

**COUNCIL MEETING
MAY 2, 2017**

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

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Bob Mills, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

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

There were no adjustments to the agenda.

Recognition: University of New England Student Volunteer of the Year

Mayor Casavant recognized Reba Shapiro as the 2017 University of New England Student Volunteer of the Year and presented her with a plaque.

Proclamations:

- **Revive Civility Month**
- **National Day of Prayer**

Mayor Casavant read both proclamations.

Community Notes: Presentation by a Local Business – Fiber Materials, Inc.

Rob Pierson, President of Fiber Materials, Inc. (FMI) gave an introduction of who FMI is and what they do. FMI is a premier solution provider of Thermal-Structural Composites for the most extreme applications. FMI was founded in 1969 and employs approximately 180 crafts people right here in Biddeford. They are the only producer of non-bent fiber 3D and 4D composites; the number one producer of solid rocket nozzles; and have set the industry standard for space heat shields. Their products reach such markets as defense, space, aerospace and many others that FMI has recently started getting into. Their direct customers include Lockheed Martin, Raytheon, NASA, U.S. Air Force, U.S. Navy and others. What makes FMI products unique is that the fibers are non-bent; FMI offers the largest billet in the industry; the products are near net weaving; and they boast zero porosity or micro-cracking. FMI is excited to be and continue on the cutting edge of its field and technology.

Consideration of Minutes: April 18, 2017

Motion by Councilor Ready, seconded by Councilor McCurry to accept the minutes as printed.
Vote: Unanimous.

Orders of the Day:

2017.35

IN BOARD OF CITY COUNCIL...MAY 2, 2017

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS, Section 46-11**, Alcoholic beverages; fires; use of closed areas is amended by adding or ~~deleting~~ to read as follows:

Sec. 46-11 Alcoholic beverages; fires; use of closed areas.

(a) Intoxicating beverages.

(1) Liquor defined. For purposes of this subsection, "liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption which contains more than 1/2 of 1% of alcohol by volume.

(2) Prohibition. Except as specifically authorized in writing by the City Council, No person within in a city park, public beach, or athletic field, identified under section 46-5 of this Chapter, or in any parking area contiguous thereto ~~shall may transport~~, possess or consume liquor at any time.

(b) Fires. No person in a park shall build or attempt to build a fire, except at such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(c) Closed areas. No person in a park shall enter an area posted as "Closed to the Public," nor shall any person use or let the use of any area in violation of posted notices.

NOTE: The Policy Committee considered this item at their April 24, 2017 meeting and voted 4 to 1 in favor of forwarding to the City Council with a recommendation for adoption.

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

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

Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Belanger and Lessard in favor.

Motion carries.

2017.36

IN BOARD OF CITY COUNCIL..MAY 2, 2017

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 6, AMUSEMENTS, be amended by adding a new **ARTICLE V, Sales, Possession and Consumption of liquor at and during Special Events on City Public Property**, to read as follows:

In addition to the requirements set forth under Article IV of this Chapter, applications for the sale, possession and consumption of liquor at Special Events which are held on city public property, that falls within the jurisdiction of the City Council, must be completed on a form that has been approved by the City Clerk.

As used herein, "Liquor" means spirits, wine, malt liquor or hard cider, or any substance containing liquor, intended for human consumption, that contains more than ½ of 1% of alcohol by volume.

Sec. 6-175. Purpose.

This policy sets forth the procedures, requirements, and limitations on the use of City property for the service and/or sale of liquor at and during permitted special events. Special events do not include gatherings of family and friends in public parks, listed under Chapter 46, section 46-5. This policy is subject to and supplements any applicable provisions in the Code of Ordinances for special events on and other uses of City property.

Sec. 6-176. Properties Authorized for Special Events.

