

COUNCIL MEETING

JULY 19, 2022

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: Scott Whiting, Martin Grohman (join virtually), Bobby Mills, Amy Clearwater, Norman Belanger, Liam LaFountain, Doris Ortiz, Marc Lessard

William Emhiser was excused.

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

Adjustment to the Agenda:

Move Order 2022.63 to the end of Orders of the Day (after the FY23 CIP Allocation has been approved)

Recognition: *Spirit of America Volunteers of the Year*

Mayor Casavant recognized Diane and Robert Cyr as the 2022 Spirit of America Volunteers of the Year for their work with the Biddeford Cultural Heritage Center, as well as their volunteerism with various civic events in our community throughout the year.

Public Hearing: State Liquor License Applications:

- **Papous Pita – 140 Main Street, Suite 101**
- **Barkeep Catering, Inc. – 410 Elm Street, Suite A**

The Chair opened the Public Hearing at 6:07 p.m.

There were no public comments.

The Public Hearing was closed at 6:07 p.m.

Liquor License Applications Consideration:

- **Papous Pita – 140 Main Street, Suite 101**
- **Barkeep Catering, Inc. – 410 Elm Street, Suite A**

Motion by Councilor Lessard, seconded by Councilor Clearwater to recommend the issuance of a State Liquor License to Papous Pita.

Vote: Unanimous.

Motion by Councilor Mills, seconded by Councilor Clearwater to recommend the issuance of a State Liquor License to Barkeep Catering, Inc.

Vote: Unanimous.

Nomination: *Maine Municipal Association's Legislative Policy Committee*

Motion by Councilor Clearwater, seconded by Councilor Mills to nominate Mary Hoffman, Selectboard Member of the Town of Hollis to the MMA Legislative Policy Committee.

Vote: Unanimous.

Public Addressing the Council..(3 minute limit per speaker for up to 15 minutes):

One citizen addressed her concern to the Council.

Consideration of Minutes: June 21, 2022

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

Vote: Unanimous.

Orders of the Day:

2022.54

IN BOARD OF CITY COUNCIL...JULY 19, 2022

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 B. Peachee, Inc, DBA Suger, to have beer/wine sold and served at their fund raising event July 28, 2022 (raindate: August 4, 2022) at Shevenell Park, providing that the sale and consumption of the alcoholic beverages be confined within a clearly defined area that has been approved and licensed by the State of Maine Bureau of Alcoholic Beverages.

BE IT FURTHER ORDERED, that the City Council does hereby approve the issuance of a Special Event Permit for this event.

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

2022.55 **IN BOARD OF THE CITY COUNCIL.....JULY 19, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby accept the 2022 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 crime scene / crash reconstruction mapping equipment and related operational software.

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 \$28,128.00 and must be officially approved by the city council in order to receive funds.

Motion by Councilor Mills, seconded by Councilor Whiting to grant the order.
Vote: Unanimous.

2022.56 **IN BOARD OF CITY COUNCIL...JULY 19, 2022**

**YORK COUNTY, MAINE HAZARD
MITIGATION PLAN**

RESOLUTION OF ADOPTION

Whereas, natural and man-made disasters may occur at any time, we recognize that to lessen the impacts of these disasters we will save resources, property and lives in York County;

And whereas the creation of a Hazard Mitigation Plan is necessary for the development of a risk assessment and effective mitigation strategy;

And whereas, the 26 towns and 3 cities of York County are committed to the mitigation goals and measures as presented in this plan;

Therefore, **the City of Biddeford** hereby adopts the 2022 York County Hazard Mitigation Plan.

Motion by Councilor Clearwater, seconded by Councilor Mills to adopt the Resolution.
Vote: Unanimous.

2022.57 **IN BOARD OF CITY COUNCIL...JULY 19, 2022**

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 42-62 – Identification and use of municipal parking lots**, be amended by adding or deleting to read as follows:

Sec. 42-62 Identification and use of municipal parking lots.

The following is a list of the municipal parking lots along with a description of their location and authorized use. For the purposes of this chapter, all municipal parking lots are considered as public ways as defined in M.R.S.A. § 29-A. No vehicle shall remain parked in a municipal public parking lot for more than 48 consecutive hours. A vehicle parked in violation of this section may be towed at the owner's expense.

Alfred Street Parking Lot is bordered by Alfred Street, Foss Street, and the property line at 1 Pool Street and further described as Map 38, Lot 404.

- (1) Row 1, which is adjacent to, and is parallel to, the police station, is reserved for police parking only. The first two spaces in Row 1 are reserved for, and shall be posted and clearly marked as, ~~handicap~~ disability parking.

City Hall Parking Lot shall be designated as the ways and parking spaces bordered by City Hall from Adams Street thence southerly along City Hall, thence westerly along the rear of City Hall and City

Theater, thence westerly along properties identified as Map 38, Lots 134 and 134-1, thence easterly along property identified as Map 38, Lot 194, thence easterly along South Street to the Civil War Memorial traffic island, thence easterly on the northerly edge of the Civil War Memorial traffic island, thence northerly on the westerly edge of the Civil War Memorial traffic island, thence northerly along Adams Street to City Hall.

