

COUNCIL MEETING

JUNE 15, 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 6:00 p.m.

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

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

Adjustment to the Agenda:

- Add Order 2021.55) Repeal Emergency Declaration for the City of Biddeford

Consideration of Minutes: **June 1, 2021; June 7, 2021**

Motion by Councilor McCurry, seconded by Councilor Clearwater to accept the June 1, 2021 minutes as printed.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Clearwater to accept the June 7, 2021 minutes as printed.

Vote: Unanimous.

Appointment: **Ashanti Dwight Williams – Councilor for Ward 4**

IN BOARD OF CITY COUNCIL..JUNE 15, 2021

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

Ashanti D. Williams
108 Foss Street, #301

as **City Councilor for Ward 4**, replacing Robert Quattrone, Jr., for the remainder of the current term, which will expire in December 2021.

BE IT FURTHER ORDERED, that Councilor Ashanti Williams replace former Councilor Robert Quattrone, Jr. on the Personnel Committee and the Capital Projects Committee and Solid Waste Management Commission.

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

City Clerk Carmen Morris administered the Oath of Office to newly appointed Councilor Ashanti Dwight Williams.

Councilor Ortiz, newly-appointed Councilor Williams and Mayor Casavant all read statements.

Second Readings:

{For a copy of the Orders and first readings, see the Council Meeting minutes of June 1, 2021 and June 7, 2021}

2021.46) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-59-Snow emergency parking ban; Sec. 42-62-Identification and use of municipal parking lots/Remove References to Paid/Color-Coordinated Parking Lots

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

Vote: Unanimous.

SECOND READING OF CITY GOVERNMENT BUDGET – 2021/2022

- A. General Government**
- B. Public Safety**
- C. Public Works**
- D. Public Services**
- E. Debt Service**
- F. Capital Outlays**
- G. Contingency**
- H. Total City Budget**

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

Motion by Councilor St. Cyr, seconded by Councilor McCurry to amend the budget by reducing the overall budget by \$500,000 in a combination of reductions to include Contingency, Capital Expenditures and use of FY21 Surplus Funds.

Councilor Lessard called a point of order, stating that the \$500,000 should be specifically dispersed amongst the three budget items that were stated in the motion.

Councilors St. Cyr and McCurry withdrew their motion.

Motion by Councilor St. Cyr, seconded by Councilor McCurry to amend the budget by reducing Contingency by \$200,000; by reducing Capital Outlays by \$150,000; and by using \$150,000 of existing FY21 Surplus Funds to bring down the tax rate.

Vote: 3/5; Councilors Lessard, St. Cyr and McCurry in favor.

Councilors Emhiser, Clearwater, Belanger, Ready and Ortiz opposed.

Motion to amend fails.

Motion by Councilor McCurry, seconded by Councilor Lessard to allow Councilor Williams to abstain from voting on all the second readings of the budget orders.

Vote: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Clearwater to amend the budget by adding 4 additional firefighter positions, as of January 1, 2022, for an increase of **\$182,329.46**.

Motion by Councilor Lessard, seconded by Councilor McCurry to move the question.

Councilor Ready called a point of order, stating that the Council Rules allow for Councilors to have a chance to speak before a question is moved.

Vote to move the question: 2/6; Councilors McCurry and Lessard in favor.

Councilors Emhiser, St. Cyr, Clearwater, Belanger, Ready and Ortiz opposed.

Motion to move the question fails.

Vote on Belanger/Clearwater amendment: 5/3; Councilors McCurry, St. Cyr and Lessard opposed.

Councilors Emhiser, Clearwater, Belanger, Ready and Ortiz in favor.

Amendment carries.

Vote on Total City Budget, as amended: 5/3; Councilors McCurry, St. Cyr and Lessard opposed.

Councilors Emhiser, Clearwater, Belanger, Ready and Ortiz in favor.

Motion carries.

➤ ESTIMATED REVENUES/FUND BALANCE APPROPRIATION

Other Non-Property Tax Revenue

State Revenue Sharing

Homestead

BETE

Appropriations from Operational Surplus, City

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

Motion by Councilor McCurry, seconded by Councilor Lessard to amend the budget by giving back \$1,000,000 of the FY21 Surplus Funds to use for property tax relief.
Motion was withdrawn.

Motion by Councilor St. Cyr, seconded by Councilor Emhiser to amend the budget to use \$250,000 of FY21 Surplus Funds to bring down the tax rate; which would be in addition to the already allocated \$300,000 to bring down the tax rate.
Vote: 3/5; Councilors St. Cyr, McCurry and Emhiser in favor.
Councilors Clearwater, Belanger, Ready, Ortiz and Lessard opposed.
Motion to amend fails.

