4. Electrical panels not be labeled
5. Blocked means of egress
6. Windows too small to be means of escape
7. Lack of GFI protection in kitchens and bathrooms
8. Lack of carbon monoxide detectors

Public Hearing: Sublime Taco – 12 Washington Street, #101

The Public Hearing was opened at 6:29 p.m.

There were no public comments.

The Public Hearing was closed at 6:29 p.m.

Public Hearing: The Dunn Bar – 12 Washington Street, #102

The Public Hearing was opened at 6:29 p.m.

There were no public comments.

The Public Hearing was closed at 6:29 p.m.

Consideration of Liquor Licenses:

- **Sublime Taco – 12 Washington Street, #101**
- **The Dunn Bar – 12 Washington Street, #102**

Motion by Councilor McCurry, seconded by Councilor Clearwater to recommend issuance of the State Liquor License to **Sublime Taco**.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Clearwater to recommend issuance of the State Liquor License to **The Dunn Bar**.

Vote: Unanimous.

MMA Voting Delegate Credentials:

Motion by Councilor McCurry, seconded by Councilor Clearwater to nominate Mayor Alan Casavant as the official MMA voting delegate; and City Manager James Bennett as the alternate voting delegate; and to further approve the City Clerk Carmen Morris to complete and sign the *Voting Delegate Credentials* form to be submitted to MMA.

Vote: Unanimous.

Consideration of Minutes: August 17, 2021

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

Vote: Unanimous.

Second Reading:

{For a copy of the ordinance amendment and first reading, see the Council Meeting minutes of August 17, 2021}

2021.90) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add and Delete on Hills Beach Road

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

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

Councilors Emhiser, Williams, Clearwater, Belanger and Ready in favor.

Motion carries.

Orders of the Day:

2021.92

IN BOARD OF CITY COUNCIL..SEPTEMBER 7, 2021

BE IT ORDERED, that in the event that the Biddeford School Department receives more state education subsidy than the amount included in its budget, shall the School Committee be authorized to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the School Committee, increase the allocation of finances in a reserve fund approved by the School Committee, and/or decrease the local cost share expectation, as defined in Title 20-A, section 15671-A(1)(B), for local property taxpayers for funding public education as approved by the School Committee.

BE IT FURTHER ORDERED, that the City Council of the City of Biddeford does hereby make the following revisions to the FY2022 Budget: Reduce the local share allocated to the School Department Budget by \$677,131 in order to decrease the local cost of funding education.

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

Vote: Unanimous.

2021.95

IN BOARD OF CITY COUNCIL..SEPTEMBER 7, 2021

BE IT ORDERED, that the City Council of the City of Biddeford hereby adopts the Maine Municipal Association Model Ordinance, General Assistance Appendices (A–F) – ***General Assistance Maximums*** for the period of October 1, 2021 to September 30, 2022.

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

Vote: Unanimous.

Committee-of-the-Whole: Limited Emergency Declaration for Remote Meetings

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

Vote: Unanimous.

City Manager Jim Bennett explained that this discussion is meant to get guidance from the Council regarding moving back to Zoom-style public meetings.

Councilor Ready noted that what we have now allows folks to participate via Zoom on a limited basis. He does not want to go back to Zoom-only public meetings; but possibly looking at allowing members to participate via Zoom with less restrictions. Jim suggested offering a “super limited emergency” declaration and believes there would be no major implications if the City does move towards leniency in participating via Zoom.

The general consensus of the Council is agreement with coming up with a Limited Emergency Declaration for conducting remote meetings. A Declaration will be prepared for consideration and approval at the Sept. 21st Council Meeting.

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

Vote: Unanimous.

Appointment:

IN BOARD OF CITY COUNCIL...SEPTEMBER 7, 2021
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Jessica Muise
4 Wilson Street
Ward 4**

to the *Historic Preservation Commission*, for a term to expire in December 2024.

Motion by Councilor Clearwater, seconded by Councilor McCurry to confirm the appointment.

Vote: Unanimous.

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

A couple citizens addressed their comments to the Council.

There was no City Manager Report

Other Business:

Councilor Lessard: announced that this Saturday, September 11th there will be a Hazardous Waste Day at the Public Works Department from 8:00 a.m. to noon.

He asked if Staff has any idea of the parking spaces at Hills Beach that have been eliminated due to plantings and gardens by the residents in that area. City Manager Jim Bennett does not have an idea; however, he did suggest having a Workshop on this issue so that Staff can gain clear guidance from the Council on exactly what information they want and what they would like seen done to address the parking issues at Hills Beach.

Councilor Belanger: suggested that the Senior Tax Credit Program, as had been presented and discussed during the Workshop prior to this Council Meeting, be vetted by the Policy Committee preferably before the start of the next budget process.

Councilor McCurry: had the following comments:

- Wholeheartedly agrees with Councilor Belanger's comments about the Senior Tax Credit Program.
- He suggested getting a map from the City's GIS Dept. of all the streets at Hills Beach and Biddeford Pool that are in question with regard to parking, and figure out what the road widths are and determine where parking can be allowed. He feels this would be more effective than holding a Workshop.
- He asked when data on trash and recycling can be available so that it can be determined whether the current recycling program still makes the best financial sense for the City. He'd like the Council to be able to look at the numbers and what the future costs are expected to be as the City prepares for the next budget season.
- He would like to keep updated on the Water-Main-Hill Street Project. He is concerned that Hill Street has become more of a yield for motorists, rather than a stop, which it is posted as.
- He reminded the Council that the Police Department CALEA re-certification is coming up next year and he hopes that the next Council will be supportive.
- He recently heard that there is a misconception by the Planning Board that anything that is sent from the Council to the Planning Board to be vetted is an automatic approval by the Council. He noted that this is not the case and that assumption should be dispelled.

- He asked about fees that are due to the City by the Lincoln Mill project and why those had not yet been collected. City Manager Jim Bennett explained that the invoice just went out and the fee is expected to be collected in the near future. The \$30,000 due is expected to be used for improvements in the downtown, at the Council's discretion.

Councilor Ready: agrees that that Senior Tax Credit Program should be vetted by the Policy Committee before final approval by the Council; and definitely should be done prior to the start of the next budget season.

He asked for an update on the walkway from the parking garage to Main Street.

Councilor Lessard: wants a timeline on when the City plans to take back the land where public parking has been eliminated at Hills Beach. City Manager Jim Bennett will consult with Public Works Director Jeff Demers.

Council President Addressing the Council: Councilor McCurry confirmed that he is not seeking re-election in November, which was a very difficult decision for him. He is pleased with and thank his fellow Councilors for the civil debate and mutual understanding over the years that he has served on the Council. He noted that he, Stephen St. Cyr and Michael Ready are all leaving the Council at the same time, and he wished those who are staying on well and good luck. He also expressed his pleasure in working with City Manager Jim Bennett and all the City's Department Heads.

Mayor Addressing the Council: Mayor Casavant thanked all the volunteers, mainly from Heart of Biddeford and LaKermesse, who worked to make this year's Fringe Fest and River Jam a success. He is pleased with all the people who came out for these events.

He announced that on Saturday, Sept. 11th there will be a commemorative ceremony marking the tragic event from September 11, 2001.

Executive Session: 1 MRSA 405(6)(A)...Personnel Matter

Motion by Councilor Clearwater, seconded by Councilor Lessard to move into Executive Session.

Vote: Unanimous.

Time: 7:26 p.m.

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

Vote: Unanimous.

Time: 7:54 p.m.

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

Vote: Unanimous.

Time: 7:54 p.m.

Attest by: _____
Carmen J. Morris, City Clerk