

City of Biddeford

City Council

June 07, 2022 6:00 PM Council Chambers and via Zoom

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/93881756205?pwd=MnA5TzJjelYxcnc0L0V2Qy8zZTJmZz09>

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Webinar ID: 938 8175 6205

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1. Zoom Meeting Link

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2. Roll Call

3. Pledge of Allegiance

4. Adjustment(s) to Agenda

4.a. Add: Proclamation for LGBTQ+ Month

4.b. Add: Order of the Day 2022.46

5. Presentation:

5.a. Biddeford Historical Society

6. Proclamations:

- 6.a. Men's Health Month - June 2022
[6-07-2022 Proc-Mens Health Month.pdf](#)
- 6.b. LGBTQ(Plus) Month
[6-07-2022 Proc- LGBTQ\(Plus\) Month.pdf](#)

Public Addressing the Council...(3-minute limit per speaker for up to a total of 15 minutes)

7. Consideration of Minutes:

- 7.a. May 17, 2022 Council Meeting Minutes
[5-17-2022 Council Meeting Minutes.docx](#)
- 7.b. May 19, 2022 Special Council Meeting Minutes
[5-19-2022 Special Council Meeting Minutes.docx](#)

8. Orders of the Day: {Public Comment - 3 Minute Limit}

- 8.a. 2022.42) Confirmation/Appointment of Director of Economic & Planning/Gregory Mitchell
[6-07-2022 Planning-Development Director-Mitchell-ORDER.doc](#)
[6-07-2022 Planning-Development Director-Mitchell Resume.pdf](#)
- 8.b. 2022.43) Authorization/Transfer of Funds to Police Department Asset Forfeiture Account for a Contribution to a Criminal Case
[6-07-2022 Transfer Funds-PD Criminal Case-ORDER.doc](#)
[6-07-2022 Transfer Funds-PD Criminal Case-MEMO.docx](#)
- 8.c. 2022.44) Approval/Change to City's MainePERS Plan/Inclusion of Emergency Dispatchers
[6-07-2022 MainePERS Plan Amendment-Add Dispatchers-ORDER.doc](#)
[6-07-2022 MainePERS Plan Amendment-Add Dispatchers-MEMO.docx](#)
- 8.d. 2022.45) Authorization/Change in City Hall Business Hours
[6-07-2022 Change City Hall Business Hours-ORDER.doc](#)
[6-07-2022 Change City Hall Business Hours-MEMO.pdf](#)
- 8.e. 2022.46) Approval/Clarification of Alcohol Sales and Service at LaKermesse on St. Louis Field
[6-07-2022 Special Event-Permission for Alcohol-LaKermesse-ORDER.docx](#)
[6-07-2022 LaKermesse Alcohol Clarification-MEMO.docx](#)

9. Appointments: {No Public Comment}

- 9.a. Parker Montano...Airport Commission
[6-07-2022 Appt-Montano-Airport Commission.docx](#)
[6-07-2022 Committee App-Montano-Airport Commission.pdf](#)

10. Public Addressing the Council..(5-minute limit per speaker; 30 minute total time limit)

11. City Manager Report {James Bennett}

12. Other Business {Councilors' Comments; Updates; Announcements}

13. Council President Addressing the Council {Councilor Norman Belanger}

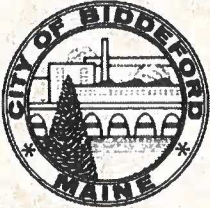
14. Mayor Addressing the Council {Mayor Alan Casavant}

15. Executive Session

- 15.a. 1 MRSA 405(6)(C)...Acquisition of Land

16. Adjourn

City of Biddeford

STATE OF  MAINE

PROCLAMATION

Whereas Despite advances in medical technology and research, men continue to live an average of five years less than women, with Native American and African-American men having the lowest life expectancy; and

WHEREAS, educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will result in reducing rates of mortality from disease; and

WHEREAS, men who are educated about the value that preventative health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings; and

WHEREAS, fathers who maintain a healthy lifestyle are role models for their children and have happier, healthier children; and

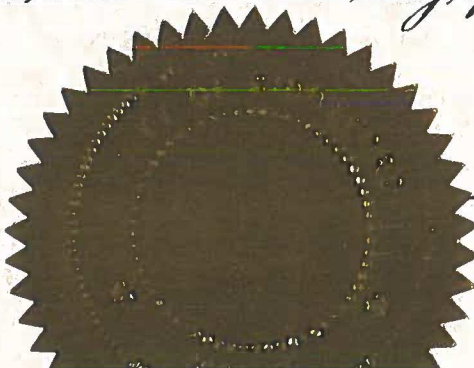
WHEREAS, Men's Health Network worked with Congress to develop a national men's health awareness period as a special campaign to help educate men, boys and their families about the importance of positive health attitudes and preventative health practices; and

WHEREAS, the Men's Health Month website has been established at www.Menshealthmonth.org and features resources, proclamations and information about awareness events and activities, including Wear Blue for Men's Health; and

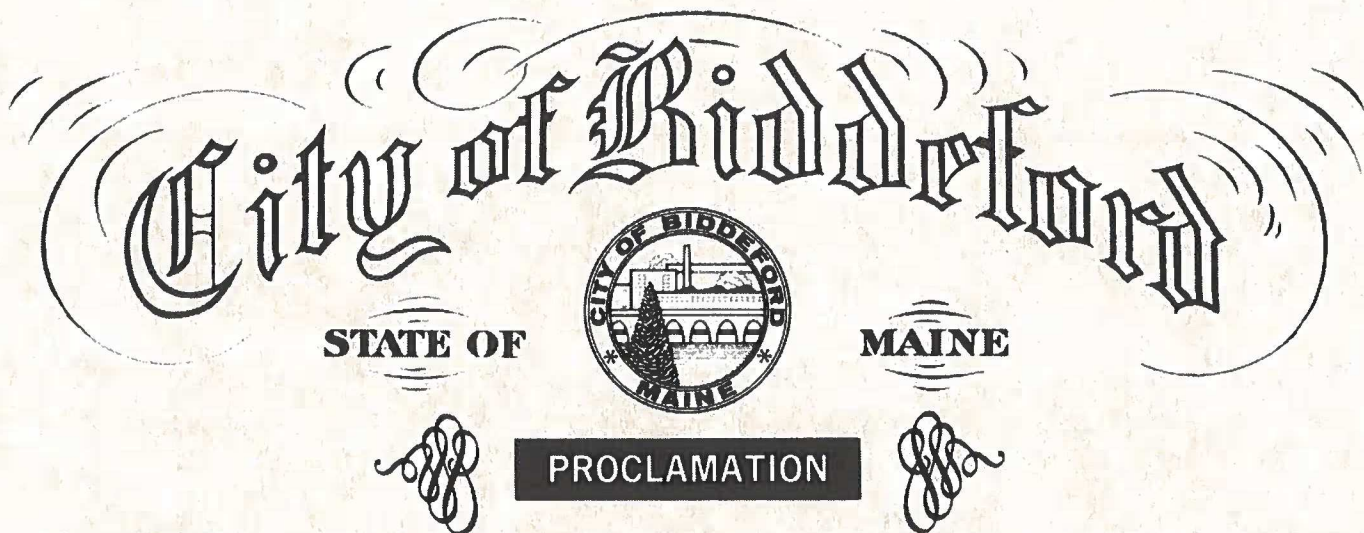
NOW THEREFORE, I, Alan Casavant, Mayor of the City of Biddeford, do hereby proclaim June as **Men's Health Month** in Biddeford, and encourage all our citizens to pursue preventative health practices and early detection efforts.

