

COUNCIL MEETING

JULY 6, 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 6:02 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Ashanti Williams, Norman Belanger, Michael Ready, Doris Ortiz

Amy Clearwater and Marc Lessard were excused.

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

There were no adjustments to the agenda.

Swearing In of Assistant Fire Chief – Edward Dexter

City Clerk Carmen Morris administered the Oath of Office.

Consideration of Minutes: **June 15, 2021**

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

Vote: Unanimous.

Orders of the Day:

2021.56

IN BOARD OF CITY COUNCIL..JULY 6, 2021

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 Biddeford Saco Chamber of Commerce to serve liquor at their Membership Cookout on August 3, 2021 at Mechanics Park, providing that the said Biddeford Saco Chamber of Commerce is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

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

Vote: 5/2; Councilors Ready and McCurry opposed.

Councilors Emhiser, St. Cyr, Williams, Belanger and Ortiz in favor.

Motion carries.

2021.57

IN BOARD OF CITY COUNCIL..JULY 6, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the *Rates and Minimum Standards* for the Biddeford Municipal Airport.

NOTE: The *Rates and Minimum Standards* were reviewed by the Airport Commission. The Commission unanimously voted at their June 14, 2021 meeting to recommend approval by the City Council.

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

Vote: Unanimous.

2021.58

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

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, PARKS, **Section 46-8, Sanitation and Section 46-13, Park operating policy** is amended by adding or ~~deleting~~ to read as follows:

Sec. 46-8(c) **Sanitation.**

- Animal waste: fail to immediately remove and lawfully dispose of any feces left in any park, beach or public space by ~~a dog~~ an animal owned by such person or under his/her control. This regulation shall not apply to ~~a dog~~ an animal accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this subsection.

Sec. 46-13 **Park operating policy.**

- Dogs, horses and horse-drawn vehicles.
 - ~~(1) Dogs, horses and horse-drawn vehicles~~ are prohibited from entering or remaining in any park, playground, schoolyard, athletic field, beach areas, or any other area posted under authorization of the Recreation Director, except as follows:
 - **a.** City beaches. No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are completely prohibited from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park.
 - **b.** Rotary Park. ~~Horses, horse-drawn vehicles, or~~ dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.
 - **c.** Horses.
 - Horses and horse-drawn vehicles are prohibited from entering or remaining in any park, or athletic field. They are restricted from beach areas between the hours of 9:00 a.m. to 5:00 p.m. from May 25 to September 15.
 - Horses using the public beaches must utilize a manure catch device.

NOTE: The Policy Committee considered this ordinance amendment at their June 24, 2021 meeting and voted unanimously to recommend passage by the City Council.

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

Vote: Unanimous.

2021.59 **IN BOARD OF CITY COUNCIL..JULY 6, 2021**

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 42-90 No Parking**, be amended by adding or deleting to read as follows:

Phillips Lane, easterly side, beginning at the intersection with Chapel Street, thence southerly to Pool Street.

NOTE: The Policy Committee considered this ordinance amendment at their June 24, 2021 meeting and voted unanimously to recommend passage by the City Council.

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

Vote: Unanimous.

2021.60 **IN BOARD OF CITY COUNCIL..JULY 6, 2021**

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 42-92 Limited Parking**, be amended by adding or deleting to read as follows:

Day's Landing, beginning at a point 1,075 feet easterly of the intersection with Old Pool Road, thence easterly for a distance of 315 feet (entire cul-de-sac) 1-hour parking from Dawn to Dusk.

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 42-90 No Parking**, be amended by adding or deleting to read as follows:

Day's Landing, beginning at a point 1,075 feet easterly of the intersection with Old Pool Road, thence easterly for a distance of 315 feet (entire cul-de-sac) No parking from Dusk to Dawn.

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 42-88 One-way streets**, be amended by adding or deleting to read as follows:

Day's Landing, beginning at a point 1,075 feet easterly of the intersection with Old Pool Road, thence easterly for a distance of 315 feet (entire cul-de-sac) one-way, proceeding counter-clockwise.

NOTE: The Policy Committee considered this ordinance amendment at their June 24, 2021 meeting and voted unanimously to recommend passage by the City Council.

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

Vote: Unanimous.

2021.61

IN BOARD OF CITY COUNCIL..JULY 6, 2021

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article III PARKING, STOPPING AND STANDING, **Section 42-64 Fees for parking violations** be amended by adding or ~~deleting~~ to read as follows:

Sec. 42-64 Fees for parking violations.

