

***City of Biddeford***

**City Council**

**August 16, 2022 6:00 PM Council Chambers and via Zoom**

**Please click the link below to join this webinar:**

**<https://biddeford.zoom.us/j/97792499157>**

**Webinar ID: 977 9249 9157**

**Passcode: 095413**

**Or One tap mobile:**

**+16469313860,,97792499157#,,, \*095413# US**

**Or telephone:**

**US: +1 646 931 3860 or +1 301 715 8592 or +1 312 626 6799 Passcode: 095413**

**International numbers available: <https://biddeford.zoom.us/u/az7qVi2Kc>**

**Status: In-Person and via Zoom; Council Chambers; 6:00 p.m.**

**Zoom Meeting Link:**

Please click the link below to join this webinar:

<https://biddeford.zoom.us/j/97792499157>

Webinar ID: 977 9249 9157

Passcode: 095413

Or One tap mobile:

+16469313860,,97792499157#,,, \*095413# US

Or telephone:

US: +1 646 931 3860 or +1 301 715 8592 or +1 312 626 6799 Passcode: 095413

International numbers available: <https://biddeford.zoom.us/u/az7qVi2Kc>

**1. Roll Call**

**2. Pledge of Allegiance**

**3. Adjustment(s) to Agenda**

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

**4. Consideration of Minutes:**

4.a. August 2, 2022 Council Meeting Minutes

[8-02-2022 Council Meeting Minutes.docx](#)

5. **Orders of the Day: (Public Comment - 3 minute limit)**
  - 5.a. 2022.70) Authorization/Execution of an Option to Purchase Water Street Property  
[8-16-2022 Water Street Property Purchase-ORDER.doc](#)  
[8-16-2022 Water Street Property Purchase-MEMO.docx](#)
  - 5.b. 2022.71) Approval/Establishment of Ad Hoc Coastal Fire/EMS Substation Committee  
[8-16-2022 Coastal Fire-EMS Substation Comm-ORDER.doc](#)  
[8-16-2022 Coastal Fire-EMS Substation Comm-MEMO.docx](#)  
[8-16-2022 Coastal Fire-EMS Substation Comm Scope.pdf](#)  
[8-16-2022 FD response time info from 2017 to 2021.pdf](#)
6. **Appointments: (No Public Comment)**
  - 6.a. Ad Hoc Coastal Fire/EMS Substation Committee  
[8-16-2022 Appt-Coastal Fire-EMS Substation Committee.docx](#)
7. **Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
8. **City Manager Report: (James Bennett)**
9. **Other Business: (Councilors' Comments; Updates; Announcements)**
10. **Council President Addressing the Council: (Councilor Norman Belanger)**
11. **Mayor Addressing the Council: (Mayor Alan Casavant)**
12. **Adjourn**

## COUNCIL MEETING

AUGUST 2, 2022

*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 6:00 p.m.

**Roll Call:** William Emhiser, Scott Whiting, Martin Grohman, Bobby Mills, Amy Clearwater, Norman Belanger, Marc Lessard

Doris Ortiz and Liam LaFountain were excused.

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

Adjustment to the Agenda:

- Add Order of the Day 2022.69) Approval/Biddeford Saco Chamber of Commerce to Serve Alcohol on City Property (Mechanics Park)/Approval of Special Event Permit

**Public Hearing: State Liquor License Application: Lucky Dog Tasting Room – Batson River**

The Chair opened the Public Hearing at 6:01 p.m.

There were no public comments.

The Public Hearing was closed at 6:01 p.m.

**Liquor License Application Consideration: Lucky Dog Tasting Room – Batson River**

Motion by Councilor Clearwater, seconded by Councilor Belanger to recommend the issuance of a State Liquor License to Lucky Dog Tasting Room, DBA Batson River.

Councilor Whiting pointed out a couple of discrepancies on the State application which will be brought to the applicant's attention and rectified before filing with the State Liquor Division.

Vote: Unanimous.

**Election of Maine Municipal Association Vice President and Executive Committee Members:**

Motion by Councilor Clearwater, seconded by Councilor Mills to vote for the submitted candidates on the MMA Voting Ballot.

Motion by Councilor Belanger, seconded by Councilor Clearwater to amend the motion to further allow the City Clerk to sign the Voting Ballot on behalf of the Municipal Officers.

Vote: Unanimous.

Vote on original motion, as amended: Unanimous.

Public Addressing the Council..(3 minute limit per speaker for up to 15 minutes):

Two citizens addressed their concerns to the Council.

Consideration of Minutes: **July 19, 2022**

Motion by Councilor Mills, seconded by Councilor Clearwater 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 July 19, 2022}

**2022.57) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-62-Identification and use of municipal parking lots/Changes to City Hall Parking Lot per New Hours**

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

Vote: Unanimous.

**2022.58) Amendment/Land Development Regulations/Rezoning of 3 Parcels at University of New England to Institutional Zone (IN)**

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

Vote: 6/1; Councilor Lessard opposed.

Councilors Emhiser, Whiting, Grohman, Mills, Clearwater and Belanger in favor.

2<sup>nd</sup> reading carries.

*Orders of the Day:*

**2022.68**

**IN BOARD OF CITY COUNCIL..AUGUST 2, 2022**

**BE IT ORDERED**, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for **Heart of Biddeford** to have beer/wine sold and served at their **River Jam 2022 Music Festival** in Mechanics Park, providing that the sale and consumption of the alcoholic beverages be confined within a clearly defined area that has been approved and licensed by the State of Maine Bureau of Alcoholic Beverages.

**BE IT FURTHER ORDERED**, that the City Council does hereby approve the issuance of a Special Event Permit for this event.

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

Vote: Unanimous.

