

COUNCIL MEETING

AUGUST 3, 2021

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, John McCurry, Jr., Stephen St. Cyr, Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

Ashanti Williams was excused.

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

Adjustments to the Agenda:

- Add Order 2021.86) Confirmation of Finance Director

2021.86 IN BOARD OF CITY COUNCIL... AUGUST 3, 2021

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

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

City Clerk Carmen Morris administered the Oath of Office to Nichole Wood.

MMA Annual Election – Vice President and Executive Committee Members

Motion by Councilor McCurry, seconded by Councilor Clearwater to confirm the nominations; and to further authorize the City Clerk to complete, sign and submit the ballot.
Vote: Unanimous.

Public Hearing: B. Peachee, Inc., dba Suger Liquor License Application

The Public Hearing was opened at 6:05 p.m.

There were no public comments.

The Public Hearing was closed at 6:05 p.m.

Liquor License Consideration: B. Peachee, Inc., dba Suger

Motion by Councilor Ready, seconded by Councilor Clearwater to recommend the issuance of a State Liquor License to B. Peachee, Inc., dba Suger.

Vote: Unanimous.

Consideration of Minutes: July 20, 2021

Motion by Councilor Lessard, 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 20, 2021}

2021.72) Amendment/Land Development Regulations/Art. XV-Historic Preservation Ordinance/Process for nomination and addition of historic buildings, landmarks, and sites/Responsibilities of Historic Preservation Commission

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the second reading of the ordinance amendment.

Vote: Unanimous.

2021.75) Amendment/Land Development Regulations/Art. XIII-Amendments/Sec. 3, Contract Zone #19-York County Judicial Center/Allowance of Solar Panel Arrays

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

Motion by Councilor McCurry, seconded by Councilor Lessard to amend by removing the stipulation set forth at the July 20, 2021 Council Meeting, that a fencing requirement shall be included in the Contract Zone, along with the solar panel arrays.
Motion was withdrawn.

Motion by Councilor Belanger, seconded by Councilor McCurry to amend by including language that the Planning Board be asked to review the possibility of the installation of fencing.
Motion was withdrawn.

Motion by Councilor McCurry, seconded by Councilor Belanger that the Council approves the proposed amendment to Contract Zone #19, but with the caveat that the appropriateness of fencing be considered by the Planning Board as part of their review of the photovoltaic panels.
Vote: Unanimous.

Vote on second reading of the ordinance, as amended: Unanimous.

Orders of the Day:

2021.83 **IN BOARD OF CITY COUNCIL..AUGUST 3, 2021**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into a Joint Development Agreement with Mike Eon Associates, Ltd., Indian Cliff Development Corporation and Sawmill Park Properties, LLC (Eon Properties); and further, to enter into a Credit Enhancement Agreement with Saxon Partners for the development of a 250-unit housing project at the end of Barra Road.

Motion by Councilor Clearwater, seconded by Councilor Lessard to grant the order.
Vote: 6/2; Councilors Ready and McCurry opposed.
Councilors Emhiser, St. Cyr, Clearwater, Belanger, Ortiz and Lessard in favor.
Motion carries.

2021.84 **IN BOARD OF CITY COUNCIL... AUGUST 3, 2021**
BE IT ORDERED, that the City Manager is authorized to execute an Easement Deed in the form attached hereto between the City of Biddeford and Saco-Lowell, LLC granting a non-exclusive perpetual pedestrian and vehicular easement to Saco-Lowell, LLC to provide access for maintenance and repairs to Saco-Lowell LLC's land and buildings.

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

Motion by Councilor Belanger, seconded by Councilor Clearwater to amend by ensuring the inclusion of language indemnifying the City from Saco-Lowell's use of the easement.
Vote: Unanimous.

Vote on order, as amended: Unanimous.

2021.79 **IN BOARD OF CITY COUNCIL..JULY 20, 2021**
BE IT ORDERED, that the City Assessor be authorized to commit property taxes for the fiscal year commencing July 1, 2021 and ending June 30, 2022 in the total sum of ~~\$50,241,414~~ **\$49,713,760** with **\$1,331,480** raised for County Taxes, ~~\$23,245,570~~ **\$23,062,705** raised for School/Educational use, ~~\$36,145,876~~ **\$35,801,375** raised for Municipal use, and ~~\$1,840,868~~ **\$1,821,432** raised for TIF funding use, less estimated revenues of **\$12,322,370**, and

BE IT FURTHER ORDERED, that said Property Tax Commitment shall be payable in two equal installments on October 13, 2021 and April 13, 2022 with any odd amount to be due on the first installment, and that interest shall be collected at the rate of 6.00% per annum on any taxes remaining unpaid after each respective installment date.

BE IT FURTHER ORDERED, that the Tax Collector be authorized to accept voluntary prepayments on property taxes and to pay interest on these voluntary prepayments at the rate of 0.00% per annum.

BE IT FURTHER ORDERED, that said Property Tax Commitment be recommended to be at the rate of ~~\$18.42~~ **\$18.23** per \$1,000 of Property Valuation.

Note: Overlay to be confirmed after commitment by the Assessor.

Motion by Councilor Ready, seconded by Councilor McCurry to remove the order from the table.

Vote: Unanimous.

