

City of Biddeford
City Council
September 05, 2023 6:00 PM Council Chambers & Zoom

Status: Mayor Casavant called the meeting to order at 6:25 pm

1. Roll Call

Chairman Belanger - present
Councilor Lessard - present
Councilor Ortiz - present
Councilor Emhiser - present
Councilor Whiting - excused
Councilor Grohman - present
Councilor Mills – arrived at 6:35 pm
Councilor Schlaver - present
Councilor LaFountain - present

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

4. Appointments:

- 4.a. Confirmation of City Manager's Recommendation for Fire Chief
20230905 Confirmation of Fire Chief - Lawrence Best - ORDER
20230905 Confirmation of Fire Chief - Lawrence Best - EMPLOYMENT
AGREEMENT
20230905 Confirmation of Fire Chief - Lawrence Best - RESUME

Motion: Councilor Belanger
Second: Councilor Lessard
Vote: Unanimous in favor
Motion passed.

- 4.b. Carmen Bernier as Chair of Airport Commission
Carmern Bernier- Chair of Airport Commission- ORDER

Motion: Councilor Belanger
Second: Councilor Lessard
Vote: Unanimous in favor
Motion passed.

5. Proclamation:

- 5.a. Rosh Hashanah and Yom Kippur
Rosh Hashanah - Yom Kippur-PROCLAMATION
Mayor Casavant read the proclamation
- 5.b. World Suicide Prevention Day

World Suicide Prevention Day -PROCLAMATION
Mayor Casavant read the proclamation

4. Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)

Dorothy Mathes from the Biddeford Mills Museum thanked the Council for all their support. They have a new exhibit beginning in October with a demonstration loom. They also published a new activity book for children ages 5 to 12 and provided a copy for each Councilor.

Biddeford Adopt a Park spoke about the agenda item for 315 Main Street. They commended Public Works for their help in previous years and encouraged the Council to adopt the location officially as a park.

Dr. David Strassler spoke briefly about the history of the Jewish community in Biddeford and thanked the Council for proclamation this week.

7. Consideration of Minutes:

- 7.a. Council Minutes 8-15-2023
City Council Minutes 8-15-2023

Motion: Councilor Belanger
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

8. Second Reading:

- 8.a. 2023.70 Approval/University of New England Dimensional Standards
2023.70 UNE Dimensional Standards -Amend Official Zoning Map - ORDER
2023.70 UNE Dimensional Standards - MEMO
2023.70 UNE IN Dimensional Standards Review - APPLICATION
20230905 UNE Dimensional Standards - Scribner's Error - REFERENCE

Motion: Councilor Belanger
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

9. Orders of the Day:

- 9.a. 2023.101 Acceptance/Donation Greater than \$5,000 – Marshall Alexander Memorial Plaque
20230905 Acceptance - Memorial Gift, Marshall Alexander Memorial Plaque - ORDER
20230905 Acceptance - Memorial Gift , Marshall Alexander Memorial Plaque - BRIEF

Motion: Councilor Belanger

Second: Councilor Lessard

Councilor Emhiser – the memorial plaque is well deserved.

Vote: Unanimous in favor.

Motion passed.

- 9.b. 2023.102 Amend/Harbor Ordinance Sec 74-35 Wharfs, Piers, Landings
20230905 Amendment to Harbor Ordinance Sec 74-35 - ORDER
20230905 Amendment to Harbor Ordinance Sec 74-35 - BRIEF

Motion: Councilor Belanger

Second: Councilor Lessard

Harbor/Shellfish Committee Chair John Schafer spoke about the importance of the changes. The purpose was to clearly define the approval process with federal, state and local authorities.

Councilor Belanger – the Policy Committee went back and forth to modify this and in the end was unanimous in favor.

Vote: Unanimous in favor.

Motion passed.

- 9.c. 2023.103 Approval/HOB Oktoberfest Alcohol Service Order
20230905 HOB Oktoberfest Special Event Permit with Alcohol Service - ORDER
20230814 HOB Oktoberfest Special Event Application 24-08-008 - APPLICATION
20230828 HOB Oktoberfest Request for Alcohol Permit - APPLICATION
20230829 HOB Oktoberfest Notification Log - REFERENCE
20230829 HOB Oktoberfest Road Closure Notice - REFERENCE

Motion: Councilor Belanger

Second: Councilor Lessard

Heart of Biddeford Director Delilah Poupore spoke about the plans for the first annual Oktoberfest.

Councilors Grohman, LaFountain and Emhiser spoke in support

Vote: Unanimous in favor.

Motion passed.

