

COUNCIL MEETING
JUNE 2, 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., Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Marc Lessard

Stephen St. Cyr joined at 6:11 p.m.
Doris Ortiz was excused.

Mayor Casavant took a moment to read the following sentiment:

The murder of George Floyd in Minneapolis, by a police officer, is horrifying, tragic, and incomprehensible. It is something that the people of Biddeford, as well as our police department, do not condone, as we all reject racial discrimination and all forms of discrimination.

While his death has unleashed the anger and frustration of thousands, across the country and the world, it also bares, for all to see, the tragedy and pain of institutional and individual racism in America.

While the calendar may read 2020, it is clear, that in many ways, our racist past still permeates our actions and thoughts. Too often, we turn a blind eye to the realities of what occurs throughout our country, perhaps hoping that it will simply go away, but while we do so, the ongoing onslaught of suffering and discrimination continues to fester.

Biddeford, for the past 150 years, has been home to many individuals of different races and creeds. Workers in the mill were Italian, Franco, Irish, Albanian, Greek, and many other nationalities. A strong Jewish population has been present, and the first mosque in America was in the mill. Even today, Biddeford is home to Iraqis, Somalis, Syrians, and others, who have been displaced by war, famine, and ethnic conflict. They came here because of our freedom, our ideals, and our aspirations.

Unfortunately, even here, in our community, the fear of the unknown too often undermines the relationships that people have with each other. Differences in religion, politics, sexual orientation, culture, race, and ethnicity provoke suspicion, and the demonization of those who are different morphs into the stereotypical and destructive tools of hate and bigotry.

Tonight, I ask the people of Biddeford for greater compassion. We need a community in which people are not defined by the color of their skin, but by what is in our hearts. While we justly must feel anger in the death of Mr. Floyd, we, as a community, must work towards embracing each other's differences, and be determined to stand up to intolerance, racism, and hate.

Let us embrace our common humanity and build bridges instead of walls. The evils of systematic racism, sexism, and poverty in America should have been dismantled decades ago, yet today we see more and more individuals espousing and amplifying words of division, mockery, and hate. Their vision of America the America in which I believe.

Let us start today, by reaching out to each other, and promising to work together to rekindle the American Dream. A few months ago, in response to a hate crime, I urged us all to reach out and heal the divisions among us. Throughout the nation, others, for decades, have urged the same, yet here we are, in June of 2020, still witnessing pain, suffering, poverty, and the feelings of hopelessness.

We, as Americans, can be better. We must be better. George Floyd did not deserve to die. Tonight, I ask myself what more must I do to eradicate hate and injustice. I ask you, once again, what can you do to change our community and to change America. Like you, I am tired of the hate, tired of the suffering, tired of the violence of words and actions. Let us heal together, by making our small part of America a home of love, a home of peace, and a home of compassion.

Adjustment to the Agenda:

- Add Executive Session: 1 MRSA 405(6)(E)...Consultation with Legal Counsel

Proclamation: Men's Health Month

Mayor Casavant read the Proclamation.

Consideration of Minutes: **May 19, 2020**

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

Vote: Unanimous.

Orders of the Day:

2020.41

IN BOARD OF CITY COUNCIL...JUNE 2, 2020

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, by adding new **Section 42-101 – Right Turn Only Streets**, to read as follows:

When so directed by a traffic control device, traffic movement is restricted to right turns ONLY. The following intersecting streets are so designated:

Lincoln Street at Elm Street

NOTE: This item was considered and recommended for passage by the Policy Committee at their May 21, 2020 meeting.

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

Vote: Unanimous.