**2022.69**

**IN BOARD OF CITY COUNCIL..AUGUST 2, 2022**

**BE IT ORDERED**, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for Biddeford Saco Chamber of Commerce to serve liquor at their Membership Cookout on August 2, 2022 at Mechanics Park, providing that the said Biddeford Saco Chamber of Commerce is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

**BE IT FURTHER ORDERED**, that the City Council also approves the issuance of a Special Event Permit for the Biddeford & Saco Chamber of Commerce Trade Show/Business Expo Event on August 2, 2022 at Mechanics Park.

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

Vote: Unanimous.

**Committee-of-the-Whole: Discussion on Bird Scooters – Rental of Stand-Up Scooters**

Motion by Councilor Grohman, seconded by Councilor Emhiser to move into Committee-of-the-Whole.

Vote: 6/1; Councilor Mills opposed.

Councilors Emhiser, Whiting, Grohman, Clearwater, Belanger and Lessard in favor.

Motion carries.

Time: 6:13 p.m.

Chief Operating Officer Brian Phinney gave an overview of the Bird Scooter proposal. He explained that the design is to reduce vehicle traffic in the downtown; to have staging areas throughout the community where scooters can be picked up and dropped off. The scooters are equipped with GEO-Zone Technology that would program and restrict the scooters from certain areas of the City (like parks). Staff has looked at the proposal and has identified a number of issues including potential issues with parking; use of sidewalks; and other administrative hurdles.

Councilor Clearwater is opposed to this proposal for a number of reasons, including the sidewalks being too narrow. Further, she feels that using Staff time for this would be a waste of time, especially when there are much more pressing items that need Staff attention.

Councilor Emhiser also spoke in opposition and feels it would be too unsafe in the downtown. He does like the concept, but does not support it for Biddeford.

Councilor Whiting is also in opposition to the proposal, again, due to the narrowness of the sidewalks. He also brought up the speed of the scooters versus vehicular traffic, including the ability of the scooters being able to make it up hills.

Mayor Casavant spoke in favor of the proposal, explaining that the City would have the ability to restrict where the scooters can go, so any street with a hill could be prohibited. He suggested offering scooters in a small area of the City, at least as a trial run.

Councilor Grohman is in favor of the proposal; and he thinks students will probably be the largest users. He has used them in other places and thinks they are great. He likened them to bicycles. He noted that if Biddeford goes forward with this proposal, we would be the first community in Maine to have them.

Councilor Clearwater reiterated that the City is not structured to have scooters used safely in the downtown due to the narrowness of the sidewalks and the traffic the City already deals with.

Jeremy Lynch, a representative from Bird Scooters addressed the concerns brought forward. He stressed that the scooters would be used only in areas that are deemed safe and he assured the Council that the scooters can go up hills. Bird Scooters would hire a local manager who would manage the drop off and pick up of the scooters. He understands the parking and vehicular issues that have been discussed, and he suggested installing parking corrals in areas that are deemed safe and away from high traffic areas.

Councilor Mills is concerned about safety; especially with more and more problems with distracted drivers and issues with people on skateboards and bicycles getting hit.

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

Vote: Unanimous.

Time: 6:33 p.m.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):  
There were no comments from the public.

*City Manager Report:*

Chief Operating Officer Brian Phinney thanked the public for their understanding and cooperation with all the street projects that are currently underway at both ends of the City. He noted that overall, MaineDOT has worked well with the Public Works Department to keep traffic flowing as efficiently as possible.

There have been many inquiries about the newly passed legislation on Property Tax Stabilization, and Brian shared that the City Assessor and Deputy Assessor are at a training this week and will learn more about this program and the process that the City will need to follow. He offered assurances that the City will provide more information through all the typical media outlets as it becomes available.

*Other Business:*

Councilor Mills: has had three or four constituent concerns that he has passed along to the appropriate Staff. He hopes the concerns will be addressed soon.

*Council President Addressing the Council*: Councilor Belanger, in response to Councilor Mills' request to move the August 8<sup>th</sup> Council Workshop to after the next Council Meeting, said that he prefers to keep the Council Workshop on August 8<sup>th</sup> since the topic of discussion (parking garage financials) could take up to an hour or two.

*Mayor Addressing the Council*: Mayor Casavant spoke of a couple of upcoming events in the City: Sugar Soiree, which is a fundraiser for Heart of Biddeford and Engine, is taking place Thursday, August 4<sup>th</sup>. River Jam is scheduled for the weekend of August 19<sup>th</sup> and 20<sup>th</sup>, with Fringe Fest taking place Friday, August 19<sup>th</sup> at Shevenell Park/Main Street; and River Jam Music Festival on Saturday, August 20<sup>th</sup> at Mechanics Park.

Mayor Casavant asked the Council to give more thought to the Bird Scooter proposal. He feels that offering scooter rentals would be a great addition to the City and would add better mobility

for folks to move around the downtown. He understands the reservations that were discussed, but he feels that those can be worked through.

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

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

Vote: Unanimous.

Time: 6:41 p.m.

Motion by Councilor Mills, seconded by Councilor Emhiser to move out of Executive Session.

Vote: Unanimous.

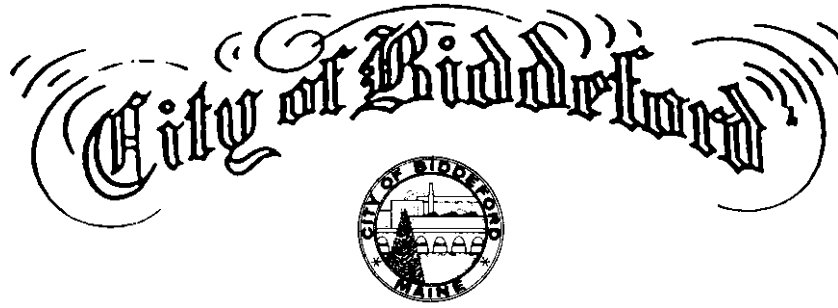
Time: 6:57 p.m.