*In Witness Whereof, We, the undersigned have herewith
affixed our signatures this 7th day of June 2022*

Carmen Bernier
City Clerk



Alan Casavant
Mayor



Whereas The City of Biddeford is committed to being a safe and equitable community for all people, which extends to any race, ethnicity, socioeconomic status, age, sexual orientation, gender identification, country of origin, religion or any other identity; and

WHEREAS, the events of June 28, 1969, now known as The Stonewall Riots, sparked the LGBTQ+ rights movement in America and, since then, the Pride celebrations and civil demonstrations each June commemorate this historic turning point; and

WHEREAS, this movement has achieved historic progress in anti-bullying, hate crime legislation, family and marriage equality; and

WHEREAS, the people of Maine have prohibited discrimination based on sexual orientation and gender identity in a 2005 vote; but

WHEREAS, there is still much progress to be made and members of the LGBTQ+ community face proposed rollbacks in state and federal protections; and

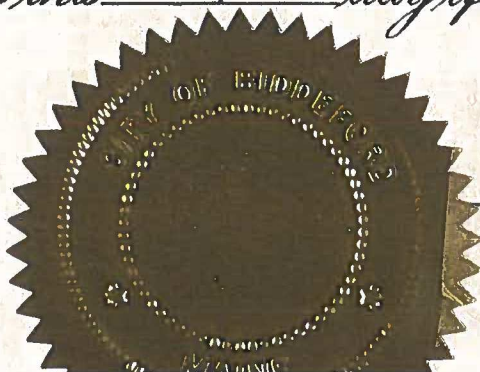
WHEREAS, the LGBTQ+ community still faces unemployment, homelessness and poverty at greater levels than the general population. Of LGBTQ+ youth, 45% have "seriously" considered attempting suicide in the last year; and

WHEREAS, public symbols of support of LGBTQ+ life can make life-long, lasting impact on members of the community who otherwise feel isolated and alone. The City of Biddeford stands with the LGBTQ+ community in their struggle for equality and to ensure fair treatment for all;

NOW THEREFORE, I, Alan Casavant, Mayor of the City of Biddeford, do hereby proclaim June as **LGBTQ+ Month** in Biddeford and encourage all residents to recognize the importance of fully accepting everyone as part of our community.

*In Witness Whereof, We, the undersigned have herewith
affixed our signatures this 7th day of June 2022*

Carmen J. Bernier
City Clerk



Alan Casavant
Mayor

COUNCIL MEETING

MAY 17, 2022

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 (joined virtually), Scott Whiting, Martin Grohman, Bobby Mills, Amy Clearwater, Norman Belanger, Liam LaFountain, Doris Ortiz

Marc Lessard was excused.

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

There were no adjustments to the agenda.

Proclamation: Kids to Park Day – May 21, 2022

Mayor Casavant read the Proclamation.

Recognition:

- ***‘cause Digital Marketing – Maine SBA Home-Based Business of the Year***
- ***Deepwater Buoyancy – Maine International Exporter of the Year***

Councilor Grohman introduced *‘cause Digital Marketing* and *Deepwater Buoyancy*, both businesses that have recently received Small Business Association Awards.

David Capotosto spoke on behalf of *Deepwater Buoyancy* that was awarded ***Maine International Exporter of the Year***. He explained that his company creates subsea buoyancy products for oceanographic, offshore oil & gas and technology companies around the world. Customers have relied on their products for over forty years, from the ocean surface to depths exceeding six thousand meters. They ship products to over 40 different countries. Also present was Matthew Henry, Operations Manager and part owner, and Dan Cote, Sales Manager and part owner.

Jane Harrell, the owner of *‘cause Digital Marketing* and winner of the ***Maine SBA Home-Based Business of the Year*** gave an explanation of what her company does. She has created a business that works with small and large pet businesses alike to bring focus, industry insights, genuine social and corporate responsibility and results.

Nomination to MMA’s 2022-2024 Legislative Policy Committee:

Motion by Councilor Clearwater, seconded by Councilor Mills to nominate City Manager James Bennett to the MMA’s 2022-2024 Legislative Policy Committee.

Vote: Unanimous.

Public Addressing the Council..(3 minute limit per speaker for up to 15 minutes):

One citizen addressed her comments to the Council.

Consideration of Minutes: **May 3, 2022; May 10, 2022**

Motion by Councilor Belanger, seconded by Councilor Mills to accept the minutes of May 3, 2022 as printed.

Vote: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Clearwater to accept the minutes of May 10, 2022 as printed.

Vote: Unanimous.

Orders of the Day:

2022.35

IN BOARD OF CITY COUNCIL...MAY 17, 2022

BE IT ORDERED, that the City Manager or his designee be authorized to sign a unit cost contract with Bowdoin Excavation, LLC of Gray, Maine for the construction of the Bradbury-Mason Street sewer separation project as per the bid submitted and opened on April 21st, 2022 in the amount of \$207,464.50.

BE IT FURTHER ORDERED, that \$62,535.50 be allocated for change orders, inspections, and administrative fees.

Funding for this project will be as follows:

- \$270,000 from the Sewer Separation Bonds approved by voters and as provided for in account code 22PW03 – Bradbury/Mason Bond proceeds.

NOTE: The Finance Committee will review this item at their May 17th, 2022 meeting.

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

Vote: Unanimous.

2022.36 **IN BOARD OF CITY COUNCIL.....MAY 17, 2022**

BE IT ORDERED, that the City Manager be authorized to sign an agreement with Runyon Kersteen Ouellette (RKO) for annual financial audit services for FY2022 (\$75,000), FY2023 (\$77,250), FY2024 (\$79,500), FY2025 (\$81,900), and FY2026 (\$84,300) for a cumulative contract price of \$397,950.

BE IT FURTHER ORDERED, that additional services shall be charged at the “rates for additional work” specified in the RKO proposal.

BE IT FURTHER ORDERED, that authorization for any additional work shall be in writing and comply with the City of Biddeford purchasing policy and rules.

NOTE: The Finance Committee is scheduled to review this item on May 17, 2022 as part of the published agenda.

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

Vote: Unanimous.

2022.37 **IN BOARD OF CITY COUNCIL..MAY 17, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the purchase of an 2023 Automated Side Loader Garbage Truck with Cab and Chassis from Environmental Equipment Sales & Service of Oxford, Massachusetts , with trade-ins, in an amount not to exceed \$220,000. Funding for this vehicle will come from the FY22 Capital Improvement Projects Fund.

BE IT FURTHER ORDERED, that the City Manager be authorized to lease-purchase one (1) 2023 Automated Side Loader Garbage Truck with Cab and Chassis as per bid of May 9, 2022 (the “Equipment”) from Environmental Equipment Sales & Service of Oxford, Massachusetts (the “Vendor”) and may pay the Vendor an amount not to exceed \$240,000 (after trade-in allowance of \$20,000; and a payment of \$150,000 in cash) 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 \$240,000.00;
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 \$240,000.00, (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 at their May 17, 2022 meeting and vote to recommend it to the City Council for approval. The lease-purchase of this item is included in the FY23 Capital Improvement Projects Fund.

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

2022.38 **IN BOARD OF CITY COUNCIL..MAY 17, 2022**

BE IT ORDERED, that the City Manager is authorized to execute a Joint Development Agreement (JDA) substantially in the form presented between the City of Biddeford and Devine Capital, LLC (“Devine Capital”).

BE IT FURTHER ORDERED, that the City Manager and City Solicitor are authorized to negotiate the final terms of the JDA with Devine Capital to support new construction of a 216-unit residential Multi-Family Apartment Complex Project to include critical terms and conditions identified by the City Council and as referenced as “developer commitments” within the supporting memo.

BE IT FURTHER ORDERED, that the City Manager shall be authorized to execute the JDA which includes the above terms and conditions provided, however, that the City Manager shall not be authorized to execute the JDA unless and until the City Solicitor has reviewed the JDA to confirm that the JDA includes the City Council’s directive regarding the attached critical terms and conditions.

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

Councilor Clearwater suggested adding language in the JDA that would allow for possible future development by the Maine Turnpike Authority. City Manager Jim Bennett agreed that such language should be included in the JDA.

Vote: Unanimous.

2022.39 **IN BOARD OF CITY COUNCIL..MAY 17, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby advise the Planning Board of its endorsement of the concept of Contract Zone #21 for Devine Capital, LLC as outlined in the letter from Devine Capital LLC dated February 28, 2022 and as such, per Biddeford Code of Ordinances, Part III (Land Development Regulations), Article V (Establishment of Zones), Section 9.F.2, the City Council advises the applicant to continue with the Contact Zone process.

