

**COUNCIL WORKSHOP
JUNE 20, 2017**

Update on RiverWalk Master Plan

Mayor Casavant called the Workshop to order at 5:46 p.m.

City Planner, Greg Tansley gave a brief update on the RiverWalk and what has been completed and what is planned for the next phase.

The Workshop was adjourned at 6:11 p.m.

**COUNCIL MEETING
JUNE 20, 2017**

Mayor Casavant called the meeting to order at 6:12 p.m.

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

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

There were no adjustments to the agenda.

Update on Main Street Road & Paving Project

Public Works Director, Guy Casavant explained the project plan for the renovation of Main Street, which includes new crosswalks and the installation of pavers and cobblestones and the bump-out areas. The State Dept. of Transportation has been involved since the beginning of the project, as well as the project engineers and City Staff. The proper way to approach the project was discussed and it was decided to get the street clear and clean with the first pass of paving; then cut out the area where the pavers and cobblestones will be installed. The pavers and cobblestones will be laid out in such a way that they blend in with the paving of the street. While the thin layer of new paving will be cut out where the pavers and cobblestones will be laid, the sub material underneath will remain. This project and the procedure was planned out and thought through, and despite what it may seem, the City is not going to be cutting out brand new paving unnecessarily.

Presentation: FEMA Flood Maps

City Planner, Greg Tansley explained that FEMA released the newest and updated Flood Maps in April 2017, and now Staff is in the process of reviewing the maps to assure accuracy of street name spellings, pond name spellings, etc. As part of the Post-Preliminary Phase Timeline, there will be a 90-day appeal period where folks may file an appeal if they can scientifically prove that a property should not be in the flood zone. Greg also pointed out that on the City's website, there is a summary of this information where folks can find the FEMA Flood Maps. Folks may also go to the Code Enforcement Office to see hard copies of the maps or contact the Planning Office to get printouts of the maps.

Consideration of Minutes: June 6, 2017

Motion by Councilor Ready, seconded by Councilor McCurry 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 June 6, 2017}

**2017.57) Amendment/Land Development Regulations/Accessory Dwelling Units
Amendments**

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

Vote: Unanimous.

2017.58) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Dartmouth Street

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

Vote: Unanimous.

2017.59) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Round Hill Street

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

Vote: Unanimous.

2017.60) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-92-Limited Parking/Add on Yates Street

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

Vote: 7/2; Councilors McCurry and Lessard opposed.

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

Motion carries.

2017.61) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-99-No Through Trucks/Edit Grayson Street to Hill Street

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

Vote: Unanimous.

2017.56) Amendment/Ch. 2, Administration, Art. I-In General/Add New Sec. 2-3 - Code of Ethics

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

Vote: 8/1; Councilor Ready opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Foley, Belanger, Seaver and Lessard in favor.

Motion carries.

Orders of the Day:

2017.66

IN BOARD OF CITY COUNCIL..JUNE 20, 2017

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 38 South Street (Tax Map 38, Lot 190) from MSRD-2 to MSRD-1.

Note: Following a duly noticed Public Hearing the Planning Board recommended that this approval be adopted by a 4-0 vote.



Motion by Councilor Ready, seconded by Councilor Lessard to grant the first reading of the ordinance amendment.

Vote: 8/1; Councilor Lessard opposed.

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

Motion carries.

2017.67

IN BOARD OF CITY COUNCIL.....JUNE 20, 2017

BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2018 Ten-Wheel Freightliner plow truck as per bid of June 9, 2017 (the "Equipment") from Freightliner of Maine (the "Vendor") and may pay the Vendor an amount not to exceed \$218,740.00 (before discounts valued at \$28,000.00) 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 \$218,740.00;
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 \$218,740.00, (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 June 20, 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 \$16,000.00

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

Vote: Unanimous.

2017.68

IN BOARD OF CITY COUNCIL.....JUNE 20, 2017

BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2018 Single Axle Western Star plow truck as per bid of June 9, 2017 (the "Equipment") from O'Connor Motor Co. (the "Vendor") and may pay the Vendor an amount not to exceed \$186,665.00 (before discounts valued at \$20,033.00) 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 \$186,665.00;
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 \$186,665.00, (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

WHEREAS, the advance refunding of the high school bonds makes the funds appropriated for high school debt service available for critical renovations and improvements at the Waterhouse Field and Brother Hebert Field at the high school (the “High School Renovations”):

NOW THEREFORE, be it hereby **RESOLVED** as follows:

That pursuant to Article XI, Section 3, of the Biddeford City Charter, and Title 30-A, section 5801 and Title 20-A, section 4001, of the Maine Revised Statutes, the School Committee be authorized to establish a Special School Capital Reserve Fund (the “Reserve Fund”), to fund the Reserve Fund by transferring the sum of \$1,175,820.00 from the debt service cost center of the 2017-18 school operating budget, and to expend up to that sum from said Special School Capital Reserve Fund for the Waterhouse Field and the Brother Hebert Field at the high school.

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

Motion by Councilor Lessard, seconded by McCurry to move into Committee of the Whole for discussion of this item.

Vote: Unanimous.

Discussion ensued amongst the Councilors. The biggest topics of discussion and areas of concerns were:

- 1) The need for a lease agreement with updated and clearer language
- 2) The filing of a Memorandum of Lease with the York County Registry of Deeds
- 3) A clear definition of the ownership of the field; and the specification of who the burden of maintenance of the Waterhouse Field falls to
- 4) A clear statement of the current and future uses of Waterhouse Field

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

Vote: 8/1; Councilor Lessard opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Foley, Belanger, Ready and Seaver in favor. Motion carries.