Motion by Councilor Mills, seconded by Councilor Emhiser to adjourn.

Vote: Unanimous.

Time: 6:57 p.m.

**Attest by:** \_\_\_\_\_  
**Carmen J. Bernier, City Clerk**



**2022.70**

**IN BOARD OF CITY COUNCIL..AUGUST 16, 2022**

**BE IT ORDERED,** that the City Council of the City of Biddeford does hereby authorize the City Manager to execute a certain option to purchase real estate property on Water Street in Biddeford, upon terms and conditions satisfactory to the City.



## City Council

---

Meeting Date: August 16, 2022

Meeting Time: 6:00 p.m.

Agenda Item No: 6.a

Item Description: 2022.70) Authorization/Execution of an Option to Purchase Water Street Property

Submitted by: Harry B. Center, II Esq. City Attorney

Supporting Information/Documentation:

N/A

Key Terms:

N/A

Executive Summary:

This Order authorized the City Manager to execute an option to purchase a parcel of land on Water Street at Map 41 Lot 9, which would provide the City with a contiguous parcel of land on Water Street. The City currently owns Map 41 Lot 1, Map 41 Lot 16, and Map 41 Lot 18.

Detailed Review:

Pursuant to 1 M.R.S. § 405(6)(c), the City Council met in Executive Session to discuss the potential acquisition of land. The City Council was presented with all relevant, pertinent information by the City Attorney. That Executive Session was held on June 7, 2022 during the regular council meeting.

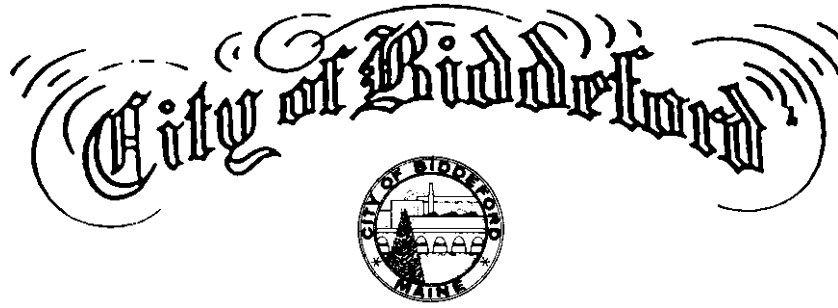
The option to purchase this property would provide the City with ownership of the entire section of waterfront from the intersection of Main and Water to the Wastewater Treatment Plant, the majority of which is comprised of greenspace at Mechanics Park with the exception Map 41 Lot 9. Ownership of the parcel would allow expansion of Mechanics Park to the benefit of the citizens of Biddeford.

Funding Source:

The City anticipates reimbursement from FEMA for expenses related to the river wall repair at approximately 90% of expenses. The expense is currently carried as a liability for bookkeeping purposes. Once the project amount is known and the reimbursement amount is confirmed the City Council will be presented with the information along with a recommendation for the municipal share of the repair expenses. Funding for this expense was discussed at the November 16, 2021 meeting of the City Council.

Staff Recommendation:

The City Manager, City Attorney, Code Enforcement Officer and others all recommend that the Council pass this Order.



**2022.71**

**IN BOARD OF CITY COUNCIL..AUGUST 16, 2022**

**BE IT ORDERED,** that the City Council of the City of Biddeford does hereby establish an Ad Hoc Coastal Fire/EMS Substation Committee; as well as the scope of what the Committee will be charged with.



## City Council

---

Meeting Date: August 16, 2022

Meeting Time: 6:00 PM

Agenda Item No: 6.b  
2022.71) Approval/Establishment of Ad Hoc Coastal Fire/EMS Substation Committee

Item Description: This item takes the first significant steps in addressing the concerns regarding fire/EMS response times along the coastal portion of the community. If approved, this item would both create a special committee to make recommendations to the City Council as well as provide the specific charge to the committee

Submitted by: James Bennett, City Manager

Supporting Information/Documentation:

The draft Coastal Fire/EMS Substation Committee scope is included.

Key Terms:

CPSM (Center for Public Safety Management): the current consultant firm that is performing a review of the Fire Department.

Executive Summary:

The proposal before the Council would create a temporary committee consisting of eleven members, nominated by the Mayor and confirmed by the City Council. The committee would be tasked with making certain recommendations back to the City Council by February 1, 2023 regarding the need and potential location of a coastal substation.

Detailed Review:

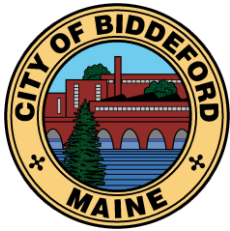
The majority of all Fire/EMS response times that exceed 8 minutes occurs in the so-called 'coastal areas' of the community, which primarily consists of Wards 1 and 5. The vast majority of these calls exceed 12 minute response time. Significantly depending on the work that CPSM (Center for Public Safety Management) is currently performing for the City, the committee will do a high level review. As drafted, the committee will determine if a new substation is needed. If so, it will recommend where it would be located as well as what the structure would be used for.

Funding Source:

None needed beyond staff time for most of the initial work. If the work progresses and there is a need to engage an architect, the formal recommendations for the use of the borrowed funds includes \$150,000 allocation for that purpose.

Staff Recommendation:

If the Council is supportive of addressing the response issue, staff recommends this process.