Motion by Councilor Belanger, seconded by Councilor Mills to grant the order.
Vote: Unanimous.

2022.40 **IN BOARD OF CITY COUNCIL..MAY 17, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the raising of a Pride Flag on the City Hall flagpole for the month of June in honor of LBGTQ+ Pride Month.

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

1st Reading of School Department Budget – FY23

Motion by Councilor Belanger, seconded by Councilor Mills to remove all the Budget Orders from the table.

Vote: Unanimous.

2022

IN BOARD OF CITY COUNCIL...MAY 10, 2022

WHEREAS, the Maine Dept. of Education has determined the total cost of funding public education from kindergarten to grade 12, for Biddeford, as described in the Essential Programs and Services Funding Act to be **\$31,736,063.**

THEREFORE, BE IT ORDERED, that the City Council does appropriate and will raise the sum of **\$18,761,513** for the Biddeford School Department's contribution to the total cost of funding public education for kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 2-A, section 15688.

Explanation: The Biddeford School Department's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the first reading of the budget order.

Vote: Unanimous.

2022

IN BOARD OF CITY COUNCIL...MAY 10, 2022

BE IT ORDERED, that the City Council does appropriate and will raise the sum of **\$2,427,070** for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the City of Biddeford's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was approved by the voters.

Motion by Councilor Mills, seconded by Councilor Clearwater to grant the first reading of the budget order.

Vote: Unanimous.

2022

IN BOARD OF CITY COUNCIL...MAY 10, 2022

BE IT ORDERED, that the City Council will raise and appropriate **\$2,218,899** in additional local funds, which exceeds the State's Essential Programs and Services allocation model by **\$2,218,899** as required to fund the budget recommended by the Biddeford School Committee.

The Biddeford School Committee recommends **\$2,218,899** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$2,218,899.**

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Biddeford budget for educational programs.

Motion by Councilor Mills, seconded by Councilor Whiting to grant the first reading of the budget order.

Vote: Unanimous.

2022 **IN BOARD OF CITY COUNCIL...MAY 10, 2022**
BE IT ORDERED, that the City Council does hereby authorize the Biddeford School Committee to expend \$41,657,840 or the fiscal year commencing July 1, 2022 and ending June 30, 2023 from the City of Biddeford’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools, and broken down as follows:

REGULAR INSTRUCTION	\$15,218,285
SPECIAL EDUCATION	\$ 7,695,016
CAREER & TECHNICAL EDUCATION	\$ 3,203,327
OTHER INSTRUCTION	\$ 761,182
STUDENT & STAFF SUPPORT	\$ 2,740,457
SYSTEM ADMINISTRATION	\$ 1,223,643
SCHOOL ADMINISTRATION	\$ 1,610,453
TRANSPORTATION & BUSES	\$ 1,723,621
FACILITIES MAINTENANCE	\$ 4,029,043
DEBT SERVICE & OTHER COMMITMENTS	\$ 3,405,735
ALL OTHER EXPENDITURES	\$ 47,078
TOTAL SCHOOL BUDGET	<u>\$41,657,840</u>

BE IT FURTHER ORDERED, that the School Department is authorized to accept grant funds during the fiscal year and to expend such funds for the purposes for which they are intended.

Motion by Councilor Clearwater, seconded by Councilor Mills to grant the first reading of the budget order.
Vote: Unanimous.

2022 **IN BOARD OF CITY COUNCIL...MAY 10, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of \$749,066 for ADULT EDUCATION for the fiscal year commencing July 1, 2022 and ending June 30, 2023, and does hereby appropriate and will raise the local share for ADULT EDUCATION in the amount of \$321,588.

BE IT FURTHER ORDERED that Biddeford Adult Education is authorized to expend any additional, incidental or miscellaneous receipts in the interest and for the wellbeing of the Adult Education Program.

Motion by Councilor Mills, seconded by Councilor Clearwater to grant the first reading of the budget order.
Vote: Unanimous.

2022 **IN BOARD OF CITY COUNCIL...MAY 10, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum \$1,709,640 for School FOOD SERVICE (“Hot Lunch”) for the fiscal year commencing on July 1, 2022, and ending on June 30, 2023, and

BE IT FURTHER ORDERED, that the sum of \$1,709,640 in estimated revenues is adopted in support of FOOD SERVICE, with a local share for FOOD SERVICE in the amount of \$0.

Motion by Councilor Whiting, seconded by Councilor Clearwater to grant the first reading of the budget order.
Vote: Unanimous.

2022 **IN BOARD OF CITY COUNCIL...MAY 10, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt the following estimated revenues and appropriations from fund balance in support of the general fund budget for the fiscal year commencing July 1, 2022 and ending June 30, 2023:

School Estimated Revenue:	
Education:	\$ 617,816
Adult Education:	\$ 195,376
State Allocation to Education:	\$ 15,881,268
Appropriations from Fund Balance, K-12:	\$ 1,751,274
Appropriation from Fund Balance, Adult Education:	\$ 232,102
TOTAL ESTIMATED REVENUES AND APPROPRIATIONS FROM FUND BALANCE:	\$ 18,677,836

Motion by Councilor Mills, seconded by Councilor Clearwater to grant the first reading of the budget order.
Vote: Unanimous.

1st Reading of City Government Budget – FY23

2022 **IN BOARD OF CITY COUNCIL...MAY 10, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$38,391,757** for the CITY GENERAL FUND budget excluding Schools, Adult Education, TIF Funding and County Tax for the fiscal year commencing on July 1, 2022 and ending June 30, 2023, broken down as follows:

GENERAL GOVERNMENT	\$12,015,619
PUBLIC SAFETY	\$11,843,136
PUBLIC WORKS	\$ 5,415,014
PUBLIC SERVICES	\$2,957,522
DEBT SERVICE	\$ 4,410,465
CAPITAL OUTLAYS	\$ 1,625,000
CONTINGENCY	\$ 125,000
TOTAL	\$38,391,757

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the first reading of the budget order.

Motion by Councilor Clearwater, seconded by Councilor Belanger to amend the City Government budget as follows:

- Increase General Administration (21111) by \$35,000 for audit services
- Reduce General Administration (21111) by \$40,000 for retiree payouts
- Reduce Finance (21106) by \$16,425 for other professional consulting services
- Reduce Assessing (21105) by \$10,000 for Department Head salary
- Reduce Fringe Benefits (21179) by \$2,061for Assessing Dept. Head benefits
- Increase Fringe Benefits (21179) by \$119,997 for Allegiant and MMEHT insurance adjustments
- Reduce Fire Department (21141) by \$10,000 for extra holiday pay
- Reduce Solid Waste Management (21164) by \$7,985 for non-burnable disposal expense
- Reduce Capital Outlays (21201) by \$25,000 for trash collection vehicle

For revised budget numbers:

General Government	\$12,105,772
Public Safety	\$11,833,136

Public Works	\$ 5,407,029
Public Services	\$ 2,957,522
Debt Service	\$ 4,410,465
Capital Outlays	\$ 1,600,000
Contingency	\$ 125,000
Contingency	<u>\$38,438,924</u>

Vote on amendments: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Clearwater to further amend by increasing Debt Service by \$125,000.
Vote: Unanimous.

Vote on first reading of the budget order: Unanimous.

2022 **IN BOARD OF CITY COUNCIL...MAY 10, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt the following estimated revenues and appropriations from fund balance in support of the general fund budget for the fiscal year commencing July 1, 2022 and ending June 30, 2023:

City Estimated Revenues:	
Other Non-Property Tax Revenue:	\$ 9,626,065
State Revenue Sharing:	\$ 4,125,000
Homestead:	\$ 1,043,610
BETE:	\$ 372,838
TOTAL ESTIMATED REVENUES AND APPROPRIATIONS:	<u>\$ 15,167,513</u>

Motion by Councilor Belanger, seconded by Councilor Whiting to grant the first reading of the budget order.

Motion by Councilor Belanger, seconded by Councilor Clearwater to amend to reduce Finance Revenue (24150) by \$28,086 for contract administrative services.
Vote: Unanimous.

