

**COUNCIL MEETING
AUGUST 1, 2017**

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

Roll Call: Michael Swanton, John McCurry, Jr., Robert Quattrone, Jr., Victoria Foley, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

Stephen St. Cyr was excused.

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

Mayor Casavant asked for a moment of silence for Roger Gelinas, who had recently passed away. Roger was a long-time Biddeford resident and very much involved in the operations of the Fire Department.

Adjustment to the Agenda:

Add Order 2017.87 – Approval/Purchase of Utility Vehicle for Fire Dept/Arundel Ford

Recognition of Former City Councilors: Rick Laverriere; Bob Mills

Mayor Casavant recognized Rick Laverriere and Bob Mills, both of whom resigned earlier this year for personal reasons, for their long-standing service and commitment to the City Biddeford through their ten years of serving as City Councilors. Both Rick and Bob were presented with chairs that were engraved with their names and years of service as City Councilors.

Recognition & Proclamation: Biddeford Savings Bank 150th Year Anniversary

Mayor Casavant read a Proclamation recognizing Biddeford Savings Bank for their 150 years of doing business in Biddeford, and other surrounding communities. Charles Petersen, the President/C.E.O. of Biddeford Savings Bank was in attendance and was presented with the framed Proclamation and a congratulatory plaque.

Proclamation: National Night Out Week 2017

Mayor Casavant read the Proclamation; and also encouraged everyone to attend the Bacon Street Festival being held this coming Sunday, August 6th.

Nomination to MMA Executive Committee: James Bennett, City Manager

Motion by Councilor McCurry, seconded by Councilor Ready to nominate James Bennett to the MMA Executive Committee.

Vote: Unanimous.

Motion by Councilor Lessard, seconded by Councilor Swanton to designate the Council President to sign the MMA Voting Ballot.

Vote: Unanimous.

Game of Chance Application: Good Shepherd Parish

Motion by Councilor Ready, seconded by Councilor McCurry to recommend the issuance of the Game of Chance application to Good Shepherd Parish.

Vote: 7/1; Councilor Swanton opposed.

Councilors McCurry, Quattrone, Foley, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

Consideration of Minutes: July 18, 2017

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

Vote: Unanimous.

{At the request of the Library Director, Order 2017.84 will be the first Order of the Day considered.}

Orders of the Day:

2017.84

IN BOARD OF CITY COUNCIL...AUGUST 1, 2017

BE IT ORDERED, that the Finance Director is authorized to create dedicated reserve accounts under the listed fund balance accounts, and transfer remaining balances identified from the

FY2017 CIP Budget designated by Order 2016.67 to said dedicated accounts as herein named in amounts not to exceed those stated, as of June 30, 2017 deducting any encumbrances:

10013-30101, General Fund Assigned Fund Balance

<u>FY17 Account #</u>	<u>Description</u>	<u>Original</u>
21202-60964	McArthur Library Improvements (Electrical)	\$ 5,000.00
	McArthur Library Improvements (Community Room)	\$ 7,500.00
	Total	\$12,500.00

BE IT FURTHER ORDERED, that the City Manager be authorized to expend from the above dedicated reserves for expenses related to on-going project costs as approved in accordance with the City of Biddeford Purchasing Code.

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

Vote: 6/2; Councilors McCurry and Lessard opposed.

Councilors Swanton, Quattrone, Foley, Belanger, Ready and Seaver in favor.

Motion carries.

2017.82

IN BOARD OF CITY COUNCIL...AUGUST 1, 2017

BE IT ORDERED, that the City Manager be authorized to purchase an Auger type recycling compactor as per Quote of July 20, 2017(the “Equipment”) from Sani-Tech Systems Inc. (the “Vendor”) and may pay the Vendor an amount not to exceed \$92,780.00 (before discounts valued at \$13,500.00) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$92,780.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$92,780.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on August 1, 2017 and voted to recommend it to the City Council for approval. The lease-purchase of this item is included in the FY18 CIP budget, with a down payment of \$9,000.00

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

Vote: Unanimous.