## *City of Biddeford, Maine*

### **Coastal Fire/EMS Substation Committee**

August 16, 2022

#### **Introduction**

Biddeford Fire Department is a full service fire and emergency medical services (EMS) organization. The calls for service have increased dramatically over the last 12 years. In 2010, the department responded to 4,127 calls (1,149 fire; 2,978 EMS). The following chart provides the call for services for the last couple of years:

| <i>Year</i> | <i>Fire Calls</i> | <i>EMS Calls</i> | <i>Total Calls</i> |
|-------------|-------------------|------------------|--------------------|
| 2021        | 1,607             | 4,240            | 5,847              |
| 2020        | 1,369             | 3,789            | 5,158              |
| 2019        | 1,305             | 3,802            | 5,107              |
| 2018        | 1,389             | 4,006            | 5,395              |

#### **Staffing**

The department is staffed by 52 full-time employees, including a Fire Chief, Assistant Chief and Deputy Chief and 48 full-time firefighter paramedics. In addition, there are approximately 25 call (volunteer) firefighters. All full time employees are housed at Central Station located at 152 Alfred St. The 48 employees are equally divided into four platoons of 12 personnel per shift.

#### **Fire Stations**

In addition to Central Station, the City also has a substation located at 25 Lester B. Orcutt Blvd. in Biddeford Pool. This station is unmanned and was primarily built to support the Biddeford Pool call force. Today, there is 1 active member.

The City also used to operate an additional substation located at 162 Hills Beach Rd. in Hills Beach. This station was unmanned and served the Hills Beach call force. In 2006, the City Council decided to cease operating the building as an active substation in part because of the lack of active members of the call force. Today, the facility has been leased to the Hills Beach Association.

#### **Response Times**

Response time, as defined from the time the emergency call for service is received until the time the first responder arrives on the scene, is considered one of the most significant determinants for a positive outcome. Industry standards use the following as the matrix for measuring success:

- Up to 4 minutes
- Between 4 to 8 minutes
- Between 8 to 12 minutes
- Over 12 minutes

Attached is a graphic representation of the actual response times. The coastal area of the community consistently has the highest degree of response times that exceed 8 minutes with the majority of the time over 12 minutes.

### ***Committee Charge***

The committee is intended to answer the question of whether there is a need for a staffed coastal fire/EMS substation within the committee. As part of that review, if the committee determines there is a need, the committee should make recommendations on several high level decisions. These include:

- Where should the coastal station be located?
- What services (and hence equipment) shall be delivered from the station?
- Are there non-fire/EMS services that are critically currently needed by the City that could be incorporated into the station?
- The labor agreement between the Labor Union and City supports the employment of so-called 'per diem' staff to supplement the full time members. Should the station be designed to incorporate these employees as well?

To address these questions, the committee shall be specifically charged with the following:

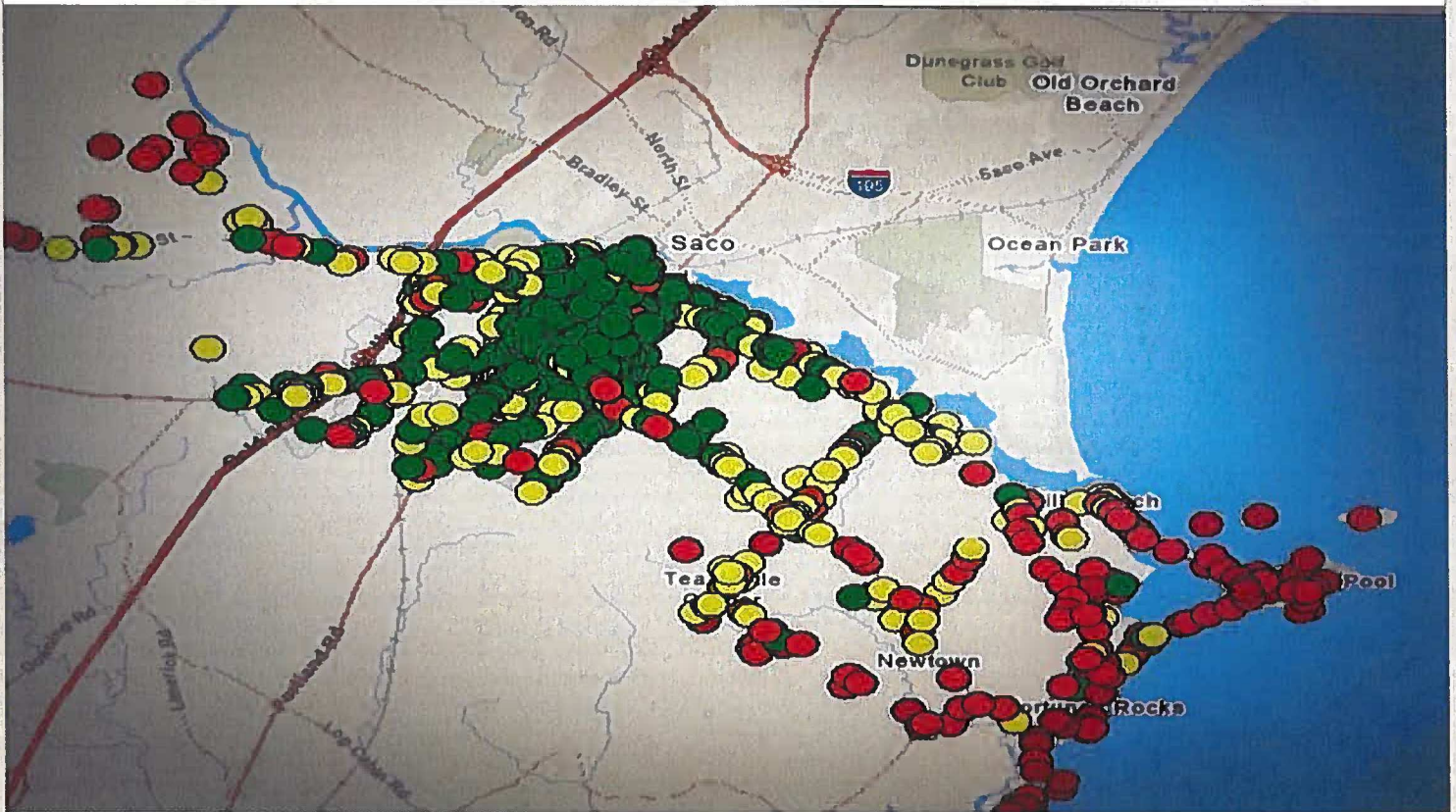
1. The committee will evaluate the need for a staffed coastal substation.
2. The committee will review the programming needs to gauge the scope and size requirements of a potential coastal substation.
3. Should a need for such a substation to exist, the committee will recommend a location for a coastal substation that considers response times and other factors that would support the location recommended.
4. The committee will consider capital costs and ongoing operational costs as significant factors in their development of any recommendations.
5. The committee will review capital costs of any recommendations.
6. The committee will review the findings and recommendations of the Center for Public Safety Management report. It shall consider that report as a fair, unbiased expert consultant engaged for the City.
7. The committee will report back to the Mayor and City Council periodically.
8. The committee shall issue a final report by February 1, 2023, unless otherwise extended.