For revised numbers:	
Other Non-Property Tax Revenue:	\$ 9,597,969
State Revenue Sharing:	\$ 4,125,000
Homestead:	\$ 1,043,610
BETE:	\$ 372,838
TOTAL ESTIMATED REVENUES AND APPROPRIATIONS:	<u>\$ 15,139,417</u>

Vote on first reading, as amended: Unanimous.

2022 **IN BOARD OF CITY COUNCIL...MAY 10, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum o, f **\$238,780** for the Biddeford Airport comprised of \$238,780 for the AIRPORT OPERATIONS FUND and \$0 in reimbursable grant expenses for the AIRPORT REIMBURSABLE IMPROVEMENT FUND for the fiscal year commencing on July 1, 2022 and ending June 30, 2023, and

BE IT FURTHER ORDERED, that estimated revenues to the Biddeford Airport Fund in the sum of **\$547,770** comprised of \$547,770 for the AIPORT OPERTIONS FUND and \$0 for the AIRPORT REIMBURSABLE IMPROVEMENT FUND be hereby adopted in support of the Biddeford Airport appropriation.

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the first reading of the budget order.
Vote: Unanimous.

2022 **IN BOARD OF CITY COUNCIL...MAY 10, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$1,557,000** for the AMBULANCE FUND for the fiscal year commencing on July 1, 2022 and ending June 30, 2023 and

BE IT FURTHER ORDERED, that the sum of **\$1,425,000** in estimated revenues to the Ambulance Fund be hereby adopted in support of the Ambulance Fund appropriation.

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the first reading of the budget order.
Vote: Unanimous.

2022 **IN BOARD OF CITY COUNCIL...MAY 10, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$438,001** for the CDBG PROGRAM FUND for the fiscal year commencing on July 1, 2022 and ending June 30, 2023 and

BE IT FURTHER ORDERED, that the sum of **\$439,734** in estimated revenues to the CDBG PROGRAM FUND be hereby adopted in support of the CDBG Program appropriation.

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the first reading of the budget order.
Vote: Unanimous.

2022 **IN BOARD OF CITY COUNCIL...MAY 10, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$41,200** for the MOORING FEES FUND for the fiscal year commencing on July 1, 2022 and ending June 30, 2023 and

BE IT FURTHER ORDERED, that the sum of **\$41,200** in estimated revenues to the Mooring Fees Fund be hereby adopted in support of the Mooring Fees Fund appropriation.

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the first reading of the budget order.
Vote: Unanimous.

2022 **IN BOARD OF CITY COUNCIL...MAY 10, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$175,705** for the POOL BEACH PERMITS FUND for the fiscal year commencing on July 1, 2022 and ending June 30, 2023, and

BE IT FURTHER ORDERED, that the sum of **\$176,750** in estimated revenues to the Pool Beach Permits Fund be hereby adopted in support of the Pool Beach Permits Fund appropriation.

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the first reading of the budget order.
Vote: Unanimous.

2022 **IN BOARD OF CITY COUNCIL.. MAY 10, 2022**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$796,024** for the RECREATION PROGRAMS FUND for the fiscal year commencing on July 1, 2022 and ending June 30, 2023, and

BE IT FURTHER ORDERED, that the sum of **\$796,024** in estimated revenues to the Recreation Programs Fund be hereby adopted in support of the Recreation Programs Fund appropriation.

Sewer Operations Fund:

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the first reading of the budget order.

Vote: Unanimous.

Motion by Councilor Clearwater, seconded by Councilor Whiting to approve the Sewer Operations Fund as recommended by the Budget Committee, with the following amendments:

- 35102-60605
 - o Main Street Separation – reduction of \$60,000 (\$150,000 down to \$90,000)
 - o Master Plan Update – reduction of \$45,000 (\$100,000 down to \$55,000)
 - o Catch Basin Removal – reduction of \$35,000 (\$100,000 down to \$65,000)
- 35104-60313:
 - o Sewer Rehab – reduction of \$100,000 (from \$100,000 down to \$0.00)
 - o Sewer Cleaning Services – reduction of \$10,000 (from \$50,000 down to \$40,000)
- 35105-60342:
 - o PFAS Fee – reduction of \$24,750; legislation did not pass (from \$24,750 down to \$0.00)

To further amend to establish a reserve account for sewer rehabilitation projects in the amount of \$100,000 to be replenished annually by the amount expended in the previous fiscal year.

Vote on the amendments: Unanimous.

Motion by Councilor Clearwater, seconded by Councilor Mills to adopt Statement 8, as is; and Statement 9 with \$100,000 less in the cash position.

Vote: Unanimous.

Vote on first reading, as amended: Unanimous.

Appointment:

IN BOARD OF CITY COUNCIL...MAY 17, 2022

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

**Sean P. Murphy
6 Hansons Lane
Ward 1**

to the *Harbor Commission*, for a term to expire in December 2025.

Motion by Councilor Clearwater, seconded by Councilor Belanger 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 Report:

City Manager, James Bennett had the following items:

- He thanked the Council for all their hard work on the budget. In the face of a very challenging budget season, the Council was able to work towards an overall favorable budget. From what he can ascertain, there are not many surrounding communities who can claim that their citizens are paying less in taxes now than in 2014.
- Last Friday, the City was notified that our bond rating was going up. If this had not happened, the City could be looking at an interest rate of about 4-4.05% instead of the 3.8% that is expected. This translates to a substantial savings for the community. Jim also noted that new to the bond rating process was the review of the City's cybersecurity and climate change initiatives, both of which the City has made great advances in.

Other Business:

Councilor Clearwater: announced that the Heart of Biddeford recently won the **2022 Great American Main Street Award** for Biddeford, which is a huge national achievement and a part of the reason why the City has been able to keep the tax rate down – through continuing development in the downtown and not just in residential properties. This Friday night, May 20th, there will be a celebration for this Award in conjunction with the Art Walk. She encouraged everyone to join in the celebration and to participate in the big raffle going on through the Heart of Biddeford for a stay at the new Lincoln Hotel.

Councilor Grohman: announced that the Recycling & Waste Center was open this past Sunday, and will be open again this coming Sunday, May 22nd from 7:00 a.m. to 2:45 p.m.

Councilor LaFountain: reminded folks of the upcoming June 14th Election and the availability of absentee ballots for that election through the City Clerk's Office.

He shared that he has been involved in some constituent emails about the traffic on May Street and in the area of the Mayfield, specifically speed, traffic and safety. City Manager Jim Bennett provided an update on this: traffic monitoring equipment has been set up on May Street and will be there for the next week or so. He feels that this issue should not necessarily be looked at as a speed issue, but more as a quality of life issue and possibly approach it as a traffic calming issue.

Councilor Mills: mentioned that he and his wife were able to tour the newly renovated Lincoln Mill and he thinks the work that has been done there is phenomenal.

He is glad to hear about the possibility of bringing back the “*Heart and Soul*” program that the Heart of Biddeford had sponsored about 10-12 years ago.

Council President Addressing the Council: Councilor Belanger offered his thanks to prior Councils and to the City Manager for looking forward and doing what needed to be done in order to bring up the City's bond rating.

He congratulated the Heart of Biddeford for winning the **2022 Great American Main Street Award**; and especially offered praise to their Director, Delilah Poupore for her tireless efforts and vision. She and all who work with the Heart of Biddeford have been major contributors to Biddeford's Renaissance.

He thanked his fellow Councilors for all their work during the arduous budget process. With the end of this process in sight, he encouraged the Councilors to start bringing up those issues that had been put off and need to be addressed.

Mayor Addressing the Council: Mayor Casavant also congratulated the Heart of Biddeford. He offered a different perspective by reminiscing about time in the City during the 1970s and 1980s when things were much different. He noted that the change has been remarkable and he attributes that to those who had the guts to make the difficult decisions, to invest in development in the City, and to work hard for a better community. He further recognized City Staff for doing everything possible to support the vision to move the City forward.

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

Vote: Unanimous.

Time: 7:49 p.m.

Attest by: _____
Carmen J. Bernier, City Clerk

COUNCIL MEETING

MAY 19, 2022

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 5:30 p.m.

