

**COUNCIL MEETING
JUNE 16, 2020**

*NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM),
and was live streamed on the City's website*

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

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

There were no adjustments to the agenda.

Consideration of Minutes: **June 2, 2020**

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

Vote: Unanimous.

Nomination: MMA Legislative Policy Committee

Motion by Councilor McCurry, seconded by Councilor Ready to nominate Councilor Amy Clearwater to serve on the MMA Legislative Policy Committee.

Vote: Unanimous.

Second Reading:

{For a copy of the ordinance amendment and first reading, see the Council Meeting minutes of June 2, 2020}

2020.41) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-101-Right Turn Only Streets/Add Lincoln Street at Elm Street

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

Vote: Unanimous.

Orders of the Day:

2020.46

IN BOARD OF CITY COUNCIL..JUNE 16, 2020

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 XIII (Amendments), § 3 (Contract and Conditional Zoning) is amended as follows:

Contract Zone #19 Maine Governmental Facilities Authority (Tax Maps 88 & 3, Lots 5 & 66-1).

BE IT FURTHER ORDAINED by the City Council of Biddeford, Maine that Contract Zone #19, as recommended by the Planning Board on May 20, 2020, be adopted, and that said Contract Zone be considered an amendment to the Zoning Ordinance and the Official Zoning Map of the City of Biddeford,

BE IT ORDERED that the City Manager be authorized to sign and execute an Agreement between the City of Biddeford and the Maine Governmental Facilities Authority to establish said Contract Zone #19.

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

Motion by Councilor Belanger, seconded by Councilor Clearwater to table this ordinance amendment until the next Council Meeting in order to get information on what a 3rd party review would encompass.

Councilor Lessard called a point of order, stating that he had not had an opportunity to speak on this ordinance yet.

Councilors Belanger and Clearwater withdrew their tabling motion.

Motion by Councilor Belanger, seconded by Councilor Clearwater to table this ordinance amendment until the next Council Meeting in order to get information on what a 3rd party review would encompass.

Vote: 4/5; Councilors Belanger, Clearwater, Ortiz and Quattrone in favor.

Councilors Emhiser, McCurry, St. Cyr, Ready and Lessard opposed.

Motion to table fails.

Vote on ordinance amendment: 5/4; Councilors Lessard, Ready, Emhiser, St. Cyr and McCurry in favor.

Councilors Belanger, Clearwater, Ortiz and Quattrone opposed.

First reading carries.

2020.47 IN BOARD OF CITY COUNCIL..JUNE 16, 2020

BE IT ORDERED, that the Municipal Officers of the City of Biddeford do hereby abate the property tax amounts on property located at 36 Hill Street, recommended as follows:

- FY18 - \$1,515.86
- FY19 - \$1,539.99

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

Vote: Unanimous.

2020.48 IN BOARD OF CITY COUNCIL..JUNE 16, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into a contract with Capital Assets in the amount of \$26,000 for administration of the IDIS (Integrated Disbursement and Information System) portion of the CDBG Job Retention Program.

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

Vote: Unanimous.

2020.49 IN BOARD OF CITY COUNCIL..JUNE 16, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby forward a zoning request for South Street Village to the Planning Board, providing review, a public hearing and recommendations back to the City Council.

NOTE: Consideration for waiving the 30-day period is requested.

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

Vote: 8/1; Councilor McCurry opposed.

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

2020.50 IN BOARD OF CITY COUNCIL..JUNE 16, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby establish a revised fee structure for the Pay as You Throw (PAYT) Overflow (orange) Bags as follows:

- Small bags: from \$1.50 to \$1.75
- Large bags: from \$2.00 to \$2.25

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

Vote: 8/1; Councilor McCurry opposed.

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

2020.51 IN BOARD OF CITY COUNCIL..JUNE 16, 2020

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 58, Solid Waste, Article I. In General, Section 58-1 Definitions and Article II. Collection, Sec. 58-35 Portable receptacle**, be amended by adding or deleting to read as follows:

ARTICLE I. IN GENERAL

Sec. 58-1. Definitions.

ALTERNATIVE DESIGNATED SOLID WASTE CONTAINER
A 65 gallon solid waste container available through the Alternate Voluntary Solid Waste Service established under Sec. 58-35(a)(1)a(ii).

ARTICLE II. COLLECTION

Sec. 58-35. Portable receptacles.

- (a) The Public Works Department shall issue two designated collection containers, color-coded, to each residential dwelling unit receiving municipal waste collection and curbside recycling collection: one container, approximately 35 gallons, shall be for acceptable municipal solid waste, and one container, approximately 65 gallons, shall be for acceptable recyclable materials; except that grandfathered facilities, except grandfathered condominium facilities, shall not receive designated municipal solid waste containers and shall place acceptable municipal solid waste in designated bags for curbside collection. Designated recycling containers shall be assigned to grandfathered facilities, subject to space limitations, as determined by the Director of Public Works.

