

**COUNCIL MEETING
JUNE 18, 2019**

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., Amy Clearwater, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

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

Adjustment to the Agenda:

- Add Order 2019.65 - Contingency Plan for LaKermesse Fireworks

***Recognition: Annabelle Carpenter – 2019 Biddeford Spirit of America Tribute:
Volunteer of the Year***

Mayor Casavant honored Biddeford resident Annabelle Carpenter for her over 20 years of volunteerism to the Bon Appetit Program. She has always spent her volunteer time in the background; always finding ways to help anyone who needed assistance. Annabelle is the essence of someone who gives back to their community. With much gratitude, Mayor Casavant presented Annabelle with a plaque, on behalf of the City.

Special Event Application: Biddeford Municipal Airport Open House

Motion by Councilor McCurry, seconded by Councilor Seaver to approve the Special Event Application for the Biddeford Airport Open House, scheduled for August 17, 2019.

Vote: Unanimous.

Proclamation: Seashore Trolley Museum Month – July 2019

Mayor Casavant read the proclamation.

Consideration of Minutes: June 4, 2019

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

Vote: Unanimous.

Orders of the Day:

2019.50 **IN BOARD OF CITY COUNCIL..MAY 21, 2019**

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 a portion of the property (300 feet deep off Guinea Road) at 226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1.

Motion by Councilor Lessard, seconded by Councilor McCurry to remove the ordinance amendment from the table.

Vote: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Swanton to table this item until the Planning Board has reviewed the amendment along with the new condition, as spelled out in the applicant's letter and make a recommendation to the Council.

Vote: 6/3; Councilors Lessard, Ready and McCurry opposed.

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

Motion to table carries.

2019.58 **IN BOARD OF CITY COUNCIL...JUNE 18, 2019**

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), be amended to extend the B-2 Zone to include the rear portions of 472, 480, and 486 Elm Street (Tax Map 18, Lots 32, 29, 29-1, and 29-2) as depicted on the attached map.

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

2019.59

IN BOARD OF CITY COUNCIL ... JUNE 18, 2019

BE IT ORDERED, pursuant to Chapter 62, Section 101 of the Code of Ordinances, the City Council of the City of Biddeford does hereby waive the following requirements for Crickett Lane Off Buzzell Road, for purposes of their pending subdivision review by the Planning Board and for future consideration of the acceptance of Crickett Lane, as a public street.

1. Waive the requirements for a 5 foot sidewalk. Instead the developer will construct a 3-foot paved walkway as indicated on the submitted Planning Board Preliminary Subdivision Plans.
2. Install striping to define the 3 foot sidewalk and to install signage to depict the sidewalk/street separation line.

NOTE: The Capital Projects Committee will discuss this item at their June 18, 2019 meeting and vote to send the waiver requests to the full City Council for consideration.

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

Councilor Quattrone noted that the Capital Projects Committee reviewed this item at their meeting earlier this evening and voted unanimously to recommend passage by the Council.

Vote: 6/3; Councilors McCurry, Swanton and Lessard opposed.
Councilors St. Cyr, Quattrone, Clearwater, Belanger, Ready and Seaver in favor.
Motion carries.

2019.60

IN BOARD OF CITY COUNCIL.....JUNE 18, 2019

BE IT ORDERED, that the City Manager be authorized to purchase three (3) 2020 Ford Explorer utility police cars as per bid of June 7, 2019 (the “Equipment”) from Arundel Ford (the “Vendor”) and may pay the Vendor an amount not to exceed \$100,824.00 (before discounts valued at \$14,900.00) for the Equipment, and 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 18, 2019 and vote to recommend it to the City Council for approval. The purchase of these cars are included in the FY20 Budget line 21146-60603

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

Councilor McCurry noted that the Finance Committee considered this item at their meeting earlier and voted unanimously to recommend passage by the Council.

Vote: Unanimous.

2019.61

IN BOARD OF CITY COUNCIL...JUNE 18, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the purchase of a Concrete Vault/Actuator for the Public Works Department’s Wastewater Division from D&C Construction Company, Inc. of Waterboro, Maine in an amount not to exceed \$189,255.00. This project will be funded from Account 31322-60609 – CSO Capital Projects.

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

2019.62

IN BOARD OF CITY COUNCIL...JUNE 18, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby suspend the enforcement of parking regulations relating to the charging of parking fees in the Brown Parking Lot (Wastewater Treatment Facility) and the Maroon Parking Lot (Gas House) on Thursday, June 20, 2019 between the hours of 7:00 a.m. to 12:00 midnight during the LaKermesse Block Party, including setup and tear down.

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

Vote: 8/1; Councilor Ready opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Seaver and Lessard in favor. Motion carries.

2019.65

IN BOARD OF CITY COUNCIL...JUNE 18, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve that the LaKermesse Fireworks be held on Saturday, June 22nd at St. Louis Field; only in the case of inclement weather on Thursday, June 20th and the Fireworks cannot be held as initially scheduled.