- (1) No vehicle shall be parked in the area designated as the City Hall Parking Lot between the hours of 7:00 a.m. and 5:00 p.m. Monday and Tuesday and between the hours of 8:00 a.m. and ~~5-4:00~~ 4:00 p.m. Wednesday and Thursday, excepting Federal or State Holidays unless such vehicle displays an official parking pass issued by the City Clerk, and displayed in a manner determined by the Clerk.
- (2) The City Clerk may issue official parking passes to municipal officials and employees.
- (3) Two spaces shall be posted and clearly marked and reserved for disability parking. One of the spaces shall be van accessible.
- (4) The area of the City Hall Parking Lot that is immediately adjacent to the Civil War Memorial, and is bordered by South Street, shall have one space marked and reserved for the City Clerk; one space marked and reserved for the City Manager; one space marked and reserved for the Mayor; with the remaining parking spaces reserved for ~~use~~ use by municipal vehicles only between the hours of 8:00 a.m. and 5:00 p.m. Monday through ~~Friday~~ Thursday.
- (5) The area of the City Hall Parking Lot that is immediately adjacent to the City Hall building, and that is bordered by Adams Street, shall be designated and marked as follows: two spaces reserved for ~~use by~~ use by municipal vehicles only between the hours of 8:00 a.m. and 5:00 p.m. Monday through ~~Friday~~ Thursday, with the remaining spaces as one-hour parking for use by the general public to conduct business at City Hall between the hours of 7:00 a.m. and 5:00 p.m. Monday and Tuesday and between the hours of 8:00 a.m. and 4:00 p.m. Wednesday and Thursday, excepting Federal or State Holidays.
- (6) The three parking stalls in the area of the City Hall parking lot that is closest to the rear entrance to the City Hall building, and to City Theater, shall be limited to one-hour parking and reserved for City business only between the hours of between the hours of 7:00 a.m. and 5:00 p.m. Monday and Tuesday and between the hours of 8:00 a.m. and 4:00 p.m. Wednesday and Thursday, excepting Federal or State Holidays. ~~8:00 a.m. and 5:00 p.m. Monday through Friday.~~

NOTE: The Policy Committee considered this item at their July 11, 2022 meeting and voted to send to Council for approval.

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

Vote: Unanimous.

2022.58 IN BOARD OF CITY COUNCIL...JULY 19, 2022
BE IT ORDAINED by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone 1 Hills Beach Rd, (Map 51, Lot 11), 583 Pool St, (Map 51, Lot 10), 590 Pool St, (Map 51, Lot 18-1) from Suburban Residential-1 (SR-1) to Institutional (IN).

Note: Following a duly noticed Public Hearing the Planning Board recommended unanimously (4-0 vote) that this amendment be approved.

Motion by Councilor Mills, seconded by Councilor LaFountain to grant the first reading of the ordinance amendment.

Motion by Councilor Lessard, seconded by Councilor Belanger to amend the ordinance amendment to break up the vote into two parts: (1) 590 Pool Street property to be moved into the IN Zone; and (2) 1 Hills Beach Road and 583 Pool Street not to be moved into the IN Zone. Vote: 4/4; Councilors Lessard, Mills, Whiting and Grohman in favor.

Councilors Clearwater, Belanger, LaFountain and Ortiz opposed.
Mayor Casavant voted in opposition to break the tie.
Amendment fails.

Motion by Councilor Belanger, seconded by Councilor Clearwater to tentatively support the zone change to IN Zone, forwarding this to the Planning Board for review and to send back to Council with recommendations for setbacks, buffers, etc.

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

Councilors Whiting, Grohman, Clearwater, Belanger, LaFountain and Ortiz in favor.
Amendment carries.

Vote on ordinance amendment, as amended: 7/1; Councilor Lessard opposed.

Councilors Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor.
1st reading carries.

Councilor Lessard called a Point of Order, asking if the Council can actually give a tentative approval of something.

City Solicitor Harry Center clarified that, ultimately, what the Council voted on is to move the identified parcels into the IN Zone. Councilor Belanger understands, but noted that any zone changes to the Zoning Ordinance, Note P, Exhibit B, Article V will still need to come back to Council for approval.

2022.59 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the creation of the Biddeford Public Art Policy and the Biddeford Public Art Commission to oversee the inclusion of art in public spaces around the City.

NOTE: This item is being forwarded to Council after review and recommendation from the Downtown Development Commission.

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

Motion by Councilor Mills, seconded by Councilor Clearwater to amend the order by adding a directive that the Policy Committee work with City Staff to develop ordinance language for the establishment of a Biddeford Public Art Commission.

Vote: Unanimous.

Vote on order, as amended: Unanimous.

2022.60 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve and authorize the City Manager to sign, execute and submit the City's Final Draft of the CDBG Year 5 Action Plan and all associated documents in connection with the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

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

Vote: Unanimous.

2022.61 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of a CCTV Sewer Camera, A-200 Crawler from Deep Trekker with listed attachments in an amount not to exceed \$46,714.00. The expenditure will come from CSO Abatement Work – Code 417.