Motion by Councilor Lessard, seconded by Councilor Quattrone to table this item until such time there is a commitment from the Waterhouse Association to either donate the field to the City, or come up with an ironclad agreement that addresses all the issues discussed at this meeting.

Vote: 2/7; Councilors Lessard and Quattrone in favor.

Councilors Swanton, McCurry, St. Cyr, Foley, Belanger, Ready and Seaver opposed. Motion fails.

Motion by Councilor McCurry, seconded by Councilor Ready to amend the order by adding that the lease agreement between the Waterhouse Association and the City of Biddeford be filed at the York County Registry of Deeds.

Motion was withdrawn.

Motion by Councilor McCurry, seconded by Councilor Ready to amend the order by adding that a Memorandum of Lease between the Waterhouse Association and the City of Biddeford be filed at the York County Registry of Deeds.

Vote: 8/1; Councilor Lessard opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Foley, Belanger, Ready and Seaver in favor. Amendment carries.

Vote on order, as amended: 6/3; Councilors Lessard, Quattrone and Swanton opposed.

Councilors McCurry, St. Cyr, Foley, Belanger, Ready and Seaver in favor.

Motion carries.

2017.71

IN BOARD OF CITY COUNCIL..JUNE 20, 2017

BE IT ORDERED, that the Council President’s appointment of **Michael Ready** to the *Finance Committee*, be confirmed.

NOTE: Due to work-related commitments, Councilor Lessard has resigned from his Finance Committee seat.

Motion by Councilor Quattrone, seconded by Councilor Lessard to confirm the appointment.

Vote: Unanimous.

2017.72

IN BOARD OF CITY COUNCIL...JUNE 20, 2017

BE IT ORDERED, that the regularly scheduled Council meeting of July 4, 2017 be re-scheduled for **Tuesday, July 11th, 2017 at 6:00 p.m. in the Council Chambers.**

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

Vote: Unanimous.

Appointments:

IN BOARD OF CITY COUNCIL...JUNE 20, 2017

BE IT ORDERED, that Mayor Casavant's appointment of **Michael Swanton** to the *Joint Biddeford-Saco Committee*, be confirmed.

NOTE: Due to work-related commitments, Councilor Lessard has resigned from this committee.

Motion by Councilor Lessard, seconded by Councilor Ready to confirm the appointment.

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...JUNE 20, 2017

ORDERED, that I, Alan Casavant, Mayor of the City of Biddeford, do hereby appoint the following City Councilors to the **Social Services Committee:**

**Laura Seaver
Stephen St. Cyr
Robert Quattrone, Jr.**

Motion by Councilor Ready, seconded by Councilor Lessard to confirm the appointments.

Vote: Unanimous.

City Manager Report:

City Manager James Bennett reported out that there will be an approximate \$250,000 surplus in the FY17 budget year-end figures. He believes this surplus is a result of City Departments holding off on capital item expenses that had been budgeted for in FY17. Mr. Bennett commended the City's Management Team for doing what needed to be done to get to this result.

Public Addressing the Council..(3 minute limit per speaker; 30 minute total time limit)

A few citizens addressed their concerns to the Council.

Other Business:

Councilor McCurry: thanked Councilor Lessard for all his work and dedication while serving on the Finance Committee.

Councilor McCurry addressed some of the questions that arose out of the previous evening's General Meeting of Citizens that had not been answered:

- 1) The City needs to address the issue of how much time the City Council has to schedule a General Meeting once the petition has been submitted to the City Clerk.
- 2) He provided clarification that the City Council does not vote on issues behind closed doors – all decisions and votes are made publicly.
- 3) Often times, there is a desire to contract with local companies and businesses for City projects; however, when State funds are involved, as is often the case in School Dept projects, there are regulations in place that dictate what companies and businesses will be contracted with.
- 4) Road work and fire lanes on Prospect Street was asked about, and this is something that will have to be discussed with the Public Works Director and where such a project may fall in the City's paving program.
- 5) The issue of a parking garage was brought up, and Councilor McCurry explained that the City cannot borrow money for a parking garage (or anything else) without going to the voters.

Councilor Seaver: brought up the fact that there was quite a few comments about funding sources and mechanisms during the Waterhouse Field discussion. She pointed out that TIF funds are strictly regulated on what they can be used for; as are CDBG funds.

She also noted that the Lincoln Mill clock tower is privately owned and not a City issue.

Councilor Ready: provided a Policy Committee update. The Committee has been dealing with the issue of the delivery of unsolicited items to people’s homes. The City Attorney is now working on some ordinance language which will be considered at the July 10th Policy Committee meeting, and ultimately brought to the full Council for approval.

Council President Addressing the Council: Councilor McCurry expressed his concern that only a little over 500 voters actually voted in the School Budget Validation Election last week. He strongly believes that people need to get out and vote and have their voices heard on such important matters.

Mayor Addressing the Council: Mayor Casavant emphasized how much work the LaKermesse volunteers have and are putting into planning, organizing and setting up for this coming weekend’s LaKermesse festival; and he urged folks to attend and support it.

He commented that it’s important for people to believe in our community and part of that is making investments in our City. He is pleased with the decisions that this Council has made to make such investments and moving the City forward.

Executive Session:

- **1 MRSA 405(6)(D)...Labor Negotiations**
- **1 MRSA 405(6)(A)...Performance Review – City Manager**

Motion by Councilor McCurry, seconded by Councilor Lessard to move into Executive Session.
Vote: Unanimous. Time: 8:56 p.m.

Motion by Councilor McCurry, seconded by Councilor Seaver to move out of Executive Session.
Vote: Unanimous. Time: 9:23 p.m.

Motion by Councilor Ready, seconded by Councilor McCurry to adjourn.
Vote: Unanimous. Time: 9:23 p.m.

Attest by: _____
Carmen J. Morris, City Clerk