Roll Call: William Emhiser (joined virtually), Scott Whiting, Martin Grohman, Bobby Mills, Amy Clearwater, Norman Belanger, Liam LaFountain, Doris Ortiz, Marc Lessard

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

Adjustment to the Agenda:

- Add **Order of the Day 2022.41**

Second Readings:

2nd Reading of School Department Budget – FY23

{For a copy of the Budget Orders and first reading, see the Council Meeting Minutes of May 17, 2022}

Essential Programs & Services Funding Act:

Motion by Councilor Belanger, seconded by Councilor Whiting to grant the second reading of the budget order.

Vote: Unanimous.

School Construction Projects – Local Share:

Motion by Councilor Belanger, seconded by Councilor Whiting to grant the second reading of the budget order.

Vote: Unanimous.

Additional Local Funds – for School Purposes:

Motion by Councilor Belanger, seconded by Councilor Mills to grant the second reading of the budget order.

Vote: Unanimous.

School Appropriations:

- A. Regular Instruction**
- B. Special Education**
- C. Career & Technical Education**
- D. Other Instruction**
- E. Student & Staff Support**
- F. System Administration**
- G. School Administration**
- H. Transportation & Buses**
- I. Facilities Maintenance**
- J. Debt Service & Other Commitments**
- K. All Other Expenditures**

TOTAL SCHOOL BUDGET

Motion by Councilor Belanger, seconded by Councilor Mills to grant the second reading of the budget order.

Vote: Unanimous.

Adult Education:

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

Vote: Unanimous.

Food Service:

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

Vote: Unanimous.

School Department Estimated Revenues:

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

Vote: Unanimous.

2nd Reading of City Government Budget – FY23

{For a copy of the Budget Orders and first reading, see the Council Meeting Minutes of May 17, 2022}

City Government:

A. General Government

B. Public Safety

C. Public Works

D. Public Services

E. Debt Service

F. Capital Outlays

G. Contingency

TOTAL CITY GOVERNMENT BUDGET

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

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

Councilors Emhiser, Whiting, Grohman, Clearwater, Belanger, LaFountain and Ortiz in favor. Motion carries.

Point of Order called by Councilor Lessard, stating that the previous motion/vote (General Government Appropriations) needs to be reconsidered so that the correct budget numbers can be read into the record. Mayor Casavant disagreed, stating that revisiting the previous Order is for clarification purposes only, not for a change in the vote. The general consensus of the Council was to do a reconsideration of the previous Order.

Motion by Councilor Clearwater, seconded by Councilor Mills to reconsider the previous motion to grant the second reading, in order for the Chair to re-read the correct budget numbers into the record.

Point of Order called by Councilor Belanger, stating that a reconsideration motion must be made by a member who voted in opposition to the previous motion.

Motion by Councilor Mills, seconded by Councilor Clearwater to reconsider the previous motion to grant the second reading, in order for the Chair to re-read the correct budget numbers into the record.

Point of Order called by Councilor Lessard, stating that a reconsideration motion must actually be made by a member who voted in the affirmative to the previous motion. Councilor Belanger concurred.

Motion by Councilor Clearwater, seconded by Councilor Mills to reconsider the previous motion to grant the second reading, in order for the Chair to re-read the correct budget numbers into the record.

Vote: Unanimous.

Mayor Casavant re-read the budget order with the revised numbers.

Vote on 2nd Reading: 8/1; Councilor Lessard opposed.

Councilors Emhiser, Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor. Motion carries.

Estimated Revenues/Fund Balance Appropriations:

A. Other Non-Property Tax Revenue

B. State Revenue Sharing

C. Homestead

D. BETE

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the second reading of the budget order.
Motion was withdrawn.

(The previous budget order was revisited)

Motion by Councilor Belanger, seconded by Councilor Whiting to grant the second reading of the budget order.

Vote: 8/1; Councilor Lessard opposed.

Councilors Emhiser, Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor.

2nd Reading carries.

Airport Operations Fund:

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

Vote: 8/1; Councilor Lessard opposed.

Councilors Emhiser, Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor. 2nd Reading carries.

Ambulance Fund:

Motion by Councilor Mills, seconded by Councilor Belanger to grant the second reading of the budget order.

Vote: 8/1; Councilor Lessard opposed.

Councilors Emhiser, Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor. 2nd Reading carries.

CDBG Fund:

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

Vote: 8/1; Councilor Lessard opposed.

Councilors Emhiser, Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor. 2nd Reading carries.

Mooring Fund:

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

Vote: 8/1; Councilor Lessard opposed.

Councilors Emhiser, Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor. 2nd Reading carries.

Pool Beach Permits Fund:

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

Vote: 8/1; Councilor Lessard opposed.

Councilors Emhiser, Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor. 2nd Reading carries.

Recreation Programs Fund:

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

Vote: 8/1; Councilor Lessard opposed.

Councilors Emhiser, Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor. 2nd Reading carries.

Sewer Operations Fund:

2022

IN BOARD OF CITY COUNCIL...MAY 10, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby accept the recommendation of the Budget Committee for expenses within the SEWER OPERATIONS FUND for the fiscal year commencing July 1, 2022 and ending June 30, 2023, and detailed as follows:

Sewer Operations:	\$3,508,595
Industrial Pretreatment:	\$ 42,160
Maintenance:	\$ 1,150,876
Depreciation:	<u>\$1,146,380</u>
Total	\$5,848,011

BE IT FURTHER ORDERED, City Council of the City of Biddeford does hereby accept the recommendation of the Budget Committee for revenues within the SEWER OPERATIONS FUND for the fiscal year commencing July 1, 2022 and ending June 30, 2023, and detailed as follows:

Sewer User Fees	\$3,700,000
Other Revenue	\$ 135,569
Transfer from General Fund	<u>\$ 600,000</u>
Total	\$4,435,569

REVISED NUMBERS AFTER 1ST READING:

<u>Expenses</u>	
Sewer Operations (35102 & 35105):	\$3,343,845
Industrial Pretreatment (35103):	\$ 42,160
Maintenance (35104):	\$ 1,040,876
Depreciation:	<u>\$ 1,146,380</u>
Total	\$5,573,261
<u>Revenues</u>	
Sewer User Fees	\$3,700,000
Other Revenue	\$ 135,569
Transfer from General Fund	<u>\$ 600,000</u>
Total	\$4,435,569

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the second reading of the budget order.
Vote: 8/1; Councilor Lessard opposed.
Councilors Emhiser, Whiting, Grohman, Mills, Clearwater, Belanger, LaFountain and Ortiz in favor. 2nd Reading carries.

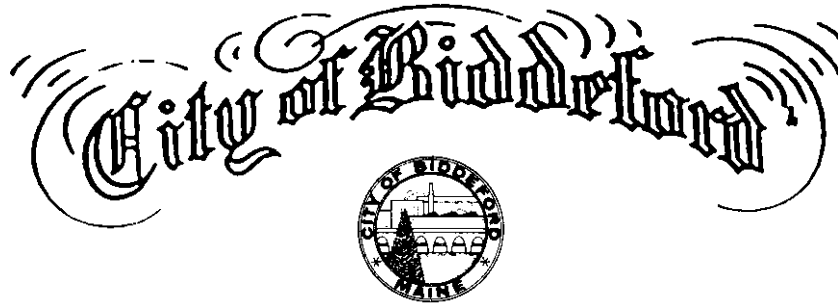
Orders of the Day:
2022.41 **IN BOARD OF CITY COUNCIL..MAY 19, 2022**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve crack sealing work on the Aeration Basins at the Wastewater Treatment Plant to be completed by Apex Construction, Inc., in an amount not to exceed \$32,405.00. Funding for this project will be from Bond proceeds.

NOTE: Apex Construction, Inc. was originally awarded the contract for Aeration Basin painting in February 2022.

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

Motion by Councilor Clearwater, seconded by Councilor Belanger to adjourn.
Vote: Unanimous. Time: 5:59 p.m.

Attest by: _____
Carmen J. Bernier, City Clerk



2022.42

IN BOARD OF CITY COUNCIL...JUNE 7, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby confirm the City Manager's appointment of Gregory A. Mitchell as the Director of Economic Development and Planning; and to further authorize the execution of the employment agreement.