### ***Committee Makeup***

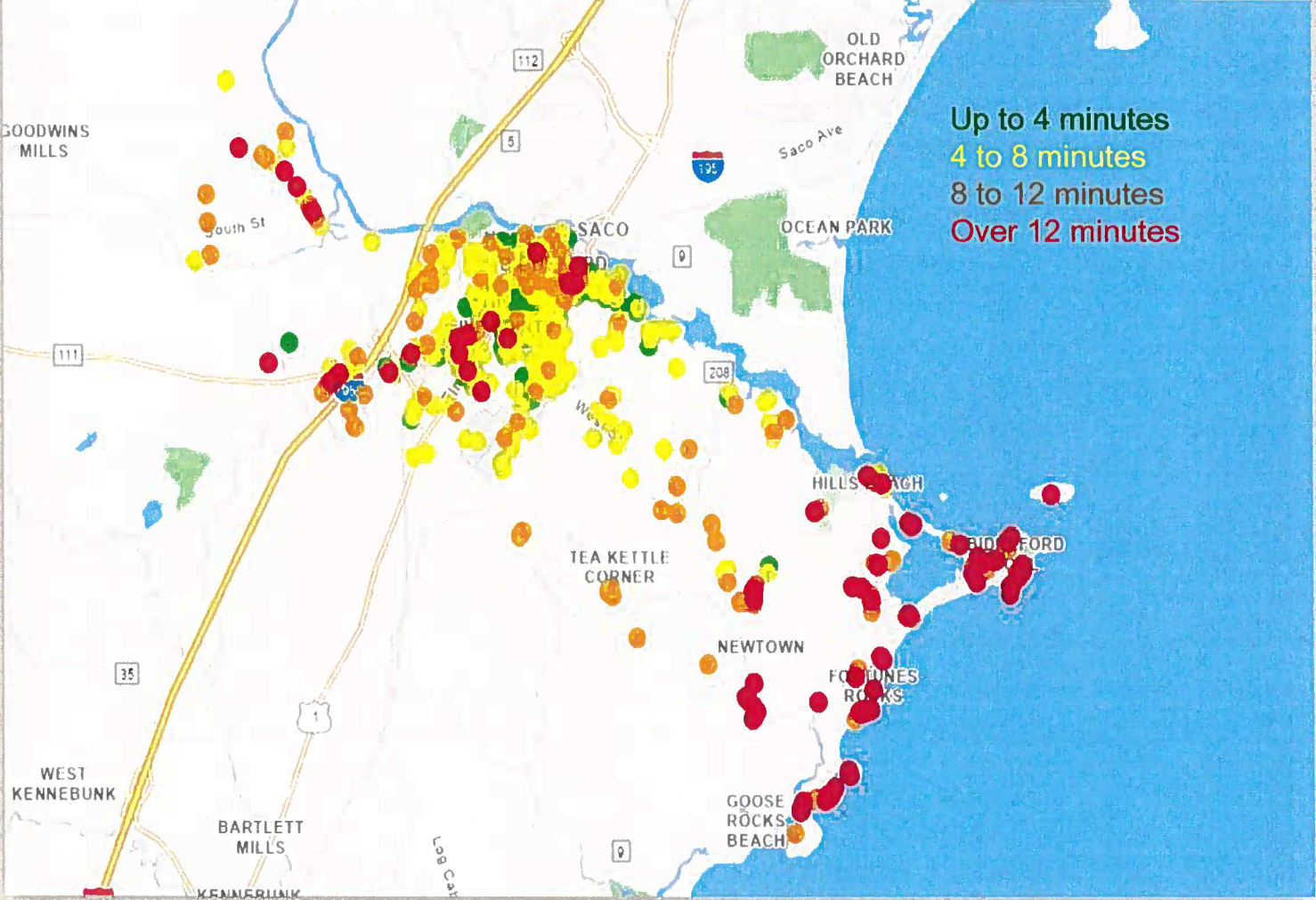
The committee shall consist of eleven (11) citizens. The members will be nominated by the Mayor and confirmed by the City Council. All members will serve for the duration of the committee.

