

**COUNCIL MEETING
JUNE 19, 2018**

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

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

Laura Seaver was excused.

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

Adjustments to the Agenda:

- Remove Order 2018.60
- Add Executive Session, per 1MRSA 405(6)(E)...Consultation with City Solicitor

Presentation: *Streetlight Conversion Project*

Chief Operating Officer, Brian Phinney gave a PowerPoint presentation, updating the Council on the Streetlight Conversion Project (switching to LED lighting).

Consideration of Minutes: **June 5, 2018**

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

Councilor Swanton requested that he be given two copies of Order 2018.44, which was approved at the June 5, 2018 council meeting.

Vote to accept minutes: Unanimous.

Orders of the Day:

2018.58 **IN BOARD OF CITY COUNCIL...JUNE 19, 2018**

BE IT ORDERED, that the City Council of the City of Biddeford does here by approve and authorize the amendment to the Citizens Participation Plan (associated with the Community Development Block Grant) to change the membership from 3 to 5 members, to a maximum of 7 members.

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

Vote: Unanimous.

2018.59 **IN BOARD OF CITY COUNCIL...JUNE 19, 2018**

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 LaKermesse Franco-Americaine to serve liquor (beer and wine) at their festival on June 22nd, 23rd and 24th, 2018 at St. Louis Field, providing that the said LaKermesse Franco-Americaine is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

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

Vote: 7/1; Councilor Ready opposed.

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

Motion carries.

2018.61 **IN BOARD OF CITY COUNCIL...JUNE 19, 2018**

BE IT ORDERED, that the City Manager is hereby authorized to proceed with procuring and converting streetlights and other exterior fixtures from conventional technology to LEDs (the “Street Light Project”) as follows:

1. Extend an invitation to the Biddeford School Dept., Biddeford Ice Arena, Biddeford Alumni Association, and Shuttle Bus-Zoom, to be party to the Street Light Project with each entity being responsible for their respective cost of procurement, conversion, installation, and financing of streetlights should they choose to join;
2. Enter into an agreement with Central Maine Power Company (CMP), in the name of

- and on behalf of the City of Biddeford, negotiating terms in the best interest of the City of Biddeford, for the procurement of streetlights, not to exceed \$265,839.00;
3. Obtain pricing, in conformance with current purchasing rules, for ongoing maintenance of conventional streetlights for the period immediately after procurement from CMP through immediately after conversion to LEDs;
 4. Work with Realterm Energy US, LP, as necessary and proper for the completion of the Street Light Project to establish the total cost of conversion with financing based upon a final reconciliation with CMP using the actual number of fixtures converted and the actual program expenses as the basis for the total cost of conversion;
 5. Negotiate, enter into, execute, deliver and cause to be performed, and to approve, in the name of and on behalf of the City of Biddeford, a lease purchase agreement and any and all other agreements, instruments, certificates and other documents, upon such terms, conditions, limitations and undertakings, including but limited to prepayment of the lease purchase agreement, as the City Manager determines are necessary and proper for the completion of the Street Light Project, and to grant security interests in the Street Light Project, upon such terms, conditions, limitations and undertakings, as the City Manager determines are necessary and proper for the procurement and financing of the Street Light Project, provided that any lease purchase agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford and that (a) the principal amount of such agreement will not exceed \$1,650,500.00, (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 payments pursuant to such agreement shall be subject to annual appropriation by the City Council of the City of Biddeford
 6. With advice of bond counsel and to the extent available under the Internal Revenue Code of 1986, as amended (the “Code”), designate the lease purchase agreement as a qualified tax-exempt obligation under Section 265 of the Code of 1986.
 7. Without limiting the foregoing, the City Manager is authorized, in the name of and on behalf of the City of Biddeford, to refinance the lease purchase agreement at a future date, independently or consolidated with other debt instruments of the City, if such refinancing is in the best interest of the City; provided, however, that any such refinancing shall not extend the original term of the lease purchase agreement without prior approval by the City Council.
 8. Due to the steps required for the proposed procurement and conversion of the Street Light Project, the City expects to incur and pay costs of the of the Street Light Project prior to entering into any lease purchase agreement and intends to reimburse such costs as part of the lease purchase financing; the City Manager is therefore authorized to establish a debt account for payment of these interim expenses of the of the Street Light Project, with such advances being repaid upon execution of the lease purchase agreement.
 9. This order is a declaration of official intent under Treasury Regulation §1.150-2.