(a) Fees for parking violations shall be set as follows:

- (1) Parking in snow removal or plowing area: \$40.
- (2) Parking in fire lane: \$40.
- (3) Overtime parking: \$25.
- (4) Parking in a truck zone and/or loading/unloading zone: \$30.
- (5) Double parking: \$40.
- (6) Parking in no parking, etc., area: \$40.
- (7) Parking in front of fire hydrant: \$40.
- (8) Blocking driveway (upon complaint): \$40.
- (9) Parking on sidewalks: \$35.
- (10) Parking facing traffic: \$25.
- (11) Parking in a permit-only zone: \$35.
- (12) Parking in a disability-designated area: traffic infraction.
- (13) All other violations within this Chapter not specifically listed above: \$25

All parking fines left unpaid after 30 days shall be doubled.

- (b) A vehicle with three or more outstanding parking violations issued by the Police Department, and found to be in violation of any of the City parking ordinances, will be subject to towing or immobilized by the use of an auto boot. The vehicle will not be released to the owner or agent of the owner until the violations and tow charges are paid.
- (c) It will be prima facie evidence that the registered owner of the vehicle committed the parking violation.
- (d) The maximum fee that may be charged by a towing company for a vehicle requested to be towed by the Police Department will be at the direction of the Chief of Police.

NOTE: The Policy Committee considered this ordinance amendment at their June 24, 2021 meeting and voted unanimously to recommend passage by the City Council.

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

Vote: Unanimous.

2021.62

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

BE IT ORDAINED, that the City Council of the City of Biddeford does hereby amend the Code of Ordinances, **Chapter 58, SOLID WASTE, Section 58-163.1 et al., Solid Waste Management Commission**, as follows:

Sec. 58-163.1. ~~Solid Waste Management Commission.~~

Recycling & Waste Management Commission

(a) Mission.

- (1) The ~~Solid Waste Management Commission~~ **Recycling & Waste Management Commission** is created by the Council of the City of Biddeford to facilitate the development and implementation of the City's comprehensive waste management program and coordinate the efforts of the several departments in the City that address the municipal waste issues.
- (2) The Commission is further charged with the operation and maintenance of the provisions of this article.
- (3) The Commission shall report to the Mayor and Council upon a periodic basis.

(b) Membership.

- (1) The ~~Solid Waste Management Commission~~ **Recycling & Waste Management Commission** shall be composed of nine members. Of the nine voting members, two shall be Councilors. A 10th and nonvoting member shall be a School Department representative who shall be nominated by the Superintendent and confirmed by the School Committee. All other members are to be nominated by the Mayor and confirmed by the City Council.

(c) Terms.

- (1) The members of the ~~Solid Waste Management Commission~~ **Recycling & Waste Management Commission** shall serve three-year terms and may serve additional terms upon nomination and reappointment.
- (2) The initial membership shall be appointed for staggered terms in order that a stabilized organization remain in place as much as possible. Initial terms will be:
 - a. Councilors serve two years;
 - b. Two members initially appointed for one year.
 - c. Two members initially appointed for two years;
 - d. Two member initially appointed for three years.
- (3) Whenever a vacancy occurs in the membership, a replacement member shall be appointed to fill the unexpired term of the vacancy.
- (4) Members may be removed from the Commission by the Council, upon recommendation by the Commission Chairman to the Council, for reasons to include:
 - a. Inability to attend scheduled meetings;
 - b. Continual conflicts of interest;
 - c. Inability to function with the group process.

(d) Organization.

- (1) The ~~Solid Waste Management Commission~~ **Recycling & Waste Management Commission** shall be composed of the following standing subcommittees, membership and Chair to be appointed by the Chairman of the Commission:
 - a. Municipal solid waste: addressing issues of transportation and handling of municipal solid waste.
 - b. Recycling: addressing issues of recycling.
 - c. Transfer station: addressing transfer station issues.
 - d. Wastewater Commission relations: to coordinate Wastewater Commission issues as relating to waste management.

- (2) These subcommittees shall research issues and provide reports as needed by the Chairman of the Commission to fulfill the Commission's mission and long-term goals.

- (3) The Chairman may appoint additional committees as necessary to fulfill the mission and long-term goals of the Commission.

(e) Relation with other commissions, committees, etc.

- (1) With the establishment of this Commission, all other waste management committees are abolished and their functions incorporated in this Commission.
- (2) This Commission may interact with other commissions, boards, committees and City departments as needed to fulfill its mission and long-term goals.

NOTE: The Policy Committee considered this ordinance amendment at their June 24, 2021 meeting and voted unanimously to recommend passage by the City Council.

Motion by Councilor McCurry, seconded by Councilor Belanger to grant the first reading of the ordinance amendment.
Vote: Unanimous.