Whenever a Special Event has been specifically authorized by the City Council for the service and/or sale of liquor, this authorization shall be limited to income tax exempt organizations or governmental entities, and restricted to the following properties:

Facility:

Mechanics Park
Shevenell Park
St. Louis Field

Address:

Corner of Water & Main Streets
147 Main Street
284 Hill Street

Sec. 6-177. Reviewing Authority:

Applications for liquor on City Property for sale, possession, and/or consumption of liquor at special events shall be submitted along with the Event Application to the Biddeford Codes department not less than 30 (thirty) days prior to the special event, although the Codes Enforcement Officer may accept late applications in exigent or special circumstances.

Sec. 6-178. Restrictions and Permissions:

An Applicant who has received permission to sell or serve liquor during a special event must agree to the following restrictions in order to gain permission to serve liquor:

- Liquor is limited to malt liquor and wine only. No other spirits are permitted.
- Liquor may be sold and served for on-premises consumption only by a licensed caterer, or a non-profit organization registered with the Secretary of State, and licensed to sell alcoholic beverages through the Bureau of Alcoholic Beverages. Prior to the special event, the caterer, or the qualified non-profit organization, shall provide proof that the caterer has received all State and local licenses and permits necessary for the sale and service of liquor at the event, and shall provide a Certificate of Liquor Liability insurance in an amount to

be determined by the City, which Certificate names both the City of Biddeford and the Applicant as additional insureds.

- At least thirty (30) days prior to the event, the Applicant must provide to the City the following: (1) copy of all required permits, licenses and insurance certificates; (2) the name(s) and complete and accurate contact information for the State-licensed caterer, or qualified non- profit organization, who will be staffing the event; (3) the names and addresses of the trained servers who are expected to be staffing the event, together with evidence of their training; and (4) the name of a Responsible Party or Parties (which may also be the Applicant or caterer) designated by the Applicant to supervise the sale and/or service of liquor at, and during the special event.
- The Responsible Party listed on the Event Application shall serve as the contact person during the event, and one or more Responsible Party must be present on the site for the entire duration of the sale or service of liquor at the special event.
- The Security and Fees Chart below specifies the number of Security Personnel to be present, and the arrangements and expense for the same shall be borne by the Applicant.
- All liquor servers at the special event must have received TIPS training (Training for Intervention Procedures) approved by the State of Maine.
- Liquor may be served only in area(s) specifically laid out and identified as such in the special events application, reviewed by the City, and approved by the State of Maine Bureau of Alcoholic Beverages. The Applicant shall assure that signs are prominently posted that identifies liquor restrictions at all entrance and exit points.
- The Applicant must designate TIPS trained servers (number specified in chart below) to serve and oversee the area that is licensed for the sale and consumption of liquor at all times. This person is responsible for verifying the legal age of each person consuming or possessing liquor.
- The Applicant or its caterer is responsible for the purchase and transportation of all liquor to be sold or served at the special event.
- Patrons attending the event are strictly prohibited from bringing in their own beverages.
- Only a caterer or TIPS trained server may dispense beer from kegs or barrels. Proper recycling of empty liquor containers is the responsibility of the Applicant. No person less than 21 years of age may serve, possess and/or consume liquor.
- Oversized drinks, contests, volume discounts, or similar incentives are not permitted.
- The serving of all liquor must cease at least 30 minutes prior to the specified and approved closing time of the special event.
- All liquor and related containers must be removed from the premises immediately after the event. The Applicant must provide appropriate cleaning of the area sufficient to eliminate any liquor residue or smell on the premises.
- An adequate supply of food must be served and available to persons attending the special event. It is recommended that all event organizers take steps to encourage food consumption to help reduce the risk of intoxication. Non-liquor must be made available and at a lower cost than any liquor.

Security and Fees Chart

Number of people	1 - 100	101-200	201-300*
Security Personnel	Min. 1 Security Personnel	Min. 2 Security Personnel	Min. 3 Security Personnel
Liquor Permit Fee	\$150	\$150	\$150

Servers/Caterer (TIPS training)	Min. 1 TIPS trained server	Min. 2 TIPS trained server	Min. 3 TIPS trained servers
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* Requisite levels of staffing for special events with over 300 participants shall be determined by the reviewing authority on a case-by-case basis.