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

Vote: Unanimous.

2019.63

IN BOARD OF CITY COUNCIL...JUNE 18, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the expenditure for the reconfiguration of the Green (Federal Street) Parking Lot; with the project work being done by the Public Works Department. The cost of this project will be charged to the parking fund 31235-60105 (labor) and 31235-60313 (materials) as follows:

Labor total:	\$11,630.40
Materials total:	<u>\$7,700.10</u>
Project total:	\$19,330.50

NOTE: This item will be reviewed by the Finance Committee at their June 18, 2019 meeting to recommend approval by the City Council.

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

Vote: 7/2; Councilors Seaver and Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Lessard in favor. Motion carries.

2019.64

IN BOARD OF CITY COUNCIL...JUNE 18, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, MOTOR VEHICLES & TRAFFIC, **Section 42-66 Beach permit parking regulations enumerated, Sub-section (2) & (3).** is amended by adding or ~~deleting~~ to read as follows:

(2) For the purpose of this section, the word “resident” shall meet one of the following criteria:

- a. Person who pays real estate property taxes to the City;
- b. Person who is a registered voter in the City;
- c. Person who can provide a vehicle registered both in the City and the State of Maine. All residents of the City may obtain parking permits for compliance with this Section for a fee of ~~\$25~~ **\$28** for the first vehicle, \$15 per additional vehicle registered at the same address, \$15 for residents 65 and older, payable to the City Clerk. Proof of eligibility will be the burden of the applicant.

(3) Persons ineligible under Subsection (2) may obtain a parking permit to be in compliance with this section for a fee of ~~\$125~~ **\$153** for a season permit; ~~\$65~~ **\$79** for a seven-day permit; ~~\$40~~ **\$46** for a three-day permit; and ~~\$20~~ **\$22** for a one-day permit. The seven-day and three-day permits are valid in consecutive days only, and are not transferable from vehicle to another.

NOTE: This item was submitted by Councilor Michael Swanton; and was reviewed by the Policy Committee at their June 10, 2019 meeting with a unanimous vote to forward to Council for approval.

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

Motion by Councilor Swanton, seconded by Councilor Lessard to amend by adding that the new beach permit fees will become effective September 3, 2019.

Vote: 8/1; Councilor McCurry opposed.

Councilors Swanton, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor. Motion carries.

Vote on ordinance, as amended: 7/2; Councilors McCurry and Ready opposed.

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

Motion carries.

Committee-of-the-Whole: Cable Franchise Negotiation Process

Motion by Councilor McCurry, seconded by Councilor Swanton to move into Committee-of-the-Whole.

Vote: 8/1; Councilor Ready opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Seaver and Lessard in favor. Motion carries.

Councilor Ready understands that Spectrum has entered into Franchise Agreements with other communities, including Saco. He knows that Brian Phinney has more information about what Saco has negotiated with Spectrum; but unfortunately, Brian's not at this meeting. Councilor Ready would like a better understanding of what transpired with Saco and Spectrum before taking any action here in Biddeford.

City Manager, Jim Bennett suggested that the Council designate the Cable TV Committee to come up with a set of recommendations for the Franchise Agreement, and bring those forward to the Council, who will then consider the recommendations in an Executive Session. He also suggests that the Council designate Staff to enter into the actual negotiations with Spectrum, and the City Attorney will be brought in when needed.

Councilor McCurry can go along with what Jim is suggesting, as long as the Cable TV Committee comes up with some key points that they recommend to be included in the Franchise Agreement. He further agrees that the Council would then have a discussion in Executive Session to discuss how to proceed.

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

Vote: Unanimous.

Motion by Councilor Seaver, seconded by Councilor Clearwater to send the Cable Franchise Negotiation to the Cable TV Committee, asking them to make recommendations for the Franchise Agreement and then bring the issue back to the Council, where discussion will take place in an Executive Session.

Vote: Unanimous.

Committee-of-the-Whole: Scheduling of General Meeting of Citizens (possible action)

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

Vote: Unanimous.

Councilor Swanton noted that the Solid Waste Management Commission is meeting this Wednesday, so he suggested scheduling the General Meeting for Thursday, June 20th in order to accommodate the request in the petition.

Councilor McCurry offered clarification that it is the Council that sets the date of the General Meeting, regardless of what the petition language says. The City Attorney confirmed this, stating

that the Council determines the date; and he suggested that the Council set a date that allows time to give ample public notice prior to the General Meeting. Ultimately, all the petition language is meant to do is identify the topic and make the request for a General Meeting.

Councilor McCurry then asked City Clerk, Carmen Morris how General Meetings were scheduled in the past. She noted that in 2017, which was the last time a General Meeting was requested and scheduled, the Council set the date, the start time, the end time and the location of the General Meeting.

Councilor McCurry further suggested scheduling the General Meeting on the same evening as the next Council Meeting (July 2nd).