2021.63 **IN BOARD OF CITY COUNCIL...JULY 6, 2021**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby direct the Planning Board to review and consider the following amendment to the Land Use Regulations, Art. VI-Performance Standards, Section 30, Extractive Industry, as follows:

I. Hours of operation shall not exceed 7:00 a.m. to 6:00 p.m., Monday through Friday and 7:00 a.m. to 2:00 p.m. on Saturdays. No Sunday operation is permitted. The Planning Board may allow for an Extractive Industry to begin operations at 6 AM, Monday-Friday if the applicant can demonstrate that such operation will remain compliant with the City of Biddeford Noise Regulations contained in Chapter 30 (Environment) and LDR, Article VI, Section 48 (Noise). If allowed, the ability to do shall be conditioned on noise regulation compliance and that the Planning Board may revoke such an allowance upon evidence that the operation is not compliant with the noise regulations for the period of time between 6 AM and 7 AM, Monday through Friday.

NOTE: The Policy Committee considered this ordinance amendment at their June 24, 2021 meeting and voted unanimously to recommend passage by the City Council.

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

Councilor Ready requested that the Council be sent a copy of the notifications and the specific waiver of the noise ordinance provision whenever applicable.

Vote: Unanimous.

2021.64 **IN BOARD OF THE CITY COUNCIL.....JULY 6, 2021**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby accept the 2021 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 four (4) electronic speed display signs and two (2) WatchGuard units as upgrades to current cruiser video recording.

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 \$29,668.00 and must be officially approved by the city council in order to receive funds.

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

2021.65 **IN BOARD OF CITY COUNCIL...JULY 6, 2021**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of two(2) 2021 Ford Interceptor Police Cruisers from Rowe Ford of Westbrook, Maine, with trade-ins, in an amount not to exceed \$47,394.00. 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 6, 2021 meeting and vote to recommend approval by the City Council.

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

Councilor McCurry noted that prior to this meeting, the Finance Committee asked that, if possible, ARP Funds be used for this purchase.

Vote: Unanimous.

2021.66

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

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve a contract with Thyng Paving for Sidewalk Paving Projects on Simard Avenue, Wilson Street, Bacon Street and Pierson's Lane in an amount not to exceed \$393,733.00. These projects are to be funded out of the CIP Roads/Paving/Sidewalk Carryover Fund – Account 21204-60604.

NOTE: The Finance Committee will review this item at their July 6, 2021 meeting and recommend passage by the City Council.

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

2021.67

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

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize that City Hall Offices business hours be permanently set at Monday through Friday, 8:00 a.m. to 4:00 p.m.

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

Motion by Councilor Belanger, seconded by Councilor McCurry 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 Belanger, seconded by Councilor Williams to grant the order.

Motion by Councilor Belanger, seconded by Councilor McCurry to table the order until the July 20, 2021 Council Meeting in order to get clarification on where the funding is coming from.
Vote: Unanimous.

Appointments:

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

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 FY22 Social Service Funds:

**Michael Ready
Norman Belanger
Doris Ortiz**

NOTE: Mayor Casavant also serves on this Committee.

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

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

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

**Ronald Lachance
23 Westwood Drive
Ward 3**

to the *Recreation Commission*, for a term to expire in December 2026.

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

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
There were no public comments.

There was no City Manager Report.

Other Business:

Councilor Ortiz: shared that she had attended the Pride Flag Raising at City Hall and was pleased at how well-attended the event was. She is hopeful that the City will come up with a policy in the near future that addresses requests from different groups and organizations to raise their flags at City Hall.

Councilor Ortiz also shared that she had attended the signing of the Fire Union Contract and that it felt good to witness the accomplishment of many years of negotiations. In that vein, she encouraged her fellow Councilors to spend some at the Fire Department to get a true appreciation of their operations.

Councilor McCurry: let the Council know that the City Manager has been asked to look into purchasing a second flag pole, to be used for the raising of different flags.

Councilor McCurry also shared that at tonight's Finance Committee meeting, Public Works Director Jeff Demers was asked to look into contracting with a shredding company and coordinating a time when citizens could use the shredding service.

Councilor St. Cyr: has a constituent who has talked with him a few times about public parking at Hills Beach. He thinks it would be in the City's best interest, as well as the citizens, to come up with clear parking signage and marking of the right of ways at Hills Beach.

Council President Addressing the Council: Councilor McCurry wished his wife a Happy Birthday!

Mayor Addressing the Council: A couple weeks ago, Mayor Casavant attended the induction ceremony of the newest members into the Biddeford Hall of Fame.

He thanked New Life Church for all their volunteer efforts throughout the community, from cleaning up of the parks, to helping out at the food pantry to assisting with renovations at the skate park at Rotary Park.

Executive Session: 1 MRSA 405(6)(A)...Personnel Matter

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

Vote: Unanimous.

Time: 6:44 p.m.

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

Vote: Unanimous.

Time: 6:50 p.m.

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

Vote: Unanimous.

Time: 6:50 p.m.

Attest by: _____
Carmen J. Morris, City Clerk