- 9.d. 2023.104 Approval/Biddeford Saco Chamber of Commerce Business After Hours
Alcohol Service Order
20230905 Approval Biddeford Saco Chamber of Commerce - Business After Hours
- Alcohol Service - ORDER

20230905 Approval Biddeford Saco Chamber of Commerce - Business After Hours
- Alcohol Service - BRIEF

Motion: Councilor Belanger
Second: Councilor Lessard

Susan Deschambault spoke and described the event.

Councilor Belanger this is a good cause. Would like staff to develop an ordinance change for the future to address events serving alcohol in City buildings.

Councilor Mills – supports the event, should be part of the Special Event Permit review process.

Councilor Grohman – spoke in support of a great event.

Councilor Lessard – supports the reason to have the event however there is no protocol to allow it.

Vote: 7 yeas - Councilors Belanger, Ortiz, Emhiser, Grohman, Mills, Schlaver and LaFountain.

1 nay – Councilor Lessard

Motion passed.

- 9.e. 2023.105 Approval/AV System Upgrade
20230905 AV System Upgrade - ORDER
20230905 AV System Upgrade - BRIEF
20230905 AV System Upgrade - Key Code Media - QUOTE
20230905 Public Access AV Playback System Upgrade - Key Code Media - QUOTE
20230905 AV System Upgrade - TelVue - QUOTE

Motion: Councilor Belanger
Second: Councilor Lessard

Councilor Lessard – the current system is 20 years old, this has his full support.

Vote: Unanimous in favor.

Motion passed.

Public Addressing the Council

Due to inappropriate comments from several online participants, City Manager Jim Bennett recommended to suspend online comments for the remainder of the meeting. Those who wish to comment could email him directly with their name and address and they will be called on during the final public comment period.

Councilor Belanger – motion to suspend rules for remainder of the evening, any online commenters must email the City Manager and will be recognized at the end of the meeting.

Second - Councilor Lessard

Vote – Unanimous in favor.

Motion passed.

- 9.f. 2023.106 Amendment/Sec 46-5 City Parks, Beaches, and Athletic Fields, add 315 Main Street
20230905 Amendment - Sec. 46-5 City, Parks, Beaches, and Athletic Fields - Add 315 Main St - ORDER
20230905 Amendment - Sec. 46-5 City, Parks, Beaches, and Athletic Fields - Add 315 Main St - BRIEF
20230905 315 Main Street - MAP
20230808 Biddeford Adopt-a-Park Committee Request - 315 Main as Formal Park - REFERENCE

Motion: Councilor Belanger

Second: Councilor Lessard

Holly from Adopt a Park spoke in favor of this.

Councilors Mills, Schlaver and Grohman spoke in favor.

Councilor Belanger asked about title issues and the maintenance costs.

COO Brian Phinney – responded that none have been found at this point in time. Staff supports this order.

City Manager Jim Bennett stated that the annual maintenance would be less than \$5,000 and the City can work with it.

Vote: Unanimous in favor.

Motion passed.

- 9.g. 2023.107 Approval/Extension of Inclusionary Zoning Emergency Moratorium
20230905 Inclusionary Zoning Moratorium Emergency Order Extension - ORDER
20230905 Inclusionary Zoning Moratorium Emergency Order Extension - BRIEF
20230620 First Extension - Affordable Housing Inclusionary Zoning Emergency Moratorium - REFERENCE

Motion: Councilor Emhiser

Second: Councilor Lessard

Councilors had concerns that this was sending the wrong message to developers. They expressed frustration with the process and wanted to know what information

the Planning Board needs to finalize this. The Council would like to see incentives and regulations in the IZ language.

Councilor Belanger - this vote is on the moratorium, it has passed the 120 days so an extension would not be valid unless that language was removed.

Councilor Mills – motion to move the question.

Second – Councilor Lessard

Vote to move the question: Unanimous

Vote on the original order: Unanimous against.

Motion failed.

- 9.h. 2023.108 Approval/Contract Zone #22 608 New County Road
20230904 Contract Zone #22 - New County Road - ORDER
20230904 Contract Zone #22 - New County Road - BRIEF
20230904 Contract Zone #22 - New County Road - DRAFT AGREEMENT
20230810 Contract Zone #22 - New County Road - DRAFT CONDITIONS OF APPROVAL
20230823 Homestead by the River Site Concept - ATTACHEMENT A
20230904 Contract Zone #22 New County Road - MAP AMENDMENT
20230904 Contract Zone #22 - New County Road - APPLICATION
20230904 Zoning Map with Property Marker - DIAGRAM 1
20230904 Proposed Barn and Parking - DIAGRAM 2
20230904 Proposed Barn Design - DIAGRAM 3
20230904 Saco River Corridor Overlay - DIAGRAM 4
20230804 John R Braley III Contract Zone #22 New County Road Opposition Letter - REFERENCE

Motion: Councilor Belanger

Second: Councilor Lessard

Public comment – neighbor adjacent to the property asked the Council to consider the potential noise issue and distance for emergency services; and also to consider the location based on the recently approved Comprehensive Plan.