Gregory A. Mitchell
314 Princes Point Road Yarmouth, ME 04096
207-232-3145 (Cell)

EXPERIENCE:

June, 2021 to May, 2022 Mitchell Consulting

- Private consulting economic development services to municipal and private clients.

2009 to June, 2021 City of Portland, ME

Economic Development Director

- Responsible for directing the City's housing, economic and community development programs. Work involves business recruitment and retention, advocacy of business interests in City government, affordable housing, creative economy, new Mainer integration to employment, managing HUD entitlement community funds, marketing, strategic visioning, supervision of sixteen staff, budget preparation and evaluation of Department programs.
- Lead City negotiator associated with economic development projects and City land development. Responsible for coordinating City departments involved in the development process.
- Lead staff to the Portland City Council Housing and Economic Development Committee; and, to an 11-member Board of Directors for the Portland Development Corporation involved with direct commercial lending.

2006 to 2009 Eaton Peabody Consulting Group, Augusta, ME

Economic Development Consultant

- Responsible for the personnel and fiscal management of three consultants and the direct state-wide delivery of economic development consulting services to businesses, developers, and communities.

1998 to 2006 City of Lewiston, ME

Assistant City Administrator/Economic and Community Development

- Lead City negotiator associated with economic development projects. Responsible for overseeing all City departments involved in the development planning and regulation process.

Director of Development

- General responsibilities include fiscal and personnel management for a twenty-two-person department. Specific development responsibilities include business retention, expansion and attraction; management of the Bates Mill and establishing new

business/industrial parks in Lewiston.

**1995 to 1998 The Mid-Coast Council for Business Development,
Brunswick, ME Executive Director**

- Responsible for the operation of a non-profit, 501 (c)6, business development corporation serving the communities of Bath, Brunswick, and Topsham, Maine.
- Specific responsibilities include:
 - Staff to a twenty-one-member board whose composition includes public and private representatives.
 - Fiscal management responsibility for a \$110,000 annual budget.
 - Direct business technical assistance for business attraction, expansion, and retention activities including: commercial lending; business recruitment; site search assistance; direct linkage to business assistance programs available through state and federal agencies and non-profit organizations; regional marketing.
- Supervision of one full-time administrative assistant.

**1991 to 1995 Androscoggin Valley Council of Governments (AVCOG),
Auburn, ME**

Director, Economic Development Division

- Coordinate, supervise, and budget responsibilities for a professional staff of five and direct involvement in the provision of business and community economic development programs which include:
 - Direct commercial lending including financial packaging assistance.
 - One-on-one business counseling through the Small Business Development Center (SBDC) Program and an AVCOG technical assistance program. Serve as the SBDC Subcenter Director for the region.
 - Technical assistance to communities to access federal and state funding for economic development projects (i.e., infrastructure, commercial lending programs, etc.)
 - New business and community assistance program development and establishment including grant writing.

Land Use Planner III

- Responsible for current and long-range planning activities.

**1984 to 1990 City of Boca Raton, FL
Deputy Director, Community Development Department**

- Assisted the Department Director in the administration and supervision of the Department with a staff of 41 full-time employees and 9 part-time employees organized under the following formation: Growth Management Division, Code Enforcement Division, Building Inspection Division, and Permit Section.
- Assisted in the preparation of the Department annual budget.

Economist, Community Development Department

- Successfully completed the writing, management, and coordination of the 1989 City of Boca Raton, FL, Comprehensive Plan, adopted on November 14, 1989, to comply with the State of Florida 1985 Growth Management Act. Coordinated the hiring and management of consultants.
- Provision of economic analyses and research from both quantitative and qualitative perspectives.

EDUCATION:**B.S. Business Administration**

Norwich University, Northfield, VT, 1983

B.A. Economics

Florida Atlantic University, Boca Raton, FL, 1984

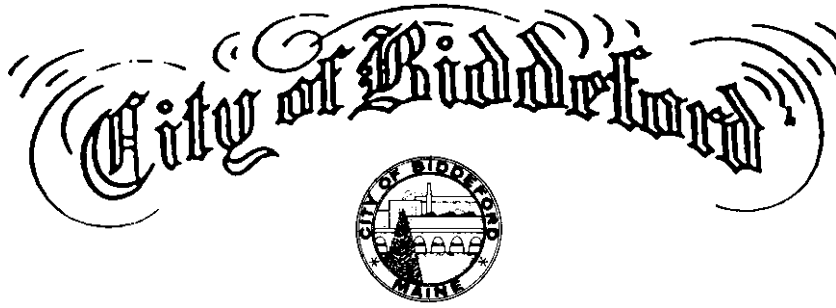
M.A. Economics (Completed all course work)

Florida Atlantic University, Boca Raton, FL, 1985

CERTIFICATION AND PROFESSIONAL AFFILIATIONS:

- National Development Council Economic Development Finance Professional Certification courses
- Economic Development Council of Maine (EDCM), Past Board Director and Past President, 2008
- Maine Real Estate and Development Association (MEREDA), Board Director 2006-2009

REFERENCES FURNISHED UPON REQUEST



2022.43

BOARD OF CITY COUNCIL.....JUNE 7, 2022

BE IT ORDERED, that the Biddeford City Council does hereby grant approval pursuant with Title 15 M.R.S.A. §5824(3) & §5822(4)(A) to the transfer of \$2,059.00 in U.S. Currency, or any portion thereof, on the grounds that the City of Biddeford Police Department did make a substantial contribution to the investigation of this or related criminal case. ALFSC-CR-18-1069. These funds shall be transferred to the City of Biddeford, Asset Forfeiture Account 3119-40576.



City Council Meeting

Meeting Date: June 7, 2022

Meeting Time: 6:00 P.M.

Agenda Item No: 2022.43

Item Description: Authorization/Transfer of Funds to Police Department Asset Forfeiture Account for a Contribution to a Criminal Case

Submitted by: Roger P. Beaupre, Chief of Police

Supporting Information/Documentation:

As noted below, the transfer of asset forfeited money is controlled by State Statute, and these forfeited funds must be approved by the City Council.

Key Terms:

N/A

Executive Summary:

15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) if subsequently ordered forfeited by the Court;

Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted.

Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

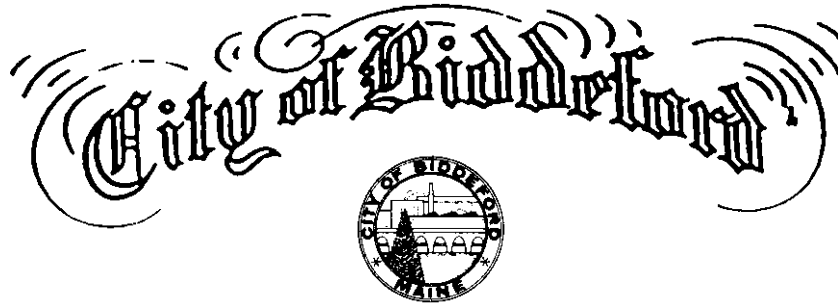
Detailed Review:

This is York County Criminal Court Doc. No. CR-18-169 involving defendant Ryan Phelps, which resulted in Criminal Forfeiture of \$2,059.00 payable to the City of Biddeford as a result of Biddeford Police Department's made a substantial contribution in the investigation and prosecution of Defendant Phelps in a criminal case.

Funding Source:

N/A

Staff Recommendation: Accept Funds as required.



2022.44

IN BOARD OF CITY COUNCIL...JUNE 7, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve a change in the City's MainePERS Plan, specifically for the City's Dispatchers, effective July 1, 2022 for future service only. The City agrees to:

- a) Provide coverage for full-time Dispatchers under Special Plan 3C for service rendered after June 30, 2022. Service rendered by Dispatchers during the period from July 1, 2010 through June 30, 2022 remains under Regular Plan AC and service rendered before July 1, 2010 remains under Regular Plan AN.
- b) Continue to provide Special Plan 3C to full-time Police Officers and Firefighters.
- c) Continue to provide Regular Plan AC to all other full-time employees, including School Support Employees, and to its elected/appointed officials.
- d) Continue to exclude employees who work less than full-time or who are seasonal or temporary as defined by the Appendix to MainePERS Rule Chapter 802 from participating in the plan.
- e) To authorize James Bennett, City Manager, to sign the Amended Agreement between the City and the Maine Public Employees Retirement System.



