

**COUNCIL MEETING
JULY 21, 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 6:15 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Michael Ready, Marc Lessard

Councilors Norman Belanger and Doris Ortiz were excused.

Adjustments to the Agenda:

- Remove Orders 2020.61 and 2020.62
- Remove Executive Session regarding Labor Contract Negotiations
- Add Executive Session regarding Personnel Matter

Consideration of Minutes: **July 7, 2020**

Motion by Councilor Ready, seconded by Councilor Lessard to accept the minutes as printed.

Vote: Unanimous.

Orders of the Day:

2020.55

IN BOARD OF CITY COUNCIL...JULY 21, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve and authorize the purchase of four (4) portable message boards from K & K Systems. The estimated purchase price is \$70,000 and the funding will come from the *Bureau of Justice Administration Grant*.

NOTE: There is no cost to the City for this purchase.

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

Vote: Unanimous.

2020.56

IN BOARD OF CITY COUNCIL...JULY 21, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve proceeding with a Citrix Upgrade in an amount not to exceed \$25,180 as per the quotation from Systems Engineering. Funding for the upgrade is included in the FY20 CIP.

Note: The upgrade was delayed to the outbreak of Covid-19 and associated work practice restrictions.

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

Vote: Unanimous.

2020.57

IN BOARD OF CITY COUNCIL...JULY 21, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into an agreement with Maine CDC, or their grant administrator, accepting a Municipal Covid-19 Awareness Grant with zero match in the amount of \$64,050.

BE IT FURTHER ORDERED, that the City Manager is authorized to expend the funds in accordance with the terms of the agreement and in compliance with City of Biddeford purchasing rules.

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

Vote: Unanimous.

2020.58 **IN BOARD OF CITY COUNCIL...JULY 21, 2020**
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 FY 2020 Budget to said dedicated accounts as herein named in amounts not to exceed those stated, as of June 30, 2020 deducting any encumbrances:

10013-30101, General Fund Assigned Fund Balance (21127-60823, In-A-Pinch)

<u>FY20 Account #</u>	<u>Description</u>	<u>Amount</u>
21127-60811	Bon Appetit Soup Kitchen	2,000
21127-60827	Seeds of Hope	2,000
Total		4,000

BE IT FURTHER ORDERED, that the City Manager be authorized to distribute funds as listed in support of the social services organizations.

NOTE: The Finance Committee will consider this item at the July 27, 2020 meeting and vote on recommending approval by the City Council.

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

2020.59 **IN BOARD OF CITY COUNCIL...JULY 21, 2020**
BE IT ORDERED, that the Finance Director is authorized to create dedicated reserve accounts under the listed fund balance accounts, and transfer remaining funds from the FY 2020 Budget to said dedicated accounts as herein named in amounts not to exceed those stated, as of June 30, 2020 deducting any encumbrances:

10013-30101, General Fund Assigned Fund Balance

<u>Account Description</u>	<u>Amount</u>
Park Improvements, St. Louis	200,000
IT Projects/Equipment	82,000
Financial Software Data Verification	30,000
Down Payments for Vehicles Ordered FY20	20,454
Mechanics Park River Wall Repair	50,000
Public Works Infrastructure Improvements	75,000
Cemetery Improvements	5,000
Fire Department Vests	7,500
Total	469,954

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 Purchasing Code.

NOTE: The Finance Committee will consider this item at the July 21, 2020 meeting and vote on recommendation for approval by the City Council.

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

2020.60 **IN BOARD OF CITY COUNCIL...JULY 21, 2020**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to release payment in the amount of \$545,988 to Biddeford Riverwalk Community 1, LLC for construction of a site stormwater management system at the 3 Lincoln Street property in support of the garage project and future development of the site. Funding for the payment shall be from the TIF Fund.

Note: The total cost of the stormwater management system is \$780,069.49 with \$220,869.49 born by Biddeford Riverwalk Community 1, LLC, as a project cost and \$31,212 contributed from project contingency.

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

2020.63 **IN BOARD OF CITY COUNCIL.. JULY 21, 2020**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of \$495,000 for the **TIF FUND** for the fiscal year commencing on July 1, 2020 and ending June 30, 2021, and

BE IT FURTHER ORDERED, that the sum of \$1,265,036, as may be adjusted by the Assessor, in estimated revenues to the **TIF FUND** be hereby adopted in support of the TIF Program.

Note: FY20 fund balance will be confirmed once the FY20 financials are closed, which is expected by the end of August.

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

Vote: Unanimous.

2020.64 **IN BOARD OF CITY COUNCIL...JULY 21, 2020**
RESOLUTION AUTHORIZING SUBMITTAL OF PUBLIC COMMENT IN SUPPORT OF
BIDDEFORD TURNPIKE EXIT CAPACITY UPGRADES

WHEREAS, the Maine Turnpike Authority prepares and publishes annually a Draft 4-year Capital Investment Plan to outline the Authority's funding priorities; and

WHEREAS, the Maine Turnpike Authority published the Draft FY21-FY24 4-year Capital Investment Plan on or about June 29, 2020; and

WHEREAS, the Maine Turnpike Authority, in accordance with the Sensible Transportation Act and MTA's Public Participation Policy, is accepting public comment on its Draft 4-year Capital Investment Plan through August 1, 2020; and

WHEREAS, the City of Biddeford has growth opportunities west of the turnpike exit, and although immediately adjacent to the Exit, there is no immediate access to the Exit; and

WHEREAS, access to the Exit would support and enhance development opportunities west of the turnpike; and

WHEREAS, the Draft 4-year Capital Investment Plan does not contain reference to a so called capacity upgrade at the Biddeford Exit;

NOW, THEREFORE, BE IT RESOLVED, that the Biddeford City Council and Mayor hereby authorize the City Manager to prepare and submit public comment on the MTA Draft 4-Year Capital Investment Plan to include, but not be limited to, advocating for a capacity upgrade at the Biddeford Exit to allow access to the western side of the turnpike and prioritization of the capacity upgrade within the FY21-FY24 MTA planning period.

