

**COUNCIL MEETING
AUGUST 6, 2019**

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., Amy Clearwater, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

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

Adjustments to the Agenda:

- Add: Order 2019.89) Paving of Green (Franklin Street) Parking Lot
- Add: Executive Session: 1 MRSA 405(6)(C)...Development Contract Update

Presentation: Swearing in of Biddeford Youth Advisory Council Members

Five Biddeford Youth Advisory Council Members were sworn in by City Clerk, Carmen Morris. The Members are: Brittany Baumgardner, Abigail Gosselin, Rebecca Hatt, Hannah McCurry and Lilyanne Melton. Mayor Casavant presented each Member with a certificate.

Presentation: Biddeford Police Department CALEA Update

Police Chief, Roger Beaupre gave a brief update on the Biddeford Police Department Accreditation, and the Year 1 annual review and assessment. According to the initial review and assessment, CALEA reported that the Biddeford Police Department has been found in compliance with the reviewed national standards without exception.

Update: 2019 LaKermesse Franco-Americaine Festival

LaKermesse President, Jessica Quattrone started by thanking the City of Biddeford for all the assistance with the organization of the Festival; and specifically, for the coordination to put the contingency plan in place when the fireworks had to be moved to Saturday night at the field (rather than during the Block Party on the river). She reported that most of the feedback she has received from this year's Festival has been positive and her hope is to continue holding the LaKermesse Festival at St. Louis Field.

MMA Annual Election – Vice President and Executive Committee Members

Motion by Councilor McCurry, seconded by Councilor Clearwater to delegate the City Clerk to fill out the ballot and submit it on behalf of the City Council.

Vote: Unanimous.

Consideration of Minutes: July 16, 2019

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

Vote: Unanimous.

Orders of the Day:

2019.77

IN BOARD OF CITY COUNCIL...AUGUST 6, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, Parks, **Section 46-1** Word usage and definitions, be amended by adding or deleting to read as follows:

Sec. 46-1 Word usage and definitions.

a) When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(b) For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein:

ATHLETIC FIELD An area of land usually enclosed by a fence or other barrier that includes the playing field, where sports or other events takes place.

CITY The City of Biddeford.

DIRECTOR The Parks and Recreation Director appointed pursuant to § 46-2 of the Code of the City of Biddeford.

DOG PARK An area that has been fenced in and designated for exclusive use by dogs. Dog parks shall have clearly established rules for their use, which shall be posted at all entrances.

PARK Shall be limited to the areas within the boundaries, as described in the records of the City of Biddeford Assessor, of the following City-owned recreational properties and facilities.¹¹

TOBACCO Includes but is not limited to cigarettes, cigars, snuff, pipes, spit tobacco, and vaping.

TOBACCO-FREE ZONE Includes City-owned playgrounds, athletic fields, sports fields, parks and beaches.

VEHICLE Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include but not be limited to any trailer in tow, automobile, truck, wagon, snowmobile, motor bike, skateboard, motorcycle or trail bike of any size, kind or description. Exception is made for baby carriages, bicycles used at the Clifford Park and Rotary Park, and vehicles used in the maintenance and operation of City parks.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Seaver, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: Unanimous.

2019.78

IN BOARD OF CITY COUNCIL..AUGUST 6, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, Parks, **Section 46-13** Park operating policy, be amended by adding or deleting to read as follows:

Sec. 46-13 Park operating policy.

(a) Hours. All parks, as defined herein, shall be open to the public every day of the year from dawn to dusk. In the event that activities are conducted at either the St. Louis Field or Mechanics Park for which there is an admission fee charged or access is otherwise controlled, no member of the public shall have the right to enter said park areas without authorization and/or payment of such admission fee. The Director shall cause notices of the opening and closing hours to be posted in each individual park for public information and enforcement purposes.

(b) Closed areas. Any section or part of any park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals (daily or otherwise).

(c) Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any park, or the closed area of any park, except during the hours and times when such park, or portion thereof, is open to the public as provided in this section.

(d) Dogs, horses and horse-drawn vehicles.

(1) Dogs, horses and horse-drawn vehicles are prohibited from entering or remaining in any park, athletic field or beach areas, except as follows:

a. City beaches: No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are completely prohibited from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park.

b. Rotary Park: Horses, horse-drawn vehicles, or dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Seaver, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.
Vote: Unanimous.