NOTE: The Finance Committee will consider this item at their July 19, 2022 meeting and vote to send their recommendation to the Council.

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

Vote: Unanimous.

2022.62 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of two (2) Grit Classifiers for the Wastewater Treatment Plant from Wecor Associates for Wemco Grit Classifiers, along with spare replacement liners and lower bearings and the extra year warranty, for a total not to exceed \$143,320.00. The expenditure will come from ARP Funds.

NOTE: The Finance Committee will consider this item at their July 19, 2022 meeting and vote to send their recommendation to the Council.

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

2022.64 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of two(2) 2022 Ford Interceptor Police Cruisers from McGovern Municipal HQ, with trade-ins, in an amount not to exceed \$39,610.00. Funding for these vehicles is in the Police Department Budget, Account 21146-60603 – Vehicles Purchase Capital, in which \$48,000.00 has been allocated.

NOTE: The Finance Committee will consider this item at their July 19, 2022 meeting and vote to recommend approval by the City Council.

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

2022.65) Resolution for Establishment and Maintenance of Accounts with Multi-Bank Securities, Inc.

Motion by Councilor Belanger, seconded by Councilor Lessard to grant the Resolution.

At Councilor Clearwater's request, motion by Councilor Belanger, seconded by Councilor Mills to allow Councilor Clearwater to abstain from this vote due to her employment obligations.
Vote: Unanimous.

Vote on Resolution: Unanimous, with Councilor Clearwater in abstention.

2022.67 **IN BOARD OF CITY COUNCIL..JULY 19, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the Capital Improvement Projects Master Plan allocation for FY23, in the amount of **\$1,600,000** as recommended by the Capital Projects Committee. (see attached list)

NOTE: The Capital Projects Committee reviewed the FY23 CIP Allocation at their June 28, 2022 meeting; however, with no quorum, there was no official vote to recommend passage by the Council.

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

2022.63 **IN BOARD OF CITY COUNCIL.....JULY 19, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of two(2) 2023 GMC 2500 HD Sierra Pickup Trucks with plows, from Bill Dodge Buick GMC; one truck for the Wastewater Treatment Plant and the other for the Public Works Department, in an amount not to exceed \$112,478.00. Funding for the purchase of these pickup trucks will come from the FY23 CIP.

NOTE: The Finance Committee will consider this item at their July 19, 2022 meeting and vote to recommend approval by the City Council.

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

Appointments:

IN BOARD OF CITY COUNCIL...JULY 19, 2022

ORDERED, that I, Alan Casavant, Mayor of the City of Biddeford, do hereby appoint the following City Councilors to the **Social Service Budget Committee**, to determine the allocation of FY23 Social Service Funds:

**Doris Ortiz
Scott Whiting
Liam LaFountain**

NOTE: Mayor Casavant also serves on this Committee.

Motion by Councilor Lessard, seconded by Councilor Mills to confirm the appointments.
Vote: Unanimous.

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

City Manager Report:

City Manager, James Bennett gave an update on newly passed LD 290, which establishes a capping mechanism on property taxes for senior citizens who own a home and have had a homestead in Maine for over ten years. The Law goes into effect on August 8th and applications for this program are due by December 1st. There are still many unknowns with this legislation and Staff is waiting for clarification on the process. Once the City has more information and a clearer process, eligible homeowners will be notified, more than likely through the mail. He expects that there will be modifications to this Law, and he noted that this program will not be effective until the FY24 budget.

Other Business:

Councilor Lessard: indicated that current economic signs are pointing to a recession and folks should be aware and doing what they feel they need to do with this information.

He cautioned about the extreme heat expected over the next couple of days and urged folks to check in on their neighbors and those around them.

Councilor Clearwater: believes that Seeds of Hope may offer a cooling center during the upcoming extreme hot days; and the McArthur Library may also be a good cool place to be during the day.

She urged folks, especially those who have experienced big rental increases over the past year or so, to go to www.our.biddeford.org and complete the housing survey put out by the City.

Councilor Mills: shared that Brown Dog Carriers just celebrated their 5-year anniversary, and he extended his congratulations.

Council President Addressing the Council: Councilor Belanger addressed the email sent by former Councilor McCurry who noted that the Council must meet twice a month, per City Charter and that the Council had no right to waive the July 5th Council Meeting. Councilor Belanger reminded folks that the Council did vote to cancel the July 5th Council Meeting, and that, in his opinion, was sufficient for holding one Council Meeting in July.

Mayor Addressing the Council: Mayor Casavant announced the Suger Soiree being held this coming Thursday, July 28th at Shevenell Park to benefit Heart of Biddeford. He urged all to attend and support this great fundraiser.

He is hearing from more and more constituents who are experiencing housing crises and he is concerned that nobody has a solution for those who are being evicted and have no immediate housing solution. He would like to have a monthly report from Seeds of Hope so that the Council can stay conscious of what is going on in the community in regards to homelessness.

Motion by Councilor Belanger, seconded by Councilor Lessard to adjourn.
Vote: Unanimous.

Attest by: _____
Carmen J. Bernier, City Clerk