2020.42

IN BOARD OF CITY COUNCIL...JUNE 2, 2020

BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2020 Freightliner plow truck as per quote of May 22, 2020 (the "Equipment") from Freightliner of Maine (the "Vendor") and may pay the Vendor an amount not to exceed \$169,708.00 (before grant valued at \$67,883.20) 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 \$169,708.00;
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 \$169,708.00, (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 2, 2020 and vote to recommend it to the City Council for approval. The purchase of this plow truck is included in the FY20 CIP budget line 21204-60603 as a lease

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

2020.43 **IN BOARD OF CITY COUNCIL..JUNE 2, 2020**
BE IT ORDERED, by the City Council of the City of Biddeford that the City Manager cause to provide notice to the citizens of Biddeford that a vehicle required to be registered in Maine after purchase or transfer of ownership or for which registration expires or has expired must be registered no later than close of business on June 30, 2020. Such notice shall be in accordance with the Governor's Executive Order 53-A FY19/20 issued May 26, 2020.

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

2020.44 **IN BOARD OF CITY COUNCIL..JUNE 2, 2020**
Emergency Ordinance: Permission to Utilize Public Space for Outdoor Retail and Restaurant Activity in the City of Biddeford.

Whereas, on Sunday, March 15, 2020, Governor Mills signed a [Proclamation of State of Civil Emergency](#) addressing the issues of the COVID-19 pandemic; and

Whereas, the Governor issued an additional proclamation that closed all restaurants and bars statewide, closed to dine-in customers effective March 18, 2020 at 6:00 p.m. and as of May 27, 2020, extended that indefinitely in York county; and

Whereas, with the gradual re-opening of the state of Maine, the Governor's office also promulgated rules governing the operation of restaurants and retail operations that will, when reopened, restrict the ability of Biddeford businesses to successfully deliver their product within existing confines; and,

Whereas, the City of Biddeford would like to assist area businesses in easing the use of public spaces adjacent to their operations, including sidewalks, parking spaces, streets or parks, to better serve the public during this pandemic;

Therefore, in accordance with Chapter 6, Article IV, of the City Code of Ordinances, the City of Biddeford declares the following emergency ordinance:

1. The city will use the special permit authority under Article IV, Special Events, to declare that public space, including sidewalks, parking spaces, streets or parks adjacent or nearby the operation of private retail and restaurant businesses may be made available for outside operations;
2. Permission may be granted in accordance with Section 6-143 and 6-144 through the existing special permit authority, except that for applications associated with this emergency ordinance a separate *Curbside Biddeford Temporary Outdoor Restaurant and Retail Operation Permit Application* shall be available; and,
3. This ordinance will be in place from June 5, 2020 at 5:00 pm until 9:00pm Monday, October 12th, 2020 or upon rescission or other relevant modification of Governor's Rural Reopening Plan, whichever comes first.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the emergency ordinance.

Motion by Councilor Ready, seconded by Councilor McCurry to amend the ordinance to include that after an administrative review, and a 24-hour review period of the City Council, the City Manager will have the authority to give approvals; unless there are objections, then the application will be considered by the Policy Committee.

Vote on amendment: Unanimous.

Vote on ordinance, as amended: Unanimous.

2020.35 **IN BOARD OF CITY COUNCIL..MAY 19, 2020**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve a Substantial Amendment in the 2019 Year Action Plan for changes related to the COVID-19 Virus and Care's Act Funding that add \$268,000 in funding for a job retention program for 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 remove the order from the table.
Vote: Unanimous.

Vote: 7/1; Councilor Quattrone opposed.
Councilors Emhiser, McCurry, St. Cyr, Clearwater, Belanger, Ready and Lessard in favor.

2020.36 **IN BOARD OF CITY COUNCIL..MAY 19, 2020**
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 3 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 remove the order from the table.
Vote: Unanimous.

Vote: 7/1; Councilor Quattrone opposed.
Councilors Emhiser, McCurry, St. Cyr, Clearwater, Belanger, Ready and Lessard in favor.

2020.37 **IN BOARD OF CITY COUNCIL..MAY 19, 2020**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve amendments to the Consolidated Plan for changes related to the COVID-19 virus and Care's Act Funding for 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 remove the order from the table.
Vote: Unanimous.

Vote: 7/1; Councilor Quattrone opposed.
Councilors Emhiser, McCurry, St. Cyr, Clearwater, Belanger, Ready and Lessard in favor.