Councilors Lessard, Ortiz, Mills, Emhiser, and Schlaver all commented in favor of staying with the zones in the Comprehensive Plan.

Councilor Belanger would like more input from Emergency Services, Planning and the developers.

Councilor Belanger motioned to table the item until the next meeting.

Second: Councilor Lessard

Vote on motion to table: 4 yeas – Councilors Belanger, Grohman, Mills and Schlaver

4 nays – Councilors Lessard, Ortiz, LaFountain and Emhiser

Mayor Casavant broke the tie with a nay vote.

Motion to table failed. Order stays on the table.

Vote on the original order:

2 yeas – Councilors Belanger and Mills

6 nays – Councilors Lessard, Ortiz, LaFountain, Schlaver, Grohman and Emhiser.

Motion failed.

9.i. 2023.109 Approval/Refer Street Frontage Reduction Ordinance to the Planning Board

20230905 Refer Street Frontage Reduction to Planning Board - ORDER

20230905 Refer Street Frontage Reduction to Planning Board - BRIEF

20230905 Existing Dimensional Standards Table B - REFERENCE

Motion: Councilor Belanger

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

9.j. 2023.110 Approval/Consulting Contract with Greg Mitchell

20230905 Employment Agreement with Gregory Mitchell - ORDER

20230905 Employment Agreement with Gregory Mitchell - BRIEF

20230905 Employment Agreement with Gregory Mitchell - DRAFT AGREEMENT

Motion: Councilor Belanger

Second: Councilor Emhiser

Councilors spoke in favor; a good approach to solve a vacancy. Questions about budget impacts and rezone process.

City Manager Jim Bennett – The Planning Director position has not been filled and this will allow the City to continue to manage economic development with Greg. It does not come out of the rezone contractor services budget. The rezone process is on track with the recommendations from the Workshop unless the priorities change.

Vote: Unanimous in favor.

Motion passed.

9.k. 2023.111 Approval/Request to Waive Property Taxes on 200-208 Graham St. by Biddeford Housing Authority

20230905 Biddeford Housing Authority Request for Tax Relief - ORDER

20230905 Biddeford Housing Authority Request for Tax Relief - MEMO

20230905 Biddeford Housing Authority Letter Requesting Tax Relief - REFERENCE

Motion: Councilor Emhiser

Second: Councilor Lessard

Councilor Lessard – this is a good example of groups working together.

Councilor Belanger – supports the idea, asked the City Manager for clarification on the process.

City Manager Bennett – this would not be an abatement, those are for assessing mistakes. The City could either write it off completely or write off the difference of the bill after the Pilot amount is submitted.

Councilor Belanger – motion to amend for the City to write off the entire tax bill, conditional upon the payment in full of the calculated Pilot payment.

Second: Councilor Mills

Vote on the amendment: Unanimous in favor.
Amendment passed.

Vote on the order as amended: Unanimous in favor.
Motion passed.

Adjustment - Order 2023.95 considered before Order 2023.112

9.m 2023.95 Approval/CIP Carry Forward Funds FY23 to FY24
. 20230815 CIP and Carry Forward Reserves-FY23 to FY24-ORDER
20230905 FY24 CIP Carry Forward Fund Recommendation - MEMO
20230905 FY24 CIP & City Hall Funding Analysis - 5 BOXS
20230905 City Hall Renovation Cost and Funding Analysis - REFERENCE
20230905 FY24 CIP Vehicle Recommendations - REFERENCE

Motion: Councilor Emhiser
Second: Councilor Lessard

Councilor Belanger – this was discussed in depth by the Finance Committee, it looks at ways to move funds in the future, the summary is on page 160 of the documents.

City Manager Bennett – Staff is recommending shifting funds from 3 categories: 1. From a project that is done and the remaining funds are not needed, as in an item that received a grant. 2. From a project that is not likely to finish in the coming year and 3. From projects that will last a long time. This will free up the necessary funds listed in the next orders to complete those projects. It does not put any projects in jeopardy. He has spoken with the new Recreation Director to prioritize the budget list and look at playgrounds, particularly accessibility, ages 2 -5 and a destination park.

Councilors Lessard, LaFountain and Emhiser spoke in support.

Councilor Belanger – motion to amend this order to remove the last two orders as listed on 2023.95 that assign the funds to specific items.

Second – Councilor Emhiser

Vote on the amendment – Unanimous in favor.
Motion passed.

Councilor Emhiser – recommend that the new Recreation Director look at projects, staffing and funding for future needs including the new park just added.