2021 Emergency Calls by Response Time call received to Arrived

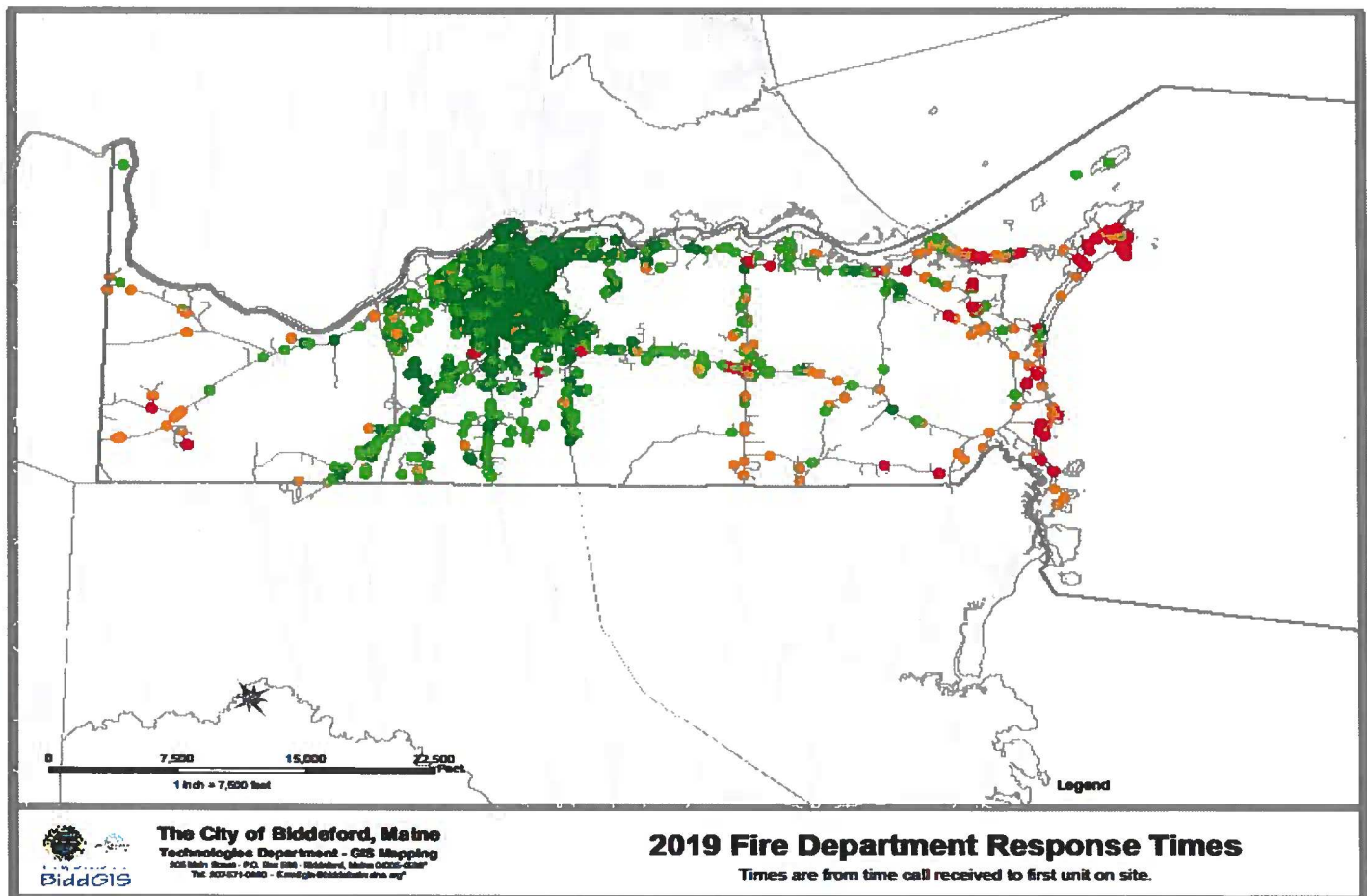
- Up to 4 minutes
- 4 to 8 minutes
- 8 to 12 minutes
- Over 12 minutes