NOTE: The savings in utility expenses will exceed the lease purchase expense. The lease purchase may be repaid in full in as little as five and one half (5.5) years if all utility savings are applied to the lease purchase. The lease purchase will be repaid in ten (10) years if savings in excess of the lease purchase payment are reserved for the General Fund.

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

2018.62 **IN BOARD OF CITY COUNCIL... JUNE 19, 2018**
MORATORIUM ORDINANCE ON DOWNTOWN PARKING
REQUIREMENT WAIVERS

BE IT ORDAINED: that the City of Biddeford, Maine hereby adopts the following Moratorium Ordinance on the Granting of any Future Downtown Parking Waivers:

WHEREAS, the City of Biddeford currently has no formal Parking Management Program; and

WHEREAS, the Biddeford City Council has directed City staff to prepare a Parking Management Program for the City Council’s study and review; and

WHEREAS, on June 4, 2018, a draft Parking Management Program was provided to the City Council and the public for review; and

WHEREAS, on June 12, 2018, the draft Parking Management Program was the subject of a City Council workshop; and

WHEREAS, the City Council anticipates that after further discussion and deliberation, the Biddeford City Council will vote on whether to adopt a Parking Management Program; and

WHEREAS, Section 49 of the Performance Standards of the Biddeford Land Use Ordinance allows the Biddeford Planning Board to waive parking requirements at the request of an applicant under certain circumstances; and

WHEREAS, the City Council needs time to review the parking waiver provisions as they relate to any future Parking Management Program; and

WHEREAS, a moratorium is necessary to prevent the potential overburdening of public parking while the implementation of a Parking Management Program is being discussed; and

WHEREAS, it is anticipated that a study, review, and development of a final Parking Management Program will take at least one hundred eighty (180) days from the date the City enacts this Moratorium on the waiver of parking requirements;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Biddeford, that the following Moratorium Ordinance on the Waiver of Downtown Parking Requirements be, and hereby is, enacted, and, in furtherance thereof, the City Council does hereby declare a Moratorium on the Waiver of Downtown Parking Requirements within the City. This Moratorium Ordinance shall be effective as of June 19, 2018, in accordance with the provisions of the City Charter and Code of Ordinances. The Moratorium shall remain in effect for one hundred eight (180) days from the date of the implementation of this Ordinance, unless extended, repealed, or modified by the City Council. Provided, however, that upon the City Council's adoption of a Parking Management Program, this Moratorium shall automatically be repealed.

BE IT FURTHER ORDAINED, that during the period this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve, deny, or in any other way act upon a request to waive the downtown parking requirements contained in the Biddeford Land Use Ordinances; and

BE IT FURTHER ORDAINED, that those provisions of the City's current Code of Ordinances that are inconsistent or conflicting with the provisions of this Moratorium, are hereby repealed to the extent that they are applicable for the duration of this Moratorium, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any Court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Motion by Councilor Ready, seconded by Councilor McCurry to grant the first reading of the moratorium.

Vote: 5/3; Councilors Belanger, Foley and St. Cyr opposed.

Councilors Swanton, McCurry, Quattrone, Ready and Lessard in favor.

Motion carries.

Motion by Councilor McCurry, seconded by Councilor Ready to suspend the rules and allow for an immediate second reading.

Vote: 4/4; Councilors Belanger, Foley, St. Cyr and Swanton opposed.

Councilors McCurry, Quattrone, Ready and Lessard in favor.

Mayor Casavant voted in opposition to break the tie.

Motion fails.

Motion by Councilor Ready, seconded by Councilor Swanton to reconsider Order 2018.62.
Vote: 5/3; Councilors Belanger, Foley and St. Cyr opposed.
Councilors Swanton, McCurry, Quattrone, Ready and Lessard in favor.
Motion to reconsider carries.