Councilor Seaver expressed concern about the number of people who signed the petition requesting the General Meeting and would like to accommodate their request sooner rather than later. She suggested scheduling it for some time next week. Councilor Quattrone agreed that next week would be better. It was then clarified that, per the City Charter, the Moderator for the General Meeting will be chosen by a majority of those in attendance at the General Meeting.

Councilor Seaver suggested scheduling the General Meeting on Tuesday, June 25th at 7:00 p.m. in the Council Chambers.

Councilor Lessard suggested scheduling the General Meeting this Thursday, June 20th in an effort to adhere to what the request on the petition is. His reason for this suggestion is a hope to avoid being charged with accusations of not doing what the people have asked for. Mayor Casavant chimed in with a reminder that the LaKermesse Block Party is Thursday, June 20th.

Councilor Clearwater agrees with Councilor Seaver's suggestion, and added that the venue should be large enough to accommodate more people than what the Chambers can hold. Mayor Casavant, again, gave a reminder that the School Committee is meeting on Tuesday, June 25th at 7:00 p.m. in the Little Theater.

Wednesday, June 26th was thrown out as a suggestion, to take place from 6:00-7:30 p.m. in the Little Theater. Councilors Belanger, Clearwater and Quattrone advised that they will more than likely not be able to make the meeting on that date.

Motion by Councilor Belanger, seconded by Councilor Clearwater to move out of Committee-of-the Whole.

Vote: Unanimous.

Motion by Councilor Clearwater, seconded by Councilor Belanger to schedule the General Meeting of Citizens for Wednesday, June 26, 2019 from 6:00-7:30 p.m. at the Biddeford High School Little Theater.

Vote: Unanimous.

Appointments:

IN BOARD OF CITY COUNCIL....JUNE 18, 2019

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint Martin Grohman as Chairperson on the *Solid Waste Management Commission* for the remainder of 2019; thus making Adam Bellefeuille, who is currently serving as Chairperson, a regular voting member.

Motion by Councilor Lessard, seconded by Councilor Belanger to confirm the change of Chairperson on the Solid Waste Management Commission.

Vote: 8/1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor. Motion carries.

IN BOARD OF CITY COUNCIL...JUNE 18, 2019

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

**Public Works Director, Jeff Demers
and
Chief Operating Officer, Brian Phinney**

as Alternate Voting Members for PACTs.

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

IN BOARD OF CITY COUNCIL...JUNE 18, 2019

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

**Michael Ready
Norman Belanger
Robert Quattrone, Jr.**

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

Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)
A few citizens addressed their concerns to the Council.

{Councilor Belanger had to leave due to a family emergency – 7:38 p.m.}

City Manager Report:

City Manager, James Bennett had the following items:

- 1) The State Budget has been approved and signed. He recently sent an email to the Council noting what the municipal impacts of the State Budget are. Notably, the approved budget brings the Revenue Sharing from 2% to 3%, which translates to an additional \$300,000 coming to the City from what was originally budgeted for. At some point, the Council will need to determine where those additional funds will go. Also notable is the fact that the Homestead Exemption is going up to \$5000 effective in the FY21 Budget.
- 2) Staff has decided that with the change in the recycling market, Public Works personnel will no longer be collecting cardboard from local businesses.

Other Business:

Councilor Clearwater: exclaimed a “Happy Pride Month;” and hopes that maybe next year, Biddeford can plan a Pride Month event.

She suggested that the City reach out to Portland, in light of their situation with the 150 asylum seekers who have been transported to Portland, and offer some kind of assistance.

Councilor Seaver: also recognized Pride Month and is proud to have ridden in one of the floats during the Pride Month Parade in Portland over the weekend.

She shared that a constituent had reached out to her to let her know that this constituent had an issue that needed Public Works attention and was pleased with how the issue was handled by our City Public Works Department.

Council President Addressing the Council: Councilor McCurry hopes for good weather for this weekend’s LaKermesse Festival.

Executive Sessions:

- **1 MRSA 405(6)(D)...Labor Contract Negotiations-DPW Supervisors (possible action)**
- **1 MRSA 405(6)(E)....Consultation with Legal Counsel**
- **1 MRSA 405(6)(A)...Employee Evaluation**

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

Vote: Unanimous.

Time: 8:00 p.m.

Council moved out of Executive Session to take action on the Labor Contract Negotiations with the Department of Public Works Supervisors Unit.

Time: 8:12 p.m.

2019.66

IN BOARD OF CITY COUNCIL...JUNE 18, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute the proposed Teamsters 340 Public Works Department Supervisor Unit Contract substantially in the form presented to the City.

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

Vote: 4/4; Councilors McCurry, Quattrone, Lessard and St. Cyr opposed.

Councilors Swanton, Clearwater, Ready and Seaver in favor.

Mayor Casavant voted in favor to break the tie.

Motion carries.

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

Vote: Unanimous.

Time: 8:14 p.m.

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

Vote: Unanimous.

Time: 8:47 p.m.

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

Vote: Unanimous.

Time: 8:47 p.m.

Attest by: _____
Carmen J. Morris, City Clerk