

**COUNCIL MEETING
AUGUST 18, 2020**

Mayor Casavant called the meeting to order at 6:00 p.m.

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

There were no adjustments to the agenda.

Consideration of Minutes: **August 4, 2020**

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 4, 2020}

2020.68) Amendment/Ch. 58, Solid Waste/Sec. 58-35-Portable Receptacles/Alternative Voluntary Solid Waste Service – Grandfathered Facilities

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

Vote: 8/1; Councilor Ready opposed.

Councilors Emhiser, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ortiz and Lessard in favor.

Second reading carries.

Orders of the Day:

Order Authorizing \$10,000,000 of City of Biddeford General Obligation Bonds for Separating and Improving the City's Storm and Sanitary Sewer Systems

2020.72

IN BOARD OF CITY COUNCIL...AUGUST 18, 2020

BE IT ORDERED, by the City Council of Biddeford as follows:

1. That pursuant to Article XI, Section 6 of the City Charter, 30-A M.R.S. §5772, and all other authority thereto enabling, and subject to the requirements of Article XII, Section 7 of the City Charter, the Mayor and Treasurer of the City be and hereby are authorized, in the name of and on behalf of the City to borrow up to \$10,000,000, and to issue therefore the City's general obligation bonds and notes in anticipation thereof in like amount, the proceeds to be used and are hereby appropriated for the costs (including costs of issuance) of the following projects (the "Projects"): separating and improving storm and sanitary sewer systems within the City.
2. That the Mayor and Treasurer of the City shall determine the date, maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, and other details of said bonds and notes authorized hereby, including provisions for redemption prior to maturity, with or without a premium, as provided in 30-A M.R.S. §5772(6), as amended, their approval to be conclusively evidenced by their execution thereof.
3. That said bonds and notes authorized hereby shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and Treasurer of the City (provided that at least one of such signatures shall be a manual signature), sealed with the seal of the City, attested by its Clerk.
4. That the Mayor and Treasurer, acting singly, be and hereby are each individually authorized and empowered, in the name of and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver all tax certificates, loan agreements, continuing disclosure agreements, and other agreements, certificates, documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions hereof, in order to accomplish the borrowing and to effect

the issuance of the bonds and notes authorized hereby, including but not limited to take all such action as may be necessary to maintain the tax-exempt status of such bonds and/or notes and, to the extent available under the Code, to designate the bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

5. That if the Mayor, Treasurer, or Clerk of the City are for any reason unavailable to approve and execute the bonds or notes authorized hereby, or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.
6. That if the Mayor, Treasurer, or Clerk have signed or sealed the bonds and notes authorized hereby, but shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.
7. That during the term any of the bonds authorized hereby are outstanding, the Mayor and Treasurer of the City be and hereby are authorized, in the name and on behalf of the City, to issue and deliver refunding bonds to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds may be made callable, with or without premium, prior to their stated date(s) of maturity, and shall be signed in like manner as the bonds authorized hereby.
8. That during the term any of the bonds authorized hereby are outstanding, all authority granted pursuant to this Order shall be, remain, and continue in full force and effect without the necessity of any further action of the City Council.
9. That any interest earnings on any unexpended proceeds of the bonds or notes authorized hereby shall be, transferred to and deposited in the City's General Fund.
10. That it is the intent of the City Council that this Order constitute the City's declaration of official intent within the meaning of Treasury Regulation §1.150-2.
11. That pursuant to Article XII, Section 7 of the City Charter, the following question shall be submitted to the voters of the City of Biddeford for ratification or rejection at a referendum vote to be held on November 3, 2020:

Shall the Order of the Biddeford City Council entitled "Order Authorizing \$10,000,000 of City of Biddeford General Obligation Bonds for Separating and Improving the City's Storm and Sanitary Sewer Systems" be ratified and approved?

That said referendum question be accompanied by a signed financial statement of the Treasurer pursuant to 30-A M.R.S. Section 5772(2-A) and Article XII, Section 7(a) of the City Charter, as well as the City Council recommendation that the referendum question be approved.

12. The City Council shall conduct a public hearing on this Order and the foregoing question at its September 1, 2020 meeting, at 6:00 p.m.

Motion by Councilor Lessard, seconded by Councilor McCurry to grant the first reading of the Bond Referendum to send to the voters for approval at the November 3, 2020 Election.

Vote: 8/1; Councilor St. Cyr opposed.

Councilors Emhiser, McCurry, Quattrone, Clearwater, Belanger, Ready, Ortiz and Lessard in favor.

First reading carries.