2017.83

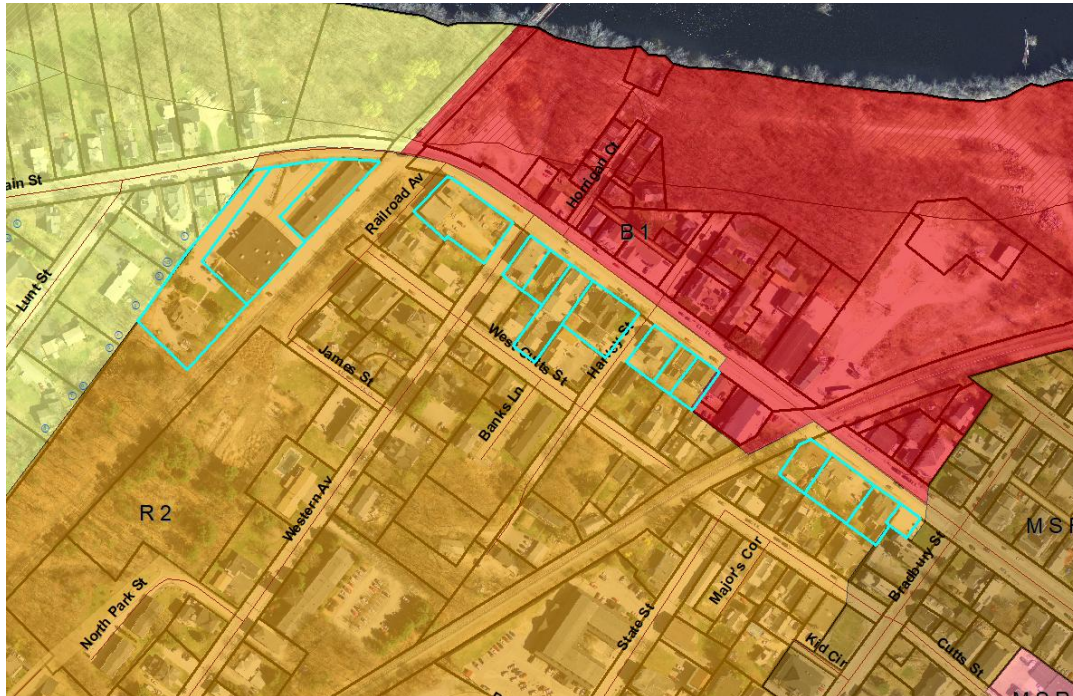
IN BOARD OF CITY COUNCIL..AUGUST 1, 2017

BE IT ORDERED that the City Council does hereby request the Planning Board to conduct a Public Hearing and make recommendations to the City Council regarding possible amendments to the Zoning Ordinance as outlined below.

Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone the following parcels from R-2 to B-1:

445 Main St., 443 Main St., 441 Main St., 431 Main St., 421 Main St., 415 Main St., 409 Main St., 413 Main St., 401 Main St., 399 Main St., 395 Main St., 375-377 Main St., 373 Main St., 365 Main St., and 361 Main St.

The potentially rezoned parcels are depicted on the map below.



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

2017.85 **IN BOARD OF CITY COUNCIL..AUGUST 1, 2017**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into an *Agreement for the Purchase of Lands* with the United States Department of the Interior – Fish and Wildlife Service for property described on the City of Biddeford Tax Assessors Map as Lots 61-20-1 and 61-23 (73 and 87 Mile Stretch Road), in the amount of \$23,000.

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

2017.86 **IN BOARD OF CITY COUNCIL..AUGUST 1, 2017**
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 ***Fringe Festival, part of RiverJam***, to serve liquor at their festival on September 15th, 2017 at Shevenell Park and on Main Street from Washington Street to Alfred Street, providing that the said ***Fringe Festival*** 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 a Block Party to be held at Shevenell Park and Main Street from Washington Street to Alfred Street by ***Fringe Festival, part of RiverJam***.

Motion by Councilor Swanton, seconded by Councilor Lessard to grant the order.
Vote: 6/2; Councilors Seaver and Ready opposed.
Councilors Swanton, McCurry, Quattrone, Foley, Belanger and Lessard in favor.
Motion carries.

2017.87 **IN BOARD OF CITY COUNCIL.....AUGUST 1, 2017**
BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2018 Ford Explorer as per bid of July 5,2017 (the “Equipment”) from Arundel Ford (the “Vendor”) and may pay the Vendor an amount not to exceed \$29,281.00 (before discounts valued at \$700.00) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$29,281.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$29,281.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on August 1, 2017 and vote to recommend it to the City Council for approval. The lease-purchase of this item is included in the FY18 CIP budget, with a down payment of \$5000.00

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

Motion by Councilor Ready, seconded by Councilor Seaver to amend the order by reverting back to Order 2017.79, and approving the purchase of a 2018 Chevrolet Tahoe 4x4 in the amount of \$34,900.00.

Councilor Lessard called a point of order on procedure and offered the following motion:
Motion by Councilor Lessard, seconded by Councilor Ready to reconsider Order 2017.79.

City Solicitor Jacques noted that per Roberts Rules of Order, the above motion would need to be for a rescission of Order 2017.79; and suggested that the previous motions be withdrawn and then a motion to rescind Order 2017.79 be made.