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

Vote: Unanimous.

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

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

Vote: Unanimous.

Time: 6:38 p.m.

City Manager, Jim Bennett gave an overview of the available funds for major projects, which he estimates will run out at the end of the year. He thinks the Council should, at the very least, entertain the idea of going out to bond for CSO work; work that is mandated by the State.

Councilor McCurry would like to see what the DEP 5-Year Plan is and what the numbers are for upcoming projects. He understands that if projects do not get done, the City faces getting fined.

Jim thinks that some reasonable numbers can be presented for the next Council Meeting so that the process can begin and a first reading can be held at the August 4th council meeting.

Councilor Clearwater agrees that bonding for CSO is a no-brainer and this is the time to do it. She also feels that this may be a good time to look at other bonds that are needed at this time.

Councilor St. Cyr would like to know to what extent some of the pending projects could be paid out of TIF funds. He'd like that information before making a decision on going out to bonding.

Councilor Lessard cautioned that the Council needs to take a conscientious look at borrowing/bonding since this affects City finances for many years to come. He would actually be in favor of having a special meeting to discuss just this, and not necessarily take 10 minutes at the next Council Meeting.

Jim noted that a lot of the bonding information has been gathered and he will get that out to the Council soon. He will also look at what the TIF funds can possibly be used for in regards to funding certain projects.

Councilor McCurry agrees with Councilor Lessard that this cannot be taken up and rushed through during a 10-minute discussion at the next Council Meeting. He would like to brush off the prior documents and take some time to truly look at what makes sense to move forward with at this point in time.

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

Vote: Unanimous.

Time: 6:49 p.m.

Public Addressing the Council..5 minute limit per speaker; 30 minute total time limit:
A couple citizens addressed their comments to the Council.

City Manager Report:

City Manager, James Bennett had the following items:

- The end of year finances for FY20 have been reconciled.
- The Lead Paint Remediation Program is up and running. Jim intends to keep the Council informed of what properties get approved for the program as time goes on.

Other Business:

Councilor Ready: addressed a comment made by a citizen during *Public Addressing the Council*. He clarified that the Council has stipulated that Public Access cannot spend more than what is brought in as revenue in their budget. The intent is not to control Public Access, but to keep it accountable.

Councilor McCurry: recognized that the City has made it through its first COVID election. He was pleased with the way the polling place was set up and gave a shout out to all the election staff for being at the poll.

He went on to ask if some budget figures could be compiled on what has been spent by the City on PPE since the onset of COVID. He would also like an update on the financials for the Ice Arena, possibly at the next Finance Committee meeting.

Councilor Clearwater: wants to ensure that the City is doing what it can to boost outdoor dining for the downtown restaurants. Also, a lot of downtown businesses have asked to remind the public to wear face masks/coverings when frequenting their establishments.

City Manager, Jim Bennett explained that Staff has been working with businesses in regards to outdoor dining and many downtown restaurants have proposed plans and have gained approval. Staff could look further into this issue and consider shutting down streets. Councilor Clearwater is hearing more that folks would like to have dining in the City parks, not so much closing streets. Jim suggested businesses should contact the Planning & Development Office and work with their Staff on what they would like to see.

Council President Addressing the Council: Councilor McCurry commended the Fire Department on a job well done with the recent fire at an apartment building on Cleaves Street. He was pleased that the building has remained salvageable.

He would like to add to next Policy Committee meeting agenda an item that will look at the fire prevention ordinance, specifically, for new construction and making fire prevention requirements more stringent, including the requirement for sprinkler systems.

He would really like to see something done at the intersection of Water, Main and Hill Streets. He fears that it is becoming more and more dangerous and something needs to be done sooner rather than later.

Mayor Addressing the Council: Mayor Casavant invited folks to check out the Facebook page where there are ongoing development updates on the Lincoln Mill.

He has received many compliments on the work of those maintaining the downtown flowers.

He noted that the South Street Village proposed development plan is conceptual right now and the Planning Board is only having discussions at this point. He believes the City does need to look at development that allows for expansion, while at the same time being cognizant of protecting wildlife and other conservation efforts.

Executive Session:

- **1 MRSA 405(6)(E)...Consultation with City Attorney**
- **1 MRSA 405(6)(A)...Personnel Matter**

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

Vote: Unanimous.

Time: 7:12 p.m.

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

Vote: Unanimous.

Time: 7:31 p.m.

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

Vote: Unanimous.

Time: 7:31 p.m.

Attest by: _____
Carmen J. Morris, City Clerk