

**COUNCIL MEETING
AUGUST 4, 2020**

*NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM),
and was live streamed on the City's website*

Mayor Casavant called the meeting to order at 6:21 p.m.

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

Stephen St. Cyr was excused.

Adjustment to the Agenda:

- Add Order 2020.71

Consideration of Minutes: **July 21, 2020; July 27, 2020**

Motion by Councilor McCurry, seconded by Councilor Belanger to accept the minutes of *July 21, 2020* as printed.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Belanger to accept the minutes of *July 27, 2020* as printed.

Vote: Unanimous.

Consent Agreement:

- ***Nomination to MMA's Legislative Policy Committee***

Motion by Councilor McCurry, seconded by Councilor Clearwater to vote Laurie Smith (Town Manager in Kennebunkport) to the MMA Legislative Policy Committee; and also to delegate City Clerk, Carmen Morris to sign and submit the Official Ballot on behalf of the City Council.

Vote: Unanimous.

- ***MMA Annual Election – Vice President and Executive Committee Members***

Motion by Councilor McCurry, seconded by Councilor Clearwater to vote James Bennett (City Manager in Biddeford) as MMA Vice President; and Robert Butler (Chair of Selectboard in Waldoboro), Terry Helms (Selectperson in Grand Isle) and Diane Hines (Town Manager in Ludlow & Reed Plantation) to the MMA Executive Committee; and also to delegate City Clerk, Carmen Morris to sign and submit the Official Ballot on behalf of the City Council.

Vote: Unanimous.

Second Reading:

{For a copy of the order and first reading, see the Council Meeting minutes of July 21, 2020}

2020.63) Approval/FY21 TIF Budget

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

Vote: Unanimous.

Orders of the Day:

2020.66 **IN BOARD OF CITY COUNCIL... AUGUST 4, 2020**

BE IT ORDERED, that City Manager, James Bennett's appointment of ***Alison Garrison*** as Finance Director for the City of Biddeford, be confirmed.

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

Vote: Unanimous.

2020.67

IN BOARD OF CITY COUNCIL...AUGUST 4, 2020

WHEREAS, City ordinance declares it necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges, referred to as sewer user fees, from all users who contribute wastewater to the City's treatment works; and,

WHEREAS, the sewer user fees are collected and deposited in a non-lapsing fund known as the “Sewer System Operation, Maintenance Replacement Fund and Debt Retirement Fund”; and,

WHEREAS, the proceeds of such fees so derived are used for the purpose of operating and maintaining the public wastewater treatment works and providing for future needs; and,

WHEREAS, the City Council is authorized to review and, if necessary, revise the sewer fees used as the basis for sewer fee billing; and,

WHEREAS, the creation of a new category covering multiunit facilities was reviewed and authorized by the Finance Committee on February 18, 2020; and,

WHEREAS, the new category is now in place allowing for data downloads from Maine Water relative to sewer user fees used as the basis for sewer use fee calculations;

NOW THEREFORE BE IT ORDERED, that the following rate structure be adopted:

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

Motion by Councilor Lessard, seconded by Councilor Clearwater to table the order until Staff can provide more information on resident multi-units versus commercial multi-units; and possibly come up with a fee structure that is fair for all types of properties.

Vote: 7/1; Councilor McCurry opposed.

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

Motion to table carries.

2020.68 **IN BOARD OF CITY COUNCIL...AUGUST 4, 2020**
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 58, Solid Waste, Article II. Collection, Sec. 58-35 Portable receptacle**, be amended by adding or ~~deleting~~ to read as follows:

ARTICLE II. COLLECTION

Sec. 58-35. Portable receptacles.

(a) The Public Works Department shall issue two designated collection containers, color-coded, to each residential dwelling unit receiving municipal waste collection and curbside recycling collection: one container, approximately 35 gallons, shall be for acceptable municipal solid waste, and one container, approximately 65 gallons, shall be for acceptable recyclable materials; except that grandfathered facilities, except grandfathered condominium facilities, shall not receive designated municipal solid waste containers and shall place acceptable municipal solid waste in designated bags for curbside collection. Designated recycling containers shall be assigned to grandfathered facilities, subject to space limitations, as determined by the Director of Public Works.