Motion by Councilor Ready, seconded by Councilor Lessard to make the effective date of the moratorium June 19th, 2018.
Vote: 5/3; Councilors Belanger, Foley and St. Cyr opposed.
Councilors Swanton, McCurry, Quattrone, Ready and Lessard in favor.
Motion carries.

2018.63 **IN BOARD OF CITY COUNCIL...JUNE 19, 2018**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby cancel the July 3rd, 2018 City Council Meeting.

NOTE: The City Council will meet only once in July, and that will be on July 17th, 2018.

Motion by Councilor Lessard, seconded by Councilor Swanton to grant the order.
Vote: 5/3; Councilors McCurry, Ready and Quattrone opposed.
Councilors Swanton, St. Cyr, Foley, Belanger and Lessard in favor.
Motion carries.

2018.64 **IN BOARD OF CITY COUNCIL...JUNE 19, 2018**
BE IT ORDERED, that the City Council of the City of Biddeford approves a property tax abatement in compliance with Title 36, §841.2 in the following amounts (as requested by the property owner); Case #18-1:

- **FY17 – ~~\$3,302.16~~**
- **FY18 - ~~\$3,302.16~~**

Total abatement: \$3,302.16

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

Motion by Councilor McCurry, seconded by Councilor Swanton to move into Executive Session for discussion, per Title 36, Sec. 841.2.
Vote: Unanimous. Time: 6:40 p.m.

Motion by Councilor McCurry, seconded by Councilor Lessard to move out of Executive Session.
Vote: Unanimous. Time: 6:57 p.m.

Motion by Councilor Lessard, seconded by Councilor McCurry to amend the order by correcting the amount of the total abatement to \$3,302.16.
Vote: 7/1; Councilor Ready opposed.
Councilors Swanton, McCurry, St. Cyr, Quattrone, Foley, Belanger and Lessard in favor.
Motion to amend carries.

Vote on order, as amended: 7/1; Councilor Ready opposed.
Councilors Swanton, McCurry, St. Cyr, Quattrone, Foley, Belanger and Lessard in favor.
Motion to amend carries.

Appointment:

IN BOARD OF CITY COUNCIL...JUNE 19, 2018
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

Adam Bellefeuille
111 Pool Street
Ward 2

as the CHAIR of the *Solid Waste Management Commission* for 2018; replacing Martin Grohman, who has resigned from this Commission.

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.

City Manager, James Bennett had no report.

Other Business:

Councilor Lessard: warned folks that this year we will see the effect of El Nino, which refers to the cycle of warm and cold temperatures, as measured by seas surface temperature. He cautioned that folks start planning for their winter and heating needs now in light of what's to come.

Councilor Ready: Motion by Councilor Ready, seconded by Councilor Swanton to reconsider Order 2018.62.

Vote: 5/3; Councilors Belanger, Foley and St. Cyr opposed.

Councilors Swanton, McCurry, Quattrone, Ready and Lessard in favor.

Motion to reconsider carries.

Motion by Councilor Ready, seconded by Councilor Lessard to make the effective date of the moratorium June 19th, 2018.

Vote: 5/3; Councilors Belanger, Foley and St. Cyr opposed.

Councilors Swanton, McCurry, Quattrone, Ready and Lessard in favor.

Motion carries.

Council President Addressing the Council: Councilor McCurry reminded folks that school's out; therefore, children are out! He cautioned drivers to be careful and put cellphones away while driving.

Councilor McCurry gave a shout out to the Police Department personnel who ran the torch through Biddeford for the Special Olympics.

He also wished the LaKermesse organization good luck with this coming weekend's festivities.

Mayor Addressing the Council: Mayor Casavant announced that the Biddeford Cultural Heritage Center will announce their first inductees into their Hall of Fame, which will take place at the LaKermesse Festival this coming weekend.

Mayor Casavant is pleased that he is hearing so many praises and comments about the changes and improvements happening in Biddeford. He is excited with the trend the City is on and loves that Biddeford is being noticed!

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

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

Vote: Unanimous.

Time: 7:04 p.m.

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

Vote: Unanimous.

Time: 7:16 p.m.

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

Vote: Unanimous.

Time: 7:16 p.m.

Attest by: _____
Carmen J. Morris, City Clerk