The City reserves the right to amend and/or impose additional policies, requirements, deposits and restrictions by Order of the City Council and/or as conditions imposed on one or more special events applicants.

Sec. 6-179. Termination of Activity.

The Code Enforcement Officer, Chief of Police, or their designee may order the immediate termination of the special event if the Applicant is found to be in violation of any term or condition of Applicant’s permit, or any State Statute or local ordinance or regulation. Upon such termination, all activities shall cease and all equipment, furnishings and other material shall be removed from the premises, and the premises cleaned and restored to its original condition forthwith.

Sec. 6-180. Assignment.

Permits issued pursuant to these Regulations are for the specific event, with a specific date, time and place listed on the application. Permits are not transferable or assignable to any other person, group or other entity.

Except as authorized herein, liquor may not be sold, served or consumed at any of the City’s athletic fields or playgrounds.

NOTE: The Policy Committee considered this item at their April 24, 2017 meeting and voted 4 to 1 in favor of forwarding to the City Council with a recommendation for adoption.

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

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

Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Belanger and Lessard in favor.

Motion carries.

2017.37 **IN BOARD OF CITY COUNCIL...MAY 2, 2017**

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 10, ANIMALS, ARTICLE II, DOGS, Section 10-35, Running at large on public ways prohibited; restraint required by adding or ~~deleting~~ to read as follows:

Sec. 10-35 Running at large on public ways prohibited; restraint required.

[Code 1975, § 5-30; amended 11-18-2014 by Ord. No. 2014.109]

Dogs on a public way or place shall be under restraint. For a dog to be "under restraint" as required in this section, it must be controlled by a leash, which shall not be more than eight feet long, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper, or in specially defined "off leash" areas.

Off-leash areas: All dogs must be within 50 feet of owner or keeper and be under voice control. "Voice control" is defined as being able to immediately call the dog back with one call.

Off-leash areas within the City include:

(1) Rotary Park: The river bank along the boat launch side of the park. This shall be defined as the area bordered by and including the boat launch, up the river bank to where the access road and the river split. The "river bank," for this purpose, is defined as up to but not including the dirt road in the park. Dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.

(2) Clifford Park: Dogs may be off leash and under voice command on designated trails in the wooded section of the park. This section is defined as the wooded area of the public park and 100 yards from all trail heads and parking areas.

(3) City Beaches: Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park. See Chapter 46, section 46-13 (d).

NOTE: The Policy Committee considered this item at their April 24, 2017 meeting and voted unanimously to forward to the City Council with a recommendation for adoption.

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

Vote: 8/1; Councilor St. Cyr opposed.

Councilors Swanton, McCurry, Quattrone, Mills, Belanger, Ready, Seaver and Lessard in favor. Motion carries.

2017.38 **IN BOARD OF CITY COUNCIL...MAY 2, 2017**

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, Parks. **Section 46-13** Park operating policy, is amended by adding or ~~deleting~~ to read as follows:

§ 46-13 Park operating policy.

A. Hours. All Parks, as defined herein, shall be open to the public every day of the year from dawn to dusk. In the event that activities are conducted at either the St. Louis Field or Mechanics Park for which there is an admission fee charged or access is otherwise controlled, no member of the public shall have the right to enter said Park areas without authorization and/or payment of such admission fee. The Director shall cause notices of the opening and closing hours to be posted in each individual Park for public information and enforcement purposes.

B. Closed areas. Any section or part of any Park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals (daily or otherwise).

C. Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any Park, or the closed area of any Park, except during the hours and times when such Park, or portion thereof, is open to the public as provided in this section.

D. Dogs horses and horse-drawn vehicles. Dogs, horses and horse-drawn vehicles are prohibited from entering or remaining in any Park or Beach areas. **Except as follows:**

(1) City Beaches:

No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are completely prohibited from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day after from September 16 to March 14. This subsection does not apply to the beach at Rotary Park.

(2) Rotary