Council Meeting

Meeting Date: Tuesday, June 7, 2022

Meeting Time: 6pm

Agenda Item No: 2022.44

Item Description: MPERS for Dispatchers

Submitted by: James Bennett, City Manager

Supporting Information/Documentation:

N/A

Key Terms:

N/A

Executive Summary:

In the most recent contract negotiations the City agreed to change the MPERS plan for dispatchers to the Special Plan.

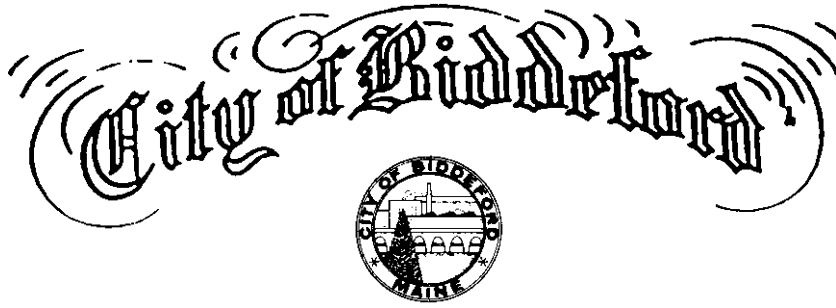
Detailed Review:

During 2021 contract negotiations with TEAMSTERS UNION LOCAL NO. 340 for the Police Department, allowing full time dispatchers to move into the Special Plan with MPERS was approved by council. Only time worked moving forward from July 1, 2022 will be counted toward the Special Plan.

The following language is in the current Police Department Collective Bargaining Agreement:

“Effective the date of the signing of the 2021 contract, all eligible dispatchers shall be allowed to join/convert to the MPERS Special Benefit Plan 3-C. The parties will implement the change as soon as mutually possible.”

For the change to officially take place at this time it is the policy of MPERS that the council must now vote affirmatively on the corresponding Order.



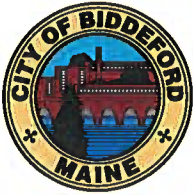
2022.45

IN BOARD OF CITY COUNCIL...JUNE 7, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize that City Hall Offices business hours be set at Monday and Tuesday, 7:00 a.m. to 5:00 p.m.; Wednesday and Thursday, 8:00 a.m. to 4:00 p.m. This change to be effective starting June 27, 2022.

NOTE: The Personnel Committee considered this item at their May 17, 2022 meeting and voted unanimously to recommend to the City Council.

City of Biddeford, Maine



The Office of
City Manager

James A. Bennett

Email: jbennett@biddefordmaine.org

MEMORANDUM

TO:	Personnel Committee
FROM:	James A. Bennett, City Manager
DATE:	May 13, 2022
RE:	Non-Union Work Hours

Contained within is the recommendations for changes to the non-union work hours. As the committee is aware, over the last several months, staff leadership has been exploring the changing employment market conditions. I believe those conditions are widely understood. If I was to summarize the employee market place, it would be stated simply. Quality employees' have almost unlimited opportunities to choose where they would like to be employed.

Studies continue to support that non-monetary factors are more important in job satisfaction than the pay. This assumes that the pay is competitive in the first place. I shared that a \$5.00 per hour adjustment in pay would impact the budgets by at least \$3.5 million, in excess of \$1.00 on the tax rate. Given the other pressures on the budget, simply trying to compete for employees based on money does not seem to be an obtainable strategy.

The recommendation to change the non-union work hours is an initial step in moving the City of Biddeford further on the work place of choice spectrum. The recommendation is designed to accommodate the varied of services the City provides. While it is driven by the goal of making the work place more attractive, serving the public continues to be a high priority.

While not totally inclusive of all factors, the following were considered in developing the recommendations:

1. The vast majority of services are now available online. During the peak of the uncertainty of COVID, the City operated nearly 100% without any face to face interaction. This primarily was done by online services. I should note that in years past, a major concern was the ability to buy beach passes. Until recently, that service was exclusively available by in person only. That now has also has an automated option.
2. Some of the staff have jobs that require nearly 100% interaction with customers that present themselves physically in the office.
3. Some of the staff serve various Boards, Committees and Commissions that meet outside of the normal City Hall staff.
4. Some staff is expected to be on call after hours/weekends, mostly on a rotating basis.
5. Expansion of service hours availability (meaning times of the day) is often cited as desired. Historical practice when applies shows little usage. This is the case in other communities as well.
6. Earlier studies of comparable communities show that the majority of City Hall employees are working less than a 40 hour work week.
7. Any change to the work week should try to be cost neutral.

205 Main Street

Biddeford, ME 04005

Phone: 207.284.9313

Fax 207.571.0678

The City of Biddeford is an equal opportunity provider. To file a complaint, write to

Diana Depaolo, Human Resource Director, 205 Main Street Biddeford, ME 04005, or call (207) 286-0593.

The specific recommendation is to move forward with the following changes to the non-union work force.

For City Hall:

1. City hall hours (open to the public) would change to:
 - a. Monday 7 am to 5 pm
 - b. Tuesday 7 am to 5 pm
 - c. Wednesday 8 am to 4 pm
 - d. Thursday 8 am to 4 pm
 - e. Friday, office closed
2. Hourly employees would be paid based on a forty-hour workweek.
3. Employees will be expected to work at least 36 per week; essentially the above hours the public office will be open. If you work those hours, you will be paid for a 40 hour work week. If you have to work between 36 and 40 hours because of work demands that week, you will still only be paid for a 40 hour work week. Any hours worked less than 36 hours will be reduced from the 40 hour normal pay.
4. Employees will now receive a paid lunch period of no more than 30 minutes.
5. Vacation and sick days will be charged based on the amount of hours for that day. If an employee takes a full week off and would like to receive the full forty hours of compensation for the week, they will be charged 40 hours of vacation time; 36 hours for each of the four days plus the 4 hours to bring the pay to the forty hours.
6. Each employee will turn in the actual hours work each week; i.e. employee worked 37.5 hours, they would report 37.5 hours. The pay would be 40 hours.
7. Each year, beginning the first pay period of the budget year (July 1), actual hours worked less than the 40 hours will be recorded as negative comp time. Any employee that works over 40 hours will be recorded as 1.5 hours of comp time for each hour worked.
 - a. At the end of the budget year, any positive time that is owed to an employee will be paid out at the employees' current hourly rate; all negative comp time on the books will be reset to zero.
8. Each department head, subject to approval, will have the flexibility to accommodate any existing employees that have existing conflicts (such as daycare issues) that would prevent any employee from being in the office during the hours that City Hall is open *to the degree we can and still provide the expected services to the City*. These special adjustments will be done through a sign agreement that will cease when the existing conflict no longer exists. In addition, any current employee that has a change in their family status in the future that would create a conflict may request an adjustment. Said adjustment would be considered favorability, subject to the existing needs of the City and the current practices that are in place at the time of the request. Any new employees will not be granted any special accommodations.

For non-union employees that work outside of City Hall, I will work with the Department Head to make similar adjustments to their work expectations.

The process to arrive at this recommendation included:

1. A general meeting with all City employees to discuss and seek feedback on a potential four day work week.
2. A survey of the employees following the general meeting. Employees had the opportunity to provide their feedback anonymously if so desired.
3. Based on the first two steps, Brian, Diana and I developed the above suggested change. This was submitted to the staff with the opportunity to provide additional feedback.
 - a. The feedback was predominately positive. Concerns that were expressed fell into two categories. First, there remains significant interest in both the work at home and flex scheduling alternatives. Staff was told at the beginning of the process that both those options are under consideration. However, it would not be considered until after the work hours issued was resolved. That decision was driven by two factors. First, not all employees are employed in assignments that allows the same opportunities. Second, the specifics of any such plan is highly dependent on the work hours.
 - b. The second feedback came from the employees that have to be on call and/or cover meetings outside of City Hall hours. These employees use the extra hours they work (over 40) to get additional time off through the accumulation with comp time or be paid overtime. The work expectation of 36 hours and getting paid 40 has great potential to reduce those opportunities.