[Amended 3-3-2015 by Ord. No. 2015.10]

(1) Weekly collection of acceptable municipal solid waste shall be limited to the volume of the designated municipal solid waste container such that the waste shall not spill out of the container or prevent the cover from closing.

a. Overflow.

(i) Overflow shall not be collected unless contained within a designated bag made available to residents on a fee-per-bag basis. The overflow bag may be placed on or adjacent to the designated municipal waste container or in a container separate from the designated municipal solid waste container.

(ii) If overflow is placed in a separate container, the container shall not be larger than 45 gallons or weigh in excess of 35 pounds.

b. Alternative Voluntary Solid Waste Service.

- (i) As an alternative to purchasing designated bags for overflow, eligible entities, ~~other than grandfathered facilities,~~ may request, and if approved, rent an alternative designated solid waste container to increase solid waste capacity and reduce or eliminate the need for purchasing designated bags for overflow.
 - (ii) The alternative designated container shall replace the 35 gallon solid waste container and increase solid waste capacity to 65 gallons.
 - (iii) The alternative designated solid waste container shall be available for an initial annual fee of \$122.00. Payment may be made annually or semi-annually with the initial payment payable prior to receipt of the alternate designated solid waste container.
- c. The City Council shall establish the overflow bag price and alternate solid waste container price, which may be adjusted.
- d. The Director of Public Works shall maintain and make available a list of the locations at which residents may purchase overflow bags and alternative solid waste containers. The list and pricing shall be made available upon request, shall be posted to the City website, and shall be otherwise available as may be directed by the City Council.
- e. Overflow restrictions may be waived during designated emergency collection schedules as defined in Section **58-7(4)**.
- (2) Weekly collection of acceptable recyclable materials placed in the designated recycling container shall not spill out of the container or prevent the cover from closing.
- (b) Each designated container shall remain the sole property of the City of Biddeford and may not be moved to any other location.
- (c) Residents may request larger or additional designated recycling containers from the Director of Public Works for good cause as determined by the Director of Public Works. Requests of any other nature shall be evaluated through the variance process.

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

Vote: Unanimous.

2020.69

IN BOARD OF CITY COUNCIL...AUGUST 4, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the Capital Improvement Projects Master Plan allocation for FY21, in the amount of **\$1,361,047** as recommended by the Capital Projects Committee. (see attached list)

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

Vote: Unanimous.

2020.70) Approval/Contract Amendment and Extension with Casella Waste Services

Motion by Councilor Ready, seconded by Councilor Belanger to authorize the City Manager to enter into an amended contract with Casella Waste Services.

Vote: 5/3; Councilors McCurry, Quattrone and Lessard opposed.

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

Motion carries.

2020.71

IN BOARD OF THE CITY COUNCIL.....AUGUST 4, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby accept the 2020 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 3 WatchGuard 4RE cruiser camera systems and 4 radar units, replacing aging and out of warranty units.

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 \$24,397.00 and must be officially approved by the city council in order to receive funds.

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

Vote: Unanimous.

Committee-of-the-Whole: Discussion of Disbursement of Municipal Service Funds

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

Vote: Unanimous.

Time: 7:01 p.m.

In July, the Council directed Staff to hold off on paying disbursements to the Municipal Service Agencies who had been allocated funds. The Agencies were contacted and asked what, if any, PPP (Paycheck Protection Program) assistance they received through the CARES Act. The information that was gathered has been forwarded to the Council.

Councilors McCurry and Clearwater suggested funding the Agencies for the next 6 months and then revisit the needs of the Agencies to determine continued funding.

Councilors Belanger and Ortiz would like to just fund the agencies as was originally allocated and not have to revisit this issue in another 6 months.

Councilor Lessard is in line with the Councilors McCurry and Clearwater thinking. He believes that if Agencies received funds from PPP, then those should be subtracted from the City's allocation and the City should disburse the difference.

The general consensus is to fund the Agencies for the next 6 months, and then revisit this and determine need and continued funding.

Committee-of-the-Whole: Discussion of Possible Bond Referendum for November 3, 2020 Election

City Manager, Jim Bennett shared the results of the survey that was sent out and completed by the Council. The CSO matching funds came in first, with the General CSO Projects coming in second. Roads & Sidewalks and Municipal Buildings came in close behind, as well as the Public Safety Radio System.