**Order Authorizing \$10,000,000 of City of Biddeford General Obligation Bonds for
Miscellaneous Infrastructure and Building Improvements/Repairs**

2020.73

IN BOARD OF CITY COUNCIL...AUGUST 18, 2020

BE IT ORDERED, by the City Council of Biddeford as follows:

13. That pursuant to Article XI, Section 6 of the City Charter, 30-A M.R.S. §5772, and all other authority thereto enabling, and subject to the requirements of Article XII, Section 7 of the City Charter, the Mayor and Treasurer of the City be and hereby are authorized, in the name of and on behalf of the City to borrow up to \$10,000,000, and to issue therefore the City's general obligation bonds and notes in anticipation thereof in like amount, the proceeds to be used and are hereby appropriated for the costs (including costs of issuance) of the following projects (the "Projects"): miscellaneous Infrastructure and Building Improvements/Repairs, listed on Schedule 1 hereto.
14. That the Mayor and Treasurer of the City shall determine the date, maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, and other details of said bonds and notes authorized hereby, including provisions for redemption prior to maturity, with or without a premium, as provided in 30-A M.R.S. §5772(6), as amended, their approval to be conclusively evidenced by their execution thereof.
15. That said bonds and notes authorized hereby shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and Treasurer of the City (provided that at least one of such signatures shall be a manual signature), sealed with the seal of the City, attested by its Clerk.
16. That the Mayor and Treasurer, acting singly, be and hereby are each individually authorized and empowered, in the name of and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver all tax certificates, loan agreements, continuing disclosure agreements, and other agreements, certificates, documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions hereof, in order to accomplish the borrowing and to effect the issuance of the bonds and notes authorized hereby, including but not limited to take all such action as may be necessary to maintain the tax-exempt status of such bonds and/or notes and, to the extent available under the Code, to designate the bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.
17. That if the Mayor, Treasurer, or Clerk of the City are for any reason unavailable to approve and execute the bonds or notes authorized hereby, or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.
18. That if the Mayor, Treasurer, or Clerk have signed or sealed the bonds and notes authorized hereby, but shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.
19. That during the term any of the bonds authorized hereby are outstanding, the Mayor and Treasurer of the City be and hereby are authorized, in the name and on behalf of the City, to issue and deliver refunding bonds to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds may be made callable, with or without premium, prior to their stated date(s) of maturity, and shall be signed in like manner as the bonds authorized hereby.

20. That during the term any of the bonds authorized hereby are outstanding, all authority granted pursuant to this Order shall be, remain, and continue in full force and effect without the necessity of any further action of the City Council.
21. That any interest earnings on any unexpended proceeds of the bonds or notes authorized hereby shall be, transferred to and deposited in the City's General Fund.
22. That if the actual cost of any Project differs from the estimated cost set forth herein, whether due to completion, delay or abandonment of the Project or for any other reason, the City Manager is authorized, in his discretion, to reallocate proceeds of the bonds to any other listed Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's capital improvement plan.
23. That it is the intent of the City Council that this Order constitute the City's declaration of official intent within the meaning of Treasury Regulation §1.150-2.
24. That pursuant to Article XII, Section 7 of the City Charter, the following question shall be submitted to the voters of the City of Biddeford for ratification or rejection at a referendum vote to be held on November 3, 2020:

~~Shall the Order of the Biddeford City Council entitled "Order Authorizing \$10,000,000 of City of Biddeford General Obligation Bonds for ~~projects broken down~~ Miscellaneous Infrastructure and Building Improvements/Repairs as follows:"~~~~be ratified and approved?~~

1. \$3,750,000 for improvements to roads, sidewalks and drainage systems,
2. \$3,750,000 for repairs and improvements to City Hall building,
3. \$1,250,000 for repairs and improvements to J. Richard Martin Community Center building,
4. \$500,000 for repairs and improvements to other City buildings,
5. \$750,000 for repairs and improvements to City properties other than buildings."

~~be ratified and approved?~~

That said referendum question be accompanied by a signed financial statement of the Treasurer pursuant to 30-A M.R.S. Section 5772(2-A) and Article XII, Section 7(a) of the City Charter, as well as the City Council recommendation that the referendum question be approved.

25. The City Council shall conduct a public hearing on this Order and the foregoing question at its September 1, 2020 meeting, at 6:00 p.m.

Motion by Councilor Clearwater, seconded by Councilor Belanger to grant the first reading of the Bond Referendum to send to the voters for approval at the November 3, 2020 Election.

It was noted that this item comes to the Council from the Finance Committee with no recommendation.

Vote: 6/3; Councilors McCurry, St. Cyr and Quattrone opposed.
Councilors Emhiser, Clearwater, Belanger, Ready, Ortiz and Lessard in favor.
First reading carries.