2019.79 **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or deleting to read as follows:

~~Elm Street, both sides (Route 1), from the beginning of the Prescott Metals driveway southerly for a distance of 500 feet~~
~~Elm Street, even-numbered side, from the intersection of Elm Street and South Street back to a distance of 50 feet from the intersection~~
~~Elm Street, even-numbered side, from the Saco City line, thence southerly to the intersection with Main Street.~~
~~Elm Street, even-numbered side, from the intersection with St. Joseph Street, thence southerly to the intersection with South Street.~~
~~Elm Street, odd-numbered side between South Street and Main Street~~
~~Elm Street, from the intersection of Main Street and Elm Street to the intersection of Cutts Street and Elm Street (Steege Auto Parts side)~~
~~Elm Street, 150 feet from Five Points to the Tousignant property and First National Bank property lot line, 325 feet~~
~~Elm Street, westerly (even-numbered) side, from the corner of St. Joseph's Street northerly for a distance of 88 feet~~

Elm Street, except as otherwise authorized under section 42-92 (Limited Parking) of this Chapter, there is No Parking on both sides of Elm Street beginning at the Biddeford/Saco City Line, thence southerly to the Biddeford/Arundel Town Line.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Ready, seconded by Councilor Belanger to grant the first reading of the ordinance amendment.
Vote: Unanimous.

2019.80 **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-92 Limited Parking**, be amended by adding or deleting to read as follows:

~~Elm Street, even-numbered side, beginning at a point 180 feet south of the intersection of St. Joseph Street, thence for a distance of 21 feet, 15 minutes. This area is more specifically located in front of 200 Elm Street~~

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Ready, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.
Vote: Unanimous.

2019.81

IN BOARD OF CITY COUNCIL..AUGUST 6, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-100 Disability Parking**, be amended by adding or deleting to read as follows:

~~Graham Street, odd-numbered side, beginning at a point 20 feet northeasterly from the intersection with Harding Street, thence northeasterly for a distance of two parking spaces.~~

NOTE: Business for which this ordinance amendment was added is no longer at this location.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Ready, seconded by Councilor Belanger to grant the first reading of the ordinance amendment.

Vote: Unanimous.

2019.82

IN BOARD OF CITY COUNCIL..AUGUST 6, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-88, One-Way Streets** be amended by adding or deleting to read as follows:

Franklin Street, from ~~Main Street~~ the 90 degree elbow, thence easterly to Alfred Street.

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Ready, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.

Vote: 8.1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

2019.83

IN BOARD OF CITY COUNCIL..AUGUST 6, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-89, Stop Intersections** be amended by adding or deleting to read as follows:

Add: Franklin Street at Main Street
and

Delete: ~~Federal Street at Washington Street~~

NOTE: The Policy Committee considered this ordinance amendment at their July 15, 2019 meeting and voted unanimously to recommend approval by the City Council.

Motion by Councilor Clearwater, seconded by Councilor Lessard to grant the first reading of the ordinance amendment.

Vote: Unanimous.

2019.84

IN BOARD OF THE CITY COUNCIL.....AUGUST 6, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby accept the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG), which has been awarded by the U.S. Department of Justice to the Biddeford Police Department. The Police Department will use this grant money to purchase personal storage lockers as part of the locker room upgrade.

NOTE: A stipulation of this Grant is that these funds, or any part thereof may not be used to supplant the Police Department budget. This is a direct Grant, which requires no matching funds, or in-kind contributions. Grant is in the amount of \$30,017.00 and must be officially approved by the city council in order to receive funds.

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

2019.85 **IN BOARD OF CITY COUNCIL...AUGUST 6, 2019**
BE IT ORDERED, that the Finance Director is authorized to adjust the fiscal year 2020 budget: to increase the annual budgeted dues for Southern Maine Planning and Development by.

<u>FY20 Account #</u>	<u>Description</u>	<u>AMOUNT</u>
21128-60860	Increase Expense So ME Reg Planning Comm by	811
21111-60797	Decrease Expense Miscellaneous Expense by	811
		0

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

2019.86 **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**
BE IT ORDERED, in accordance with 36 M.R.S.A Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of **5.00%**.

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

2019.87 **IN BOARD OF CITY COUNCIL... AUGUST 6, 2019**
BE IT ORDERED, that the City does hereby discontinue “Federal Street”, a public street located between Washington Street and Franklin Street.

BE IT FURTHER ORDERED, that the City Council finds that there are no properties have frontage abutting Federal Street, and that no damage shall be awarded to any person resulting from the discontinuance.

BE IT FURTHER ORDERED, that the City shall retain a limited public easement over the discontinued public street for the purpose of establishing public parking over the discontinued public street.