Councilor McCurry is in favor of the General CSO funding. He would actually like to see the City budget for roads and sidewalks, and not necessarily go out to bond for these projects. He sees the need for the Public Safety radio system, but he's not convinced that it should be bonded. He wonders if the City should look at possibly leasing the public safety radio equipment and breaking it up amongst the applicable departments. He also suggested raising PSAP fees to other communities to help cover some of the cost.

Councilor Lessard simply suggested the following:

- \$10 million for CSO
- \$10 million for other projects

Councilor Belanger would like to have one question and combine all the projects together; although he isn't completely averse to putting CSO out separately. He thinks the public safety radios should be removed from the list of bond projects and other alternatives looked at to move forward with that project.

Councilor McCurry does not agree there should be one question due to the possibility of it failing and then the CSO projects would not be funded. He agrees to remove the public safety radios and move forward with other alternatives and get the project moving.

Councilor Clearwater agrees with what has been suggested in regards to the public safety radios. She is unsure if one or more questions makes the most sense. She questioned our debt to credit ratio in borrowing such a large amount; and what a repayment schedule would look like. Jim explained that if the bond referendum does not pass for CSO Projects, the City is facing millions of dollars in fines. He noted that how the council approaches the bond questions is strategic – do we submit one question and take a chance of not getting the CSO funds? He estimated a repayment of \$350,000 a year on a \$20 million bond for 20 years.

The Council generally agreed to having two separate questions, with the General CSO Projects being a stand-alone question.

Further, \$10 million for General CSO Projects was generally agreed upon. It was suggest that the bond referendum question should be worded to specifically say that it is DEP mandated work and fines are inevitable if the work is not done.

It was also generally agreed to submit a second bond referendum for \$10 million for City infrastructure and building; specifically on Roads & Sidewalks, City Hall and Community Center.

Again, generally speaking, most Councilors agree that the public safety radios should be separated out and not part of a bond question; but instead, funded or leased and the project moved forward right away.

Staff will prepare two separate bond questions: \$10 million for CSO and \$10 million for other allocations. This will be prepared for the next meeting and first reading.

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

Vote: Unanimous.

Time: 7:54 p.m.

Appointments:

IN BOARD OF CITY COUNCIL..AUGUST 4, 2020

ORDERED, that I, Alan Casavant, Mayor of the City of Biddeford, do hereby appoint the following City Councilors to the **Social Service Budget Committee:**

**Michael Ready
Norman Belanger
Robert Quattrone, Jr.**

Motion by Councilor McCurry, seconded by Councilor Clearwater to confirm the appointments.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...AUGUST 4, 2020

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Bob Mills
10 Windsor Lane
Ward 4**

to the *Wastewater Management Commission*, for a term to expire in December 2023.

Motion by Councilor Lessard, seconded by Councilor Belanger to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...AUGUST 4, 2020

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Adam Causey
80 Foss Street
Ward 4**

to the *Downtown Development Commission*, for a term to expire in December 2023.

Motion by Councilor Clearwater, seconded by Councilor Belanger to confirm the appointment.
Vote: Unanimous.

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

City Manager Report:
City Manager, James Bennett had no report.

Other Business: There was no Other Business.

Council President Addressing the Council: Councilor McCurry hopes that the Maine Municipal Association will come up with an employee travel policy soon that can be shared with all Maine municipalities. He feels that there needs to be a strongly-worded and unified policy that does not allow employees to take advantage of the current policies that have been put into place due to the COVID-19 pandemic.

Executive Session: 1 MRSA 405(6)(D)...Labor Contract Negotiation
Motion by Councilor McCurry, seconded by Councilor Lessard to move into Executive Session.
Vote: Unanimous. Time: 7:59 p.m.

It was noted that the Councilors will go to City Hall for an in-person Executive Session; and no action will be taken.

Motion by Councilor McCurry, seconded by Councilor Clearwater to move out of Executive Session.
Vote: Unanimous. Time: 8:38 p.m.

Motion by Councilor McCurry, seconded by Councilor Clearwater to adjourn.
Vote: Unanimous. Time: 8:38 p.m.

Attest by: _____
Carmen J. Morris, City Clerk