Vote on the Order as amended – Unanimous in favor.
Motion passed.

- 9.l. 2023.112 Approval/Award City Hall Renovation Project
20230905 City Hall Renovation - ORDER
20230905 City Hall Renovation - BRIEF
20230905 City Hall Renovation Funding Analysis - REFERENCE
20230807 City Hall Renovation - Ducas Const - QUOTE

Motion: Councilor Belanger
Second: Councilor Lessard

Vote: Unanimous in favor.
Motion passed.

- 9.n. 2023.113 Approval/May Street Traffic Calming Demonstration Project
20230905 May Street Traffic Calming Demonstration Project - ORDER
20230905 May Street Traffic Calming Demonstration Project - BRIEF
20230905 May Street Traffic Calming Demonstration Project - Concept D - DESIGN
PLAN
20230905 May Street Traffic Calming Demonstration Project - COST ESTIMATE

Motion: Councilor Belanger
Second: Councilor Lessard

Councilors Lessard, Grohman, Schlaver, Mills, and LaFountain spoke in support. This is a good plan, ok to test it, regroup and change it if needed. Also a guide to look at other high traffic streets. There were questions about visibility, crosswalks, bike paths and maintenance.

Public Works Director Jeff Demers addressed those concerns.

Vote: Unanimous in favor.
Motion passed.

- 9.o. 2023.114 Approval/St. Louis Field Improvements
20230905 St. Louis Field Improvements - ORDER
20230905 St. Louis Field Improvements - BRIEF
20230905 St. Louis Field Improvements - Sports Fields, Inc - QUOTE

Motion: Councilor Belanger
Second: Councilor Lessard

Councilor Lessard – these are important, they will save lives.

Councilor Mills – asked about the schedule.

Councilor Belanger asked about the costs.

Public Works Director Demers – the schedule might impact a few practices for UNE, has to be done in the fall so it doesn't take time out of the Spring schedules. He was able to confirm the October date with the vendor. He wrote the order higher than the quote in case there were unexpected issues, they will only spend what is necessary.

Councilor Belanger – motion to amend the order for \$30,000 from the reallocation funds from the FY23 CIP budget be assigned to this project.

Second: Councilor Emhiser

Vote on amendment: Unanimous in favor.
Amendment passed.

Vote as amended: Unanimous in favor.
Motion passed.

- 9.p. 2023.115 Approval/Purchase 2024 Freightliner Plow Truck
20230905 Purchase of 2024 Freightliner Plow Truck - ORDER
20230905 Purchase of 2024 Freightliner Plow Truck - BRIEF
20230905 Freightliner and Western Star of Maine - QUOTE

Motion: Councilor Mills
Second: Councilor Lessard

Councilor Lessard – reviewed in Finance Committee. Another town ordered it but couldn't take delivery. We were on schedule to replace an old truck and we were able to take this deal at savings.

Vote: Unanimous in favor.
Motion passed.

10. Public Addressing the Council..(5 minute limit per speaker)

11. City Manager Report

If the Council wants the drafted IZ ordinance on the next agenda talk to your leadership.

12. Other Business

Councilor Lessard – thanks for the support of the St. Louis field project, it's a safety issue.

Councilor Grohman –

Reported on the Marie Joseph Center, Maine Coast Heritage Trust is raising 11 million dollars to protect it. Union Church has an outdoor service at Mechanics Park this Sunday at 10:00 am.

Councilor Emhiser – Marie Joseph Center – the land is going into a land trust. Maine Coast Heritage Trust will create an easement for it. Funding to pay the purchase price to close at the end of the month, then a portion to tear down the building and then replant and create an access path in the spring. The goal is to have respectful public access to the beautiful 23 acre location. Over 10 million dollars was raised in 3 months, very impressive.

Councilor LaFountain – it is important to create and celebrate a diverse community. Can't let disrespectful comments go unchecked. It is significant that 99 years ago yesterday the KKK tried to come into Biddeford and the leadership didn't let them. We have to be a community that is ready and not tolerate that.

Councilor Mills – well said. Appreciates the discussion about the Planning Board and process.

City Manager Bennett – the Planning Board is working very hard. Trying to do the right thing. Affordable Housing is a very difficult issue for municipalities in Maine.

13. Council President Addressing the Council

The proclamations, the words matter. There is no place for hate in this city and we're not going to tolerate it.

School is back in session, good luck to everyone. Be mindful of the children and the buses.

14. Mayor Addressing the Council

Thank you to Phil Radding for his dedication to the architecture of this building. The City Hall preservation and renovations are many years in the making.

15. Adjourn

Councilor Belanger - motion to adjourn at 8:41 pm

Second – Councilor Lessard

Vote – Unanimous in favor.

Attested by: _____

Robin Patterson, City Clerk