Motion by Councilor Ready, seconded by Councilor Clearwater to grant the order.
Vote: 8/1; Councilor Swanton opposed.
Councilors McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor.
Motion carries.

2019.88 **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve awarding a project to construct a median at 5 Points that will stop left turns out of Starbucks Coffee, located at 352 Alfred Street to J. Pratt Construction of Hebron, Maine, in an amount not to exceed \$12,750.00. Funds for this project will be taken from account 31374-60300-Road Paving Bond proceeds.

NOTE: This item will be considered at the August 6, 2019 Finance Committee Meeting.

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

2019.89 **IN BOARD OF CITY COUNCIL..AUGUST 6, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the expenditure for paving of the **Green (Franklin Street) Parking Lot**; with the project work awarded to **Thyng Paving LLC** in the amount of **\$57,000**. The cost of this project will be charged to the Parking Fund, 31235-60306

BE IT FURTHER ORDERED, that the paving of Franklin Street by paid out of the Road Construction/Improvement Account, 21204-60604, in the amount of \$17,650.

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

Motion by Councilor McCurry, seconded by Councilor Lessard to amend the order by adding: **BE IT FURTHER ORDERED**, that the paving of the Blue (Alfred Street) Parking Lot also be scheduled to be paved in the amount of \$61,700, to be charged to the Parking Fund, 31235-60306.

Vote: 6/3; Councilors Swanton, Ready and Seaver opposed.

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

Motion to amend carries.

Vote on order, as amended: 8/1; Councilor Seaver opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Lessard in favor.

Motion carries.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
One citizen addressed his comments to the Council.

City Manager Report:

Chief Operating Office, Brian Phinney noted the following items:

- (1) The City received a \$30,000 check from MMA for Workers Compensation dividends.
- (2) The City is currently in the process of applying for a \$3.3 million Grant to assist low-income residents with lead paint abatement in their homes.
- (3) The Street Light Conversion is about 75% finished.

Other Business:

Councilor Lessard: commended the Public Works Department for the continued success in running the Recycling Facility. He is impressed with how organized the Facility is and how helpful and knowledgeable the Staff is.

Councilor Ready: noted that the at their August 5th meeting, the Downtown Committee unanimously voted to recommend to the Council that the City hire a third party with expertise in parking/parking lot layouts to offer guidance with the City's parking program. He requested that this item be included on the next Council Meeting agenda. At this point, until expertise is brought in, he will no longer support any adjustments or amendments to the parking program.

Councilor Clearwater: agrees with Councilor Ready and believes that it would benefit the City to get an expert opinion on the parking program.

She complimented Communications Coordinator, Danica Lamontagne on her work and organization of the Biddeford Youth Advisory Council. The BYAC orientation that took place earlier in the day was a success.

Councilor Swanton: announced that Election season has started with the availability of nomination papers for local office. He urged folks who are interested in running for local office to go to the City Clerk's Office to get nomination papers. He also officially announced that he will not be seeking re-election as Councilor for Ward 1.

Council President Addressing the Council: Councilor McCurry thanked Councilor Quattrone for assisting to organize and pull off another successful Finding Pieces Autism Summer Camp.

He is proud that the City now has a Biddeford Youth Advisory Council, and he is looking forward to getting the City's youth involved in local government.

He informed the Council that he and Mayor Casavant are trying to schedule a meeting with the Biddeford Ice Arena, and in that meeting, plan to stress that Biddeford youth should be given priority when scheduling ice time.

Mayor Addressing the Council: Mayor Casavant echoed Councilor Lessard’s commendation about the Public Works Department. He has been hearing from many folks how courteous and helpful the DPW Staff is.

He thanked Jason Litalien for his willingness to meet with City Officials and try to work towards a mutual agreement in regards to the City’s parking program.

Mayor Casavant recently visited one of Biddeford’s newer Main Street establishments – Lorne Wine. In speaking with the owners, he found out that they decided to locate their business in Biddeford because of what they had heard about other downtown establishments, like Elda and the Palace Diner. The Lorne Wine owners chose Biddeford as the place where they want to make their investment, and they are confident that more businesses are coming.

Executive Session: 1 MRSA 405(6)(C)...Development Contract Update

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

Vote: Unanimous. Time: 6:47 p.m.

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

Vote: Unanimous. Time: 7:57 p.m.

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

Vote: Unanimous. Time: 7:57 p.m.

Attest by: _____
Carmen J. Morris, City Clerk