Motion by Councilor St. Cyr, seconded by Councilor McCurry to amend the order by reducing the Contingency by \$344,492; and to further amend by reducing the amount raised for additional school funding by \$182,865; for a result in total reduction of \$527,357.

Vote: 7/1; Councilor Belanger opposed.

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

Motion carries.

Vote on order, as amended: 7/1; Councilor Belanger opposed.

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

Motion carries.

2021.85 IN BOARD OF CITY COUNCIL..AUGUST 3, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of two(2) 2021 Ford Crossover Edge from Rowe Ford of Westbrook, Maine, with trade-ins, in an amount not to exceed \$60,108.00. Funding for these vehicles is in the FY22 CIP Funds.

NOTE: The Finance Committee will consider this item at their August 3, 2021 meeting and vote to recommend approval by the City Council.

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

Vote: Unanimous.

2021.68 IN BOARD OF CITY COUNCIL..JULY 6, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve that each non-union employee shall be entitled to a one-time monthly bonus of one hundred twenty-five dollars (\$125.00) per each month worked, for the period covering February 2020 to July 2021 (18 months), payable in full by July 31, 2021. Any employee that worked any hours in a given month is deemed eligible for that month.

NOTE: The Personnel Committee considered this item at their June 29, 2021 meeting and voted 3/1 to recommend passage by the City Council.

Motion by Councilor Clearwater, seconded by Councilor Belanger to remove the order from the table.

Vote: Unanimous.

Motion by Councilor Lessard, seconded by Councilor McCurry to amend the order that the monthly payments be made for 12 months, instead of 18 months.

Vote: 3/5; Councilors Lessard, McCurry and St. Cyr in favor.

Councilors Emhiser, Clearwater, Belanger, Ready and Ortiz opposed.

Amendment fails.

Vote on order: 4/4; Councilors Ready, Lessard, St. Cyr and McCurry opposed.

Councilors Emhiser, Clearwater, Belanger and Ortiz in favor.

Mayor Casavant voted in favor to break the tie. Motion carries.

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) This year's E2E Program has had a few sessions and the program is going very well.
- 2) He highlighted the fact that the Council had done a good job over the past few years to keep the tax base steady, and he attributes this to consistent budgeting as the main reason

why Biddeford is not seeing a major shift in single family property value like other communities are seeing.

Other Business:

Councilor Ready: would like an update at the next Council Meeting on the apartment inspection program through the Code Enforcement Office. He is especially interested in where the City is with the first round of inspections. He asked if the Codes Office is currently short-staffed. City Manager Jim Bennett answered that there has been a turnover in a couple of the positions in that office, and he believes one of the positions will be filled soon. Councilor Ready asked that staffing information also be included in the update on the inspection program.

Councilor Ready also asked for an update on the Comp Plan at the next meeting. Jim Bennett noted that it is his understanding that a Comp Plan update is being planned, as well as a request for funds to complete the Comp Plan Update.

Councilor Lessard: mentioned that some of the trees in the downtown area are having issues with Ash Borer. This tree disease is caused by an invasive wood-boring beetle named emerald ash borer. It has been determined that the infected trees will need to be replaced. He offered to be a part of the conversation when it comes to deciding what the plan should be to replace the trees.

Councilor Clearwater: asked about the narrowness of lower Main Street and expressed concern with allowing parking on both sides of the street while having smooth passage of vehicles going in both directions.

She also expressed concern about the fact that enforcement of codes/ordinances in dealing with the blight issue in the downtown is on a complaint basis.

Council President Addressing the Council: Councilor McCurry had the following items:

- ✓ He asked for an update on the Main-Hill-Water Street Project. Jim Bennett answered that the project, which had been originally scheduled to be done this year, was pushed off by MaineDOT for another year. This has caused issues in regards to the fact that the City had already allocated the necessary matching funds for the project to be done this year. Due to the delay in getting the project started, the price tag for this project is now substantially more and the expectation is that the City will have to cover the additional costs. The City is pushing back on this since it was not the City that delayed this project. This item was tabled at the last PACTS meeting, and discussions are ongoing at this point.
- ✓ He would like an update on the traffic-calming issue on May Street.
- ✓ He would like to see more of a police presence in the downtown and more interactions with the businesses.
- ✓ He would like discussions to start about Fire Sub-stations and the best location for them.
- ✓ Initially, he had expressed concern with continuing to hold public meetings in a hybrid model; but after speaking with City Solicitor Keith Jacques, he now understands that the smaller committees may not be able to hold hybrid model meetings.

Mayor Addressing the Council: Mayor Casavant recently had a conversation with Public Works Director Jeff Demers about the Ash Borer infested trees in the downtown and Jeff noted that there is a 3-year expectancy before the tree branches start falling off. Jeff is currently working to come up with a plan for the replacement of the trees.

Mayor Casavant attend the Family Fun Fest on Sunday and was pleased with how well it turned out. He also noted that many of the buildings in that area of the City have been fixed up and the neighborhood is really looking good. He is concerned that this means rents are undoubtedly increasing.

Executive Session:

- **1 MRSA 405(6)(E)...Legal Matter**
- **1 MRSA 405(6)(A)...Personnel Matter**

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

Vote: Unanimous.

Time: 7:47 p.m.

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

Vote: Unanimous.

Time: 8:35 p.m.

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

Vote: Unanimous.

Time: 8:35 p.m.

Attest by: _____
Carmen J. Morris, City Clerk