Vote on Total Estimated Revenues and Appropriations: 5/3; Councilors Lessard, St. Cyr and McCurry opposed.
Councilors Emhiser, Clearwater, Belanger, Ready and Ortiz in favor.
Motion carries.

AIRPORT OPERATIONS FUND

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the order.
Vote: 6/2; Councilors St. Cyr and Lessard opposed.
Councilors Emhiser, McCurry, Clearwater, Belanger, Ready and Ortiz in favor.
Motion carries.

MOORING FUND

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the order.
Vote: 6/2; Councilors St. Cyr and Lessard opposed.
Councilors Emhiser, McCurry, Clearwater, Belanger, Ready and Ortiz in favor.
Motion carries.

POOL BEACH PERMITS FUND

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the order.
Vote: 6/2; Councilors St. Cyr and Lessard opposed.
Councilors Emhiser, McCurry, Clearwater, Belanger, Ready and Ortiz in favor.
Motion carries.

RECREATION PROGRAMS FUND

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the order.
Vote: Unanimous.

AMBULANCE FUND

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the order.
Vote: Unanimous.

CDBG FUND

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the order.
Vote: Unanimous.

LEAD PROGRAM FUND

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the order.
Vote: Unanimous.

MDEA FUND

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the order.
Vote: Unanimous.

SEWER OPERATIONS FUND

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

Vote: Unanimous.

Orders of the Day:

2021.49

IN BOARD OF CITY COUNCIL.....JUNE 15,2021

BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2022Vactor sewer/catch basin cleaning truck per Sourcewell bid (the “Equipment”) from C.N. Wood Inc.(the “Vendor”) and may pay the Vendor an amount not to exceed \$466,420.00 (before discounts valued at \$50,000.00) 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 \$466,420.00;
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 \$466,420.00, (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 15, 2021 and vote to recommend it to the City Council for approval. Funds from the American Rescue Plan will be used to purchase this truck.

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

Councilor McCurry clarified that this is not a lease, but is an outright purchase using American Rescue Plan Funds.

Vote: Unanimous.

2021.50

IN BOARD OF CITY COUNCIL..JUNE 15, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve and authorize the City Manager to sign, execute and submit the City’s Final Draft of the CDBG Year 4 Action Plan and all associated documents in connection with the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

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

Vote: Unanimous.

2021.51

IN BOARD OF CITY COUNCIL...JUNE 15, 2021

BE IT ORDERED, that the Finance Director is authorized to create dedicated reserve accounts under the listed fund balance accounts, and transfer remaining funds from the FY 2021 Budget to said dedicated accounts as herein named in amounts not to exceed those stated, as of June 30, 2021 deducting any encumbrances:

10013-30101, General Fund Assigned Fund Balance

<u>Account Description</u>	<u>Amount</u>
IT Equipment	\$200,000
Recreation Financial Aid	\$35,000
Earned Pay at Separation	\$75,000
Street Light Replacement	\$125,000
SCBA Equipment	\$150,000
Clifford Park, Other Improvements	\$100,000
Police Grant Positions	<u>\$60,000</u>
Total	\$745,000

BE IT FURTHER ORDERED, that the City Manager be authorized to expend from the above dedicated reserves for expenses as approved in accordance with the Purchasing Code.

NOTE: The Finance Committee will consider this item at the June 15, 2021 meeting and vote on recommendation for approval by the City Council.

Motion by Councilor Ready, seconded by Councilor Clearwater to grant the order.
Vote: 8/1; Councilor McCurry opposed.
Councilors Emhiser, St. Cyr, Williams, Clearwater, Belanger, Ready, Ortiz and Lessard in favor.
Motion carries.

2021.52 **IN BOARD OF CITY COUNCIL...JUNE 15, 2021**
BE IT ORDERED, in accordance with 36 M.R.S.A Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of 4%.

Motion by Councilor Clearwater, seconded by Councilor Belanger to grant the order with a 4% interest rate.
Vote: Unanimous.

2021.53 **IN BOARD OF CITY COUNCIL.....JUNE 15, 2021**
BE IT ORDERED, that the City Manager be authorized to complete an ADA Self-Evaluation and Transition Plan in accordance with the requirements of the March 2021 Department of Housing and Urban Development Voluntary Compliance Agreement by engaging the services of Disability Access Consultants, LLC of Orville, CA in the amount \$70,975 dollars.

NOTE: The Finance Committee will review this item on June 15, 2021 and vote to recommend it to the City Council for approval. Funding to come from Account 21109-60306.