I believe the committee would benefit from understanding one of the changes that were made in this recommendation from the original thinking. In other communities, when the employees have been reduced from 40 to a lower number, the hourly wage has been increased so the employees' weekly gross remains the same. In the beginning, this was a likely suggestion.

However, it would fail to meet the goal of being cost neutral. For those employees that are required to work outside of the normal City Hall hours, the extra hours worked between the 36 expected and 40 would result in additional cost to the City. Hence, the recommendation was changed as presented. Essentially, the proposal is equal to the change the hourly pay model, without increasing the cost. In addition, it creates an incentive for those employees to be more efficient in order to enjoy the 36 hour work expectations.

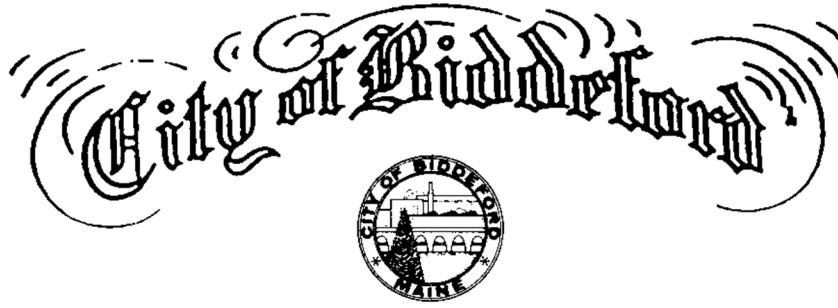
If the Committee agrees with the proposed change, I suggest that we would implement the change the week of June 13 at the earliest and the week of July 4 at the latest, in order to provide some notice to the community.

The change in the hours of City Hall will need approval by the entire City Council. The balance of the changes are within the authority of the committee.

Finally, while I am asking you to 'age' the pay plan by 4.5% for FY23, if this change to hours is approved, I am leaning towards recommending a 3% adjustment to wages for the hourly employees and a 4% for the salaried employees.

I believe this is a very balanced approach to the issue. Having longer hours two days a week will address those that desire to do in person service but are limited by the current hours. I believe the Monday 7 am to 8 expansion will be very popular. At the same time, historical use of these extra hours has proved to be low. I strongly believe this change will have no real negative impact of customer service, increase productivity and morale and assistance in employee retention and recruitment.

I will be in attendance at your meeting to address any concerns or questions. I encourage you to reach out prior to the meeting if you need any further information as well.



2022.46

IN BOARD OF CITY COUNCIL...JUNE 7, 2022

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 have beer/wine sold and served at their festival on June 23rd, 24th, 25th and 26th, 2022 at St. Louis Field, providing that the sale and consumption of the alcoholic beverages be confined within a clearly defined area that has been approved and licensed by the State of Maine Bureau of Alcoholic Beverages.

BE IT FURTHER ORDERED, that the City Council has already approved the issuance of a Special Event Permit for the LaKermesse Franco-Americaine Festival on June 23rd, 24th, 25th and 26th, 2022.

NOTE: This Order is intended to clarify that alcohol will be sold and served within restricted areas at St. Louis Field, and not permissible in any other areas of the Field.



City Council

Meeting Date: June 7, 2022

Meeting Time: 6:00 p.m.

Agenda Item No: 2022.46

Item Description: Clarification of Alcohol Sales and Service at LaKermesse

Submitted by: Roger P. Beaupre, Chief of Police

Supporting Information/Documentation:

Original Council Order passed on April 5, 2002 granting permission for the consumption of beer and wine at St. Louis Field during the La Kermesse Festival on June 23, 24, 25, 2022

Key Terms:

[List key terms with definitions if introducing new topics. "N/A" if not applicable]

Executive Summary:

On April 25, 2022, the City Council approved an Order to allow the consumption of alcoholic beverages with the St. Louis Field. The Order, as passed, would allow consumption of alcohol anywhere within St. Louis Field. Additionally, the April 5th Council Order requires compliance with, "... the provisions set forth under Ch 6, Section 6-158." This section does not exist within the Code of Ordinances.

Detailed Review:

Under 17 M.R.S.A. 2003-A, "A person is guilty of public drinking if the person drinks liquor in any public place within 200 feet of a notice posted conspicuously in the public place by the owner or authorized person that forbids drinking in the public place or after being forbidden to do so personally by a law enforcement officer, **unless the person has been given permission to do so by the owner or authorized person.**" The Authorized person in this case is the City Council

The approved April 5th Order reads, in part,

"...2022.24

IN BOARD OF CITY COUNCIL...APRIL 5, 2022

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 have beer/wine served at their festival on June 23rd, 24th, 25th and 26th, 2022 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."

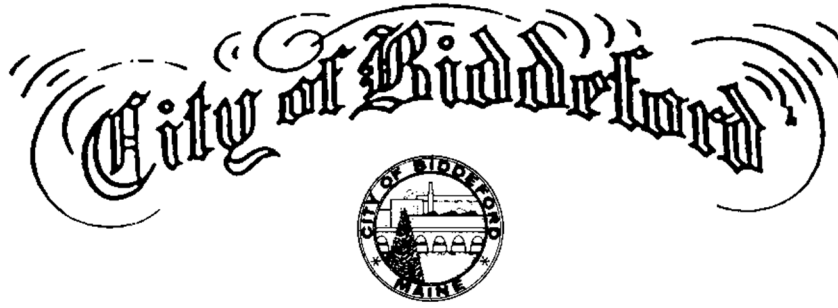
The way I interpret this Order as it is currently written, consumption of Alcoholic Beverages is legal ANYWHERE on St. Louis Field as long as it is not sold. If sold, it must comply with the Bureau of Alcoholic Beverages and the provider must be licensed. Playing devil's advocate here, what would stop someone from bringing in a cooler full of beer and consuming it on the Field, as long as it is not within the licensed area? So as to reflect to true intent of the City Council, and in keeping with proper licensing, I took the liberty to re-write the Council Order.

Funding Source:

N/A

Staff Recommendation:

Amend the Order



IN BOARD OF CITY COUNCIL...JUNE 7, 2022
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Parker Montano
319 Main Street, Apt. 2
Ward 6

to the *Airport Commission*, replacing Dean Tourigny, for a term to expire in
December 2023.

Carmen Bernier

From: noreply@civicplus.com
Sent: Wednesday, April 20, 2022 1:21 PM
To: Carmen Bernier
Subject: Online Form Submission #13563 for Committee, Board, and Commission Application Form

Committee, Board, and Commission Application Form

Name	Parker Montano
Street Address	319 Main Street apt #2 Biddeford Maine 04005
Mailing Address (If Different)	<i>Field not completed.</i>
Phone Number(s)	2073296380
Email Address	parker@pinetreehelicopters.com
(Section Break)	
Which City Committee, Board or Commission do you request to be appointed to?	Airport Commission
If other, please list below.	<i>Field not completed.</i>
Why are you interested in serving the City of Biddeford?	As a resident of Biddeford and as a member of the aviation community I believe it is my duty to serve the public in any way possible to help the health and safety of the aviation industry and the countless communities that this industry serves.
Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve.	I have been flying helicopters since 2015 and have been an FAA certificated flight instructor since 2017. I have 2 years of experience running a helicopter flight school and an additional 2 and a half years of owning and running my own helicopter company that provides Maine and New Hampshire with flight instruction, aerial tours, and aerial photography services. I have been serving on the Maine Aeronautical Advisory Board since 2020 advising the Department of Transportation on matters relating to aviation. I also have experience as a line service technician at a large FBO in Portland and I have volunteered and assisted in running an Aviation Career Education camp for kids aged 14-17 since 2014 to help education and create the next generation of people working in the aviation industry.

Please list any prior
experience serving on any
public Boards,
Commissions or
Committees (and
approximate dates).

I have been serving on the Maine Aeronautical Advisory Board
since June 30th 2020 advising the Department of
Transportation on matters relating to aviation.

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