[Amended 3-3-2015 by Ord. No. 2015.10]

- (1) Weekly collection of acceptable municipal solid waste shall be limited to the volume of the designated municipal solid waste container such that the waste shall not spill out of the container or prevent the cover from closing.

a. Overflow.

- (i) Overflow shall not be collected unless contained within a designated bag made available to residents on a fee-per-bag basis. The overflow bag may be placed on or adjacent to the designated municipal waste container or in a container separate from the designated municipal solid waste container.
- (ii) If overflow is placed in a separate container, the container shall not be larger than 45 gallons or weigh in excess of 35 pounds.

b. Alternative Voluntary Solid Waste Service.

- (i) As an alternative to purchasing designated bags for overflow, eligible entities, other than grandfathered facilities, may request, and if approved, rent an alternative designated solid waste container to increase solid waste capacity and reduce or eliminate the need for purchasing designated bags for overflow.
- (ii) The alternative designated container shall replace the 35 gallon solid waste container and increase solid waste capacity to 65 gallons.
- (iii) The alternative designated solid waste container shall be available for an initial annual fee of \$122.00. Payment may be made annually or semi-annually with the initial payment payable prior to receipt of the alternate designated solid waste container.

- c. The City Council shall establish the overflow bag price and alternate solid waste container price, which may be adjusted.

- d. The Director of Public Works shall maintain and make available a list of the locations at which residents may purchase overflow bags and alternative solid waste containers. The list and pricing shall be made available upon request, shall be posted to the City website, and shall be otherwise available as may be directed by the City Council.

- e. Overflow restrictions may be waived during designated emergency collection

schedules as defined in Section 58-7(4).

- (2) Weekly collection of acceptable recyclable materials placed in the designated recycling container shall not spill out of the container or prevent the cover from closing.
- (b) Each designated container shall remain the sole property of the City of Biddeford and may not be moved to any other location.
- (c) Residents may request larger or additional designated recycling containers from the Director of Public Works for good cause as determined by the Director of Public Works. Requests of any other nature shall be evaluated through the variance process.

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

Vote: 8/1; Councilor Ready opposed.

Councilors Emhiser, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ortiz and Lessard in favor. First reading carries.

Standing COVID-19 Operational Updates/Modifications:

City Manager, James Bennett had the following updates:

- The City's playgrounds have reopened with written advisories in place
- Many of the City's restaurants have applied for and are taking advantage of the outside seating for patrons.
- The public hours for City Hall will be 8:00 am to 4:00 pm starting on Monday, June 22nd.
- Since the reopening of City Hall, revenue collection has been steady and Jim feels that the City may hit the financial forecast for FY20.

Councilor Quattrone offered the suggestion that a section of Main Street be blocked off during the weekends in order for downtown businesses to accommodate more patrons. Generally, the Council agreed with this idea and supported Staff coming up with a proposal to bring to the Council for consideration.

Councilor McCurry would like the City to look into ways to start holding public meetings back in City Hall.

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

Other Business:

Councilor Clearwater: offered a quick response to the citizen who spoke during the Public Addressing the Council portion of the meeting. Councilor Clearwater appreciates the constituent reaching out and echoed the comments that were made in regards to our Police Department being progressive and working in creative ways to support the community.

Councilor Clearwater reminded folks that they are voting on the School Budget at the upcoming July 14, 2020 Election; and she urged folks to request absentee ballots rather than go the polls.

Council President Addressing the Council: Councilor McCurry shared that the LaKermesse organization had reached out and offered to look into putting on a couple of small-scale community events this summer, if the Council will consider re-allocating the \$15,000 that had been cut from the Municipal Services Budget.

He announced that the City Government Budget Public Hearing is coming up this Thursday, June 18, 2020 at 6:00 p.m. via ZOOM. He urged folks to join and voice their concerns.

He addressed a letter that the City recently received from DEP regarding the Wastewater Treatment Plant, and what they think are some deficiencies with the plant. Councilor McCurry thinks the report is flawed and he is disappointed with much of what was included in the report. He would like to see the City take a stand and defend itself on this issue.

Mayor Addressing the Council: he has been contacted by My Place Teen Center who has expressed continued interest in locating here in Biddeford. They are currently looking at funding sources. He noted that this type of Center could offer preventative services to our youth.

He recently had a conversation with Tim Harrington, developer of the Lincoln Mill, and he is happy to report that the renovation project is well underway and moving along faster than expected.

With the most recent Governor's Order to allow restaurants to offer inside, as well as outside, dining, he encourage folks to eat and shop locally and to support our businesses who have taken a hit during these unprecedented times.

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

Vote: Unanimous.

Time: 8:07 p.m.

Attest by: _____
Carmen J. Morris, City Clerk