Councilors McCurry and Swanton withdrew their original motion (and hence, the motion to amend is withdrawn).

Motion by Councilor McCurry, seconded by Councilor Lessard to table this order indefinitely.
Vote: 3/5; Councilors McCurry, Quattrone and Lessard in favor.
Councilors Swanton, Foley, Belanger, Ready and Seaver opposed.
Motion to table fails.

Motion by Councilor Seaver, seconded by Councilor Ready to grant the order (Order 2017.87).

Motion by Councilor Seaver, seconded by Councilor Ready to amend the order by reverting back to Order 2017.79, and approving the purchase of a 2018 Chevrolet Tahoe 4x4 in the amount of \$34,900.00.

Motion by Councilor McCurry, seconded by Councilor Lessard to move the question.
Vote: Unanimous.

Vote on amendment: 4/4; Councilors Lessard, Quattrone, Swanton and McCurry opposed.
Councilors Foley, Belanger, Ready and Seaver in favor.
Mayor Casavant voted in favor to break the tie.
Motion to amend carries.

Motion by Councilor McCurry, seconded by Councilor Lessard to amend the order by changing the requested color of the vehicle from siren red to fire engine red.
Motion was withdrawn.

Motion by Councilor McCurry, seconded by Councilor Lessard to amend the order by adding \$2,000.00 to the requested amount in order to have the vehicle painted fire engine red instead of the requested siren red.

Motion by Councilor Ready, seconded by Councilor Seaver to move the question.
Vote: 5/3; Councilors Lessard, Belanger and McCurry opposed.
Councilors Swanton, Quattrone, Foley, Ready and Seaver in favor.
Motion to move the question carries.

Vote on amendment to have the vehicle painted fire engine red for an additional cost of \$2000.00: 2/6; Councilors McCurry and Lessard in favor.
Councilors Swanton, Quattrone, Foley, Belanger, Ready and Seaver opposed.
Motion fails.

Motion by Councilor McCurry, seconded by Councilor Lessard to amend the order by removing the additional cost associated with painting the vehicle the requested siren red.
Vote: 4/4; Councilors Seaver, Ready, Belanger and Foley opposed.
Councilors Swanton, McCurry, Quattrone and Lessard in favor.
Mayor Casavant voted in opposition to break the tie.
Amendment fails.

Motion by Councilor Seaver, seconded by Councilor Ready to move the question.
Vote: 5/3; Councilors Lessard, Quattrone and McCurry opposed.
Councilors Swanton, Foley, Belanger, Ready and Seaver in favor.
Motion to move the question carries.

Vote on order, as amended: 4/4; Councilors McCurry, Swanton, Quattrone and Lessard opposed.
Councilors Foley, Belanger, Ready and Seaver in favor.
Mayor Casavant voted in favor to break the tie.
Motion to purchase a 2018 Chevrolet Tahoe 4x4 (painted siren red), in the amount of \$34,900 carries.

Appointment:

IN BOARD OF CITY COUNCIL...AUGUST 1, 2017
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Randall Desmarais
5 Old Town Road
Ward 3**

to the *Harbor Commission*, with a term to expire December 2018.

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

City Manager Report:

Chief Operating Officer, Brian Phinney (in the absence of Jim Bennett), gave the following update:

- (1) Staff is working on getting a quote for a ball-containment system with roof for St. Louis Field.
- (2) The Recreation Department has reported that the beach wheelchair, which is new this season, has been used about five times already.

Public Addressing the Council..(3 minute limit per speaker; 30 minute total time limit)
There were no public comments.

Other Business:

Councilor Lessard: is pleased that Staff is looking into a ball-containment system for St. Louis Field.

Councilor Seaver: addressed concerns that she had become aware of about an employee watering the flowers in the downtown planters on a Sunday. She offered assurances that the employee was working regular hours and not being paid for overtime hours.

Councilor Seaver encouraged everyone to attend the Bacon Street Festival this coming Sunday.

Councilor Swanton: would like Biddeford to join with other coastal communities, like Wells, Kennebunk and Old Orchard Beach, to file an appeal against the most recent FEMA maps.

Council President Addressing the Council: Councilor McCurry noted that so many people have battled and some continue to battle some kind of cancer. He is hopeful that someday soon, there will be a cure for this disease that has claimed so many lives.

Executive Session: 1MRSA 405(6)(E)..Litigation – Consultation with City Solicitor

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

Vote: Unanimous.

Time: 7:19 p.m.

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

Vote: Unanimous.

Time: 7:28 p.m.

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

Vote: Unanimous.

Time: 7:28 p.m.

Attest by: _____
Carmen J. Morris, City Clerk