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

2021.54 **IN BOARD OF CITY COUNCIL...JUNE 15, 2021**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute the proposed Fire Union Contract and the Memorandum of Understanding for Contract Extension, substantially in the form presented.

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

Motion by Councilor McCurry, seconded by Councilor Clearwater to allow Councilor Williams to abstain from the vote.
Vote: Unanimous.

Vote on order: 6/2; Councilors McCurry and St. Cyr opposed.
Councilors Emhiser, Clearwater, Belanger, Ready, Ortiz and Lessard in favor.
Motion carries.

2021.55

IN BOARD OF CITY COUNCIL...JUNE 15, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby repeal the Emergency Declaration for the City of Biddeford, effective June 30, 2021, as authorized by Council Order 2020.15, dated March 16, 2020.

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

Appointments:

IN BOARD OF CITY COUNCIL...JUNE 15, 2021

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint the following citizens to the Citizens' Advisory Committee:

Stephanie Edwards, Chair
5 Laurier Street
Ward 4

Term expires: December 2021

Cat Bates
255 Elm Street
Ward 5

Term expires: December 2022

Leah Schaffer
5 Washington Street, #201
Ward 5

Term expires: December 2022

Loretta Turner
60 South Street
Ward 5

Term expires: December 2021

Doris Ortiz
Council Representative
Term expires: December 2021

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

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

City Manager Report:

City Manager James Bennett had the following comments:

First, he recognized all City Staff for everything they have done since the start of the pandemic to better serve the citizens and keep business as normal as possible. Jim is sure that Biddeford did so much more than other communities to go above and beyond during the most challenging of times. He also recognized and thanked the City Council for their support and for allowing Staff to do what needed to be done to carry on the City's business.

Secondly, he publicly thanked City Staff, particularly Chief Operating Officer Brian Phinney and Deputy Finance Director Gerry Matherne, for all their efforts and hard work during the long and arduous budget process. He is pleased that the City is in good financial shape, and attributes this to thoughtful decision making by the Council. He expressed how proud he is of working for the City, how proud he is of Staff and how proud he is working with this Council.

Other Business:

Councilor Lessard: also extended his appreciation to City Staff for all the hard work and support that has been shown during the pandemic. He also thanked his fellow Councilors for working together to get through one of the most contentious time for the Council – that being the budget process.

Councilor Belanger: asked about the flying of the Pride Flag issue that had been tabled at the June 7th council meeting. He would like a City policy developed to address the flying of different flags at City Hall and how requests are to be handled. He also would like legal counsel to weigh in on this issue. In the meantime, because we are halfway through June, he made the following motion:

Motion by Councilor Belanger, seconded by Councilor McCurry to authorize the Mayor to choose one day this month to fly the Pride Flag at City Hall.

Councilor Lessard called a point of order, stating that motions and votes are not typically made during the *Other Business* portion of the meeting. Rather than a motion and vote, he would be more comfortable with the Council generally agreeing to allow the Mayor to pick a day to fly the Pride Flag.

City Solicitor Keith Jacques advised that the City would be best served to come up with a policy; and to be mindful of setting precedents that are not meant to be set. He cautioned that by allowing one group to fly their Flag at City Hall, the City could be opening up to allowing any and all groups to fly their Flag, no matter what they represent.

Motion by Councilor Belanger, seconded by Councilor Clearwater to suspend the rules to allow a member of the public to speak.

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

Councilors Emhiser, McCurry, St. Cyr, Williams, Clearwater, Belanger and Ortiz in favor.
Motion carries.

Councilors Belanger and McCurry withdrew their motion; and the Council generally agreed to authorize the Mayor to pick a day this month to fly the Pride Flag at City Hall.

Councilor Clearwater: thanked the Council for their patience and understanding while she was absent during maternity leave. She expressed how happy she is to be back.

Council President Addressing the Council: Councilor McCurry was happy to have attended this year's School Graduations and he congratulated the Class of 2021.

He thanked the Council for all their work during the budget process; and commended his fellow Councilors for the civil discourse throughout the process.

Mayor Addressing the Council: Mayor Casavant announced that there will a COVID vaccination clinic this coming Saturday, June 19th at the Biddeford YMCA, and childcare will be provided.

He officially welcomed newly-appointed Ashanti Dwight Williams to the Council.

Lastly, Mayor Casavant expressed his appreciation to City Staff for all their efforts throughout the pandemic and during the budget process, and is pleased with everything that has been accomplished.

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

Vote: Unanimous.

Time: 8:24 p.m.

Attest by: _____
Carmen J. Morris, City Clerk