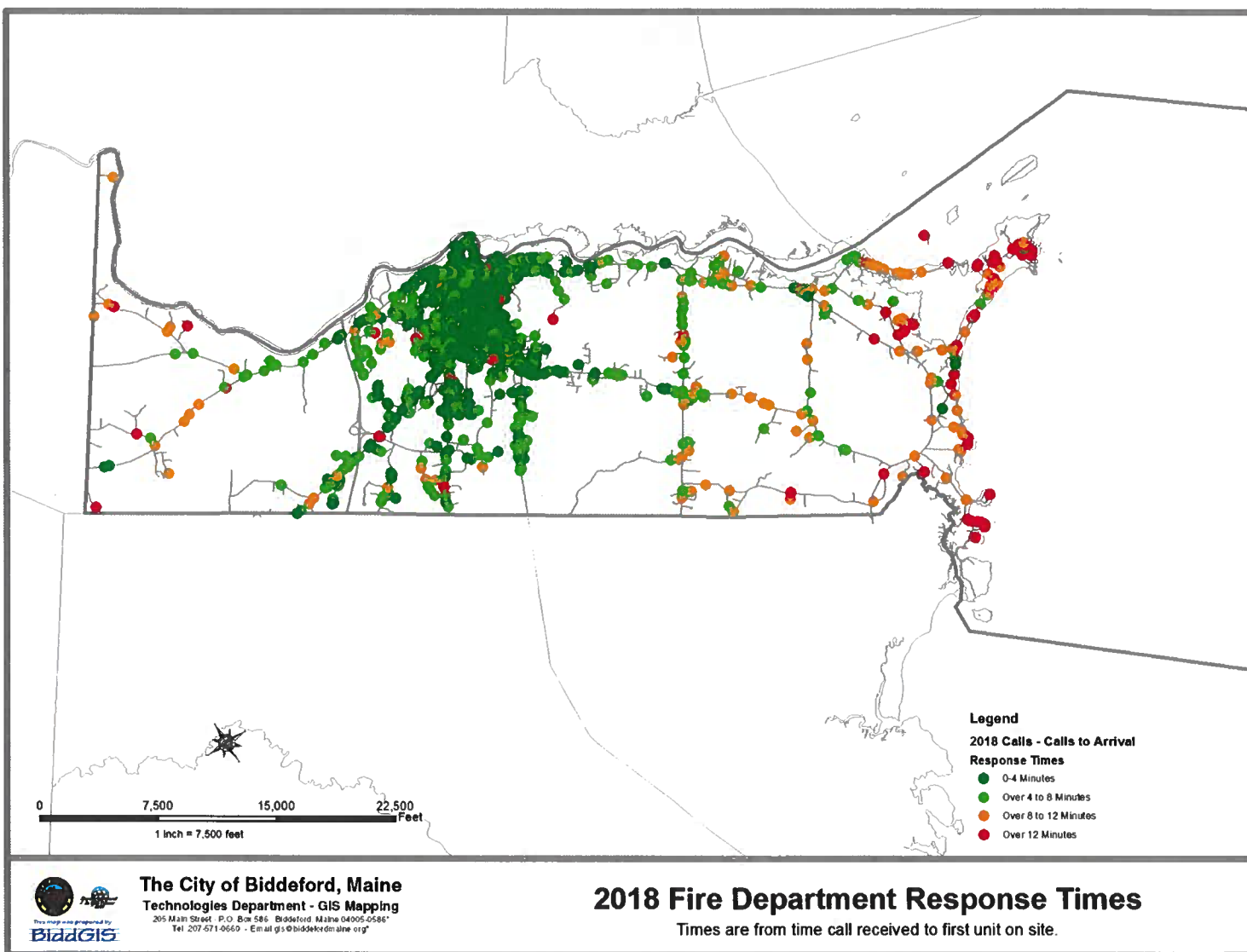


Emergency Calls by Response Time call received to Arrived

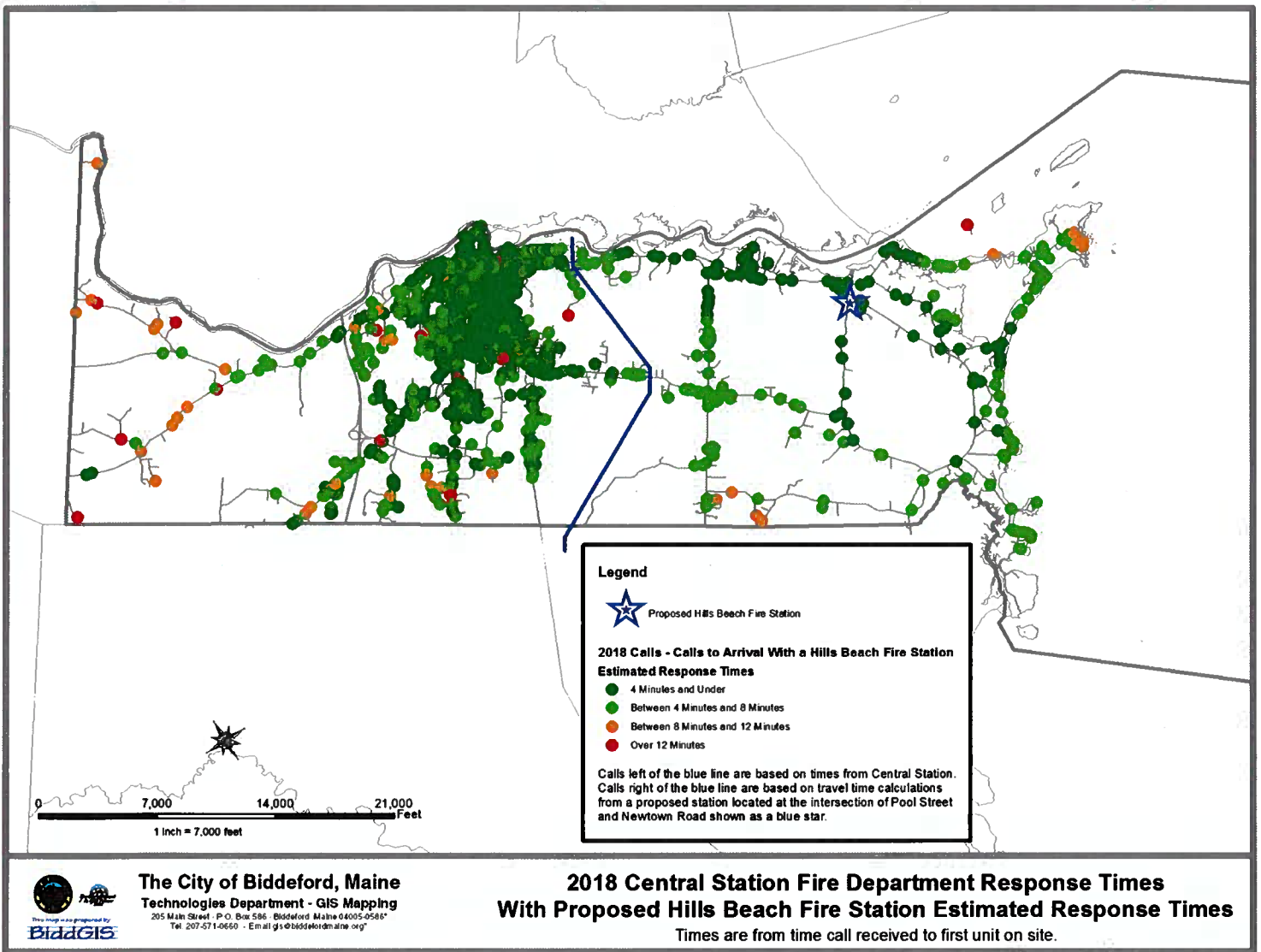


## Emergency Calls by Response Time call received to Arrived





Document Path: S:\Departments\Fire Department\2018 FD Response Times.mxd



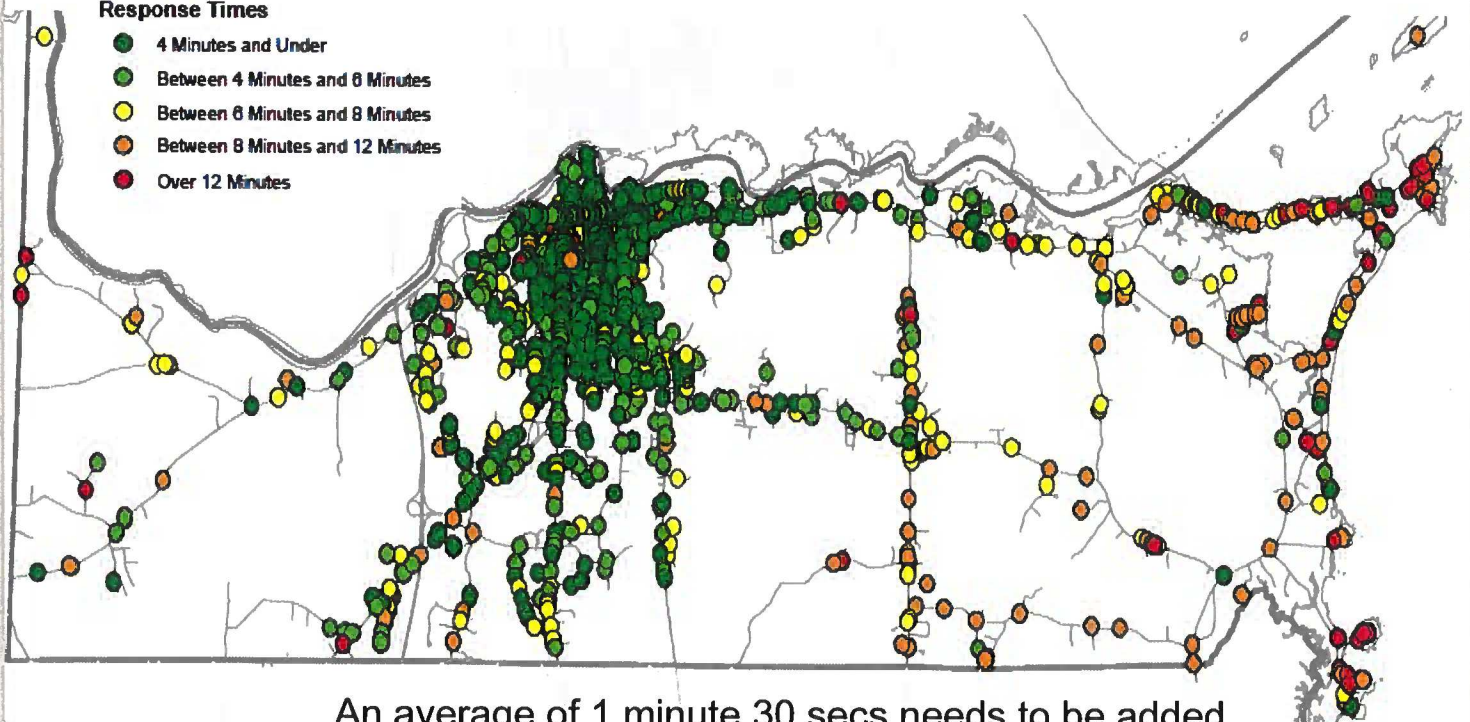
## Emergency Calls by Response Time Dispatched to Arrived

### Legend

#### 2017 Calls

#### Response Times

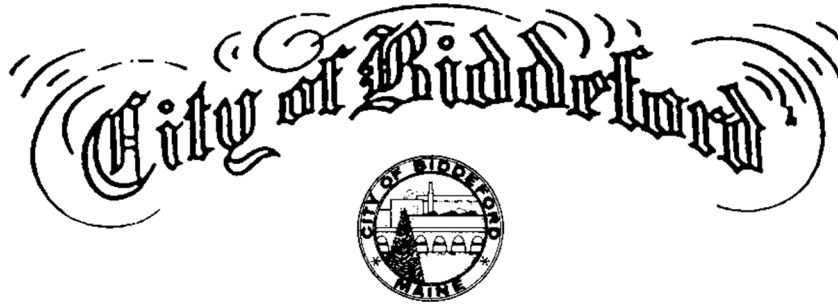
- 4 Minutes and Under
- Between 4 Minutes and 6 Minutes
- Between 6 Minutes and 8 Minutes
- Between 8 Minutes and 12 Minutes
- Over 12 Minutes



6 minutes or less 77%

4 minutes or less 72%

An average of 1 minute 30 secs needs to be added to each incident for account for the time from call received at dispatch to when the call is transmitted to the fire department



**IN BOARD OF CITY COUNCIL...AUGUST 16, 2022**  
**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby  
appoint the following to the *Ad Hoc Coastal Fire/EMS Substation Committee*:

**Councilor William Emhiser, Chair**  
**15 Seventh Street**

**Peter McPheeters**  
**1 Bayview Avenue**

**William Riggs**  
**32 Sea Spray Drive**

**Patricia Boston**  
**60 Hills Beach Road**

**Kyle Noble**  
**56 Hills Beach Road**

**Paul Labrecque**  
**23 Emerald Lane**

**Karin Gregory**  
**20 Elizabeth Road**

**Michael Swanton**  
**110 Old Pool Road**

**James Emerson**  
**127 Old Pool Road**

**Jeffrey Greene**  
**25 Ledgemere Drive**

**Daniel Boucher**  
**72 Hill Street, #102**