2020.38 **IN BOARD OF CITY COUNCIL..MAY 19, 2020**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve amendments to the Citizen Participation Plan for changes related to COVID-19 virus and Care's Act Funding for the Community Development Block Grant (CDBG) Program of the U.S. Department of Housing and Urban Development.

Motion by Councilor Ready, seconded by Councilor McCurry to remove the order from the table.
Vote: Unanimous.

Vote: Unanimous.

2020.45 **IN BOARD OF CITY COUNCIL..JUNE 2, 2020**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into a 3-year contract with Maine Housing for \$500,000 to fund the 2-4 unit, owner-occupied housing program.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the order.
Vote: 7/1; Councilor Quattrone opposed.
Councilors Emhiser, McCurry, St. Cyr, Clearwater, Belanger, Ready and Lessard in favor.

Appointment:

IN BOARD OF CITY COUNCIL....JUNE 2, 2020
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

David Flood
36 May Street
Ward 7

to the *Zoning Board of Appeals*, for a term to expire in December 2022.

Motion by Councilor McCurry, seconded by Councilor Clearwater 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 noted that the Council was provided a synopsis that had been provided by Recreation Director, Carl Walsh, of what it would take to run a Summer Recreation Program this year; and the recommendation from Staff is that a program not be offered this summer. Mr. Walsh is still evaluating the possibility of putting together some day activities that could possibly take place throughout the summer.

The York County Budget is coming up for Public Hearing. The budget has come in with a proposed 3% increase. Jim offered to draft a letter, on behalf of the Council, if they have concerns that they would like expressed to the York County Commissioners. Councilor Lessard, who serves on the York County Budget Committee, stated that he is finding it impossible to make any amendments or changes to the proposed budget and is convinced that the budget will be passed as proposed. The general consensus of the Council is to have Jim submit a letter to the County expressing the displeasure of the Council at the proposed increase.

Jim thinks that the reopening of City Hall has been incredibly successful, and is pleased with how things have gone thus far. The Clerk's Office has been very busy, and the Staff has done great managing the volume of daily transactions coming in; as well as other City Hall Staff who are assisting with answering the Clerk's Office phone.

Councilor McCurry asked about having public meetings actually in public (as opposed to via ZOOM), and if there is a location to manage a public meeting while taking into consideration the social distancing guidelines. Councilor McCurry mentioned asking School Superintendent, Jeremy Ray about possibly using the Little Theater or the Tiger Gym. Jim said that he will follow up with Jeremy about this possibility.

Lastly, Jim intends to keep the current City Hall hours of 8:00 a.m. to 4:00 p.m. for the month of June, and will reassess as July approaches.

Other Business:

Councilor Clearwater: has heard from a lot of people who are very pleased to have City Hall and the Recycling Center reopen.

She thanked Mayor Casavant for opening the meeting with the statement he read into the record; and assured the public that the Council wants everyone who lives and visits Biddeford to feel at home in our community.

Councilor Quattrone: thanked all the teachers for getting through such a challenging end of the school year. Everyone did a phenomenal job! He noted that last week, the Biddeford School Department, along with the elected officials, visited students' homes and gave out ice cream.

Councilor Ready: echoed Councilor Clearwater's comment that Mayor Casavant's comments are fitting to how the Council feels about discrimination.

Councilor Ready stressed that the City needs to find a way to encourage folks to participate in the budget public hearing, no matter how the meeting is held.

Council President Addressing the Council: Councilor McCurry also thanked Mayor Casavant for his opening statement at tonight's meeting and echoed the sentiments made in the statement.

Councilor McCurry agrees with Councilor Ready that the City will have to do a good job at getting the word out about the budget public hearing.

Executive Session: 1 MRSA 405(6)(E)...Consultation with Legal Counsel

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

Vote: Unanimous.

Time: 7:45 p.m.

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

Vote: Unanimous.

Time: 8:19 p.m.

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

Vote: Unanimous.

Time: 8:20 p.m.

Attest by: _____
Carmen J. Morris, City Clerk