2020.74

IN BOARD OF CITY COUNCIL..AUGUST 18, 2020

BE IT ORDERED, that the City Tax Collector and Finance Director be authorized to write off the following uncollected Personal Property taxes as of June 30, 2020:

Fiscal Year 2009-2010	\$44,497.18
Fiscal Year 2010-2011	\$19,212.06
Fiscal Year 2011-2012	\$26,661.23

Fiscal Year 2012-2013	\$18,275.63
Fiscal Year 2013-2014	\$20,047.54
Total to be written off	<u>\$128,693.64</u>

NOTE: Personal Property taxes more than six years old are periodically written off as uncollectible. There is no net effect on traditional fund balance from this action.
On August 18, 2020, the Finance Committee will consider this item.

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

Motion by Councilor McCurry, seconded by Councilor Belanger to table this order until Staff can provide further information on those companies that owe large amounts.

Vote: 8/1; Councilor Lessard opposed.

Councilors Emhiser, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Ortiz in favor.

Motion to table carries.

2020.75 IN BOARD OF CITY COUNCIL...AUGUST 18, 2020

BE IT ORDERED, that the Finance Director is authorized, after June 30 of each fiscal year, to add to the existing dedicated reserve under Account 16013-30101, Wastewater Assigned Fund Balance, the funds collected during each fiscal year ended June 30 and posted as revenue to account 35101-40250, Wastewater Fund, Inflow & Infiltration Fees:

BE IT FURTHER ORDERED, that the City Manager be authorized to expend from the above dedicated reserve for expenses related to on-going Inflow & Infiltration reduction/abatement project costs as approved in accordance with the Purchasing Code.

NOTE: The Finance Committee will consider this item at the August 18, 2020 meeting and vote on recommendation for approval by the City Council.

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

Vote: Unanimous.

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 had the following items:

- 1) At Councilor McCurry's request, Recreation Director, Carl Walsh provided an update on the Cub Care Program with the upcoming start of the school year. With all the challenges that the schools are going to have, it has been decided to hold the Cub Care Program at the Community Center. Last year there were 193 registrants in the program. There have already been 107 responses for this year's program. With the current restrictions due to the pandemic and social distancing, the program will be able to service about 70 children. The Recreation Dept. continues to work through what other options can be made available to those families that need it. Another challenge that the Department is working through is transportation.
- 2) Jim gave an update on the expectation of increased absentee voting for the upcoming November election. He asked City Clerk, Carmen Morris, to talk about the plans that have been made for the pre-election process of absentee voting. She explained that issuance of absentee ballots and absentee voting will be conducted out of the General Assistance Office lobby area. Voters will be asked to access City Hall by using the back entrance where the General Assistance Office is located. Carmen has also purchased a ballot drop box which will be installed on the landing leading up to the back entrance. Voters will be able to drop off their absentee ballots in the box without having to come into City Hall.
- 3) Jim informed the Council that he has authorized the immediate hiring of the part-time Clerk's Office position due to work constraints being felt in that office, rather than waiting until January 1st.

Other Business:

Councilor St. Cyr – since he was not able to be part of the past discussion on Municipal Service funding, he offered his comments now that the funding for the Municipal Service agencies should be at last year’s level, and if an agency received PPE funds, they should not receive Municipal Service funds from the City. He would like this recommendation considered in six months when Municipal Service funding is reviewed again.

Councilor Clearwater – asked to get how to request an absentee ballot on the City’s website. City Clerk, Carmen Morris agreed to take care of that. She then asked what dictates the closure of a beach when there is a shark siting. Recreation Director, Carl Walsh noted that the Recreation Department works with State Department of Marine Resources to determine the best course of action.

Councilor Lessard – asked if a Hazardous Waste Day as been scheduled. Councilor Clearwater announced that a Hazardous Waste Day has been scheduled for Saturday, Sept. 12th.

Council President Addressing the Council: Councilor McCurry is thankful that the Cub Care information was shared tonight. He noted that at tonight’s Finance Committee, the Ice Arena Association Board Chair was present to provide an update on their financials. Councilor McCurry is concerned that the Arena Association bought a Junior team, which has since folded.

Mayor Addressing the Council: Mayor Casavant reminded folks to complete the Census due to how important it is to future federal funding to communities. He shared that he drove by the parking garage site earlier today and was pleased to see so much activity in that area.

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

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

Vote: Unanimous. Time: 7:14 p.m.

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

Vote: Unanimous. Time: 8:18 p.m.

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

Vote: Unanimous. Time: 8:18 p.m.

Attest by: _____
Carmen J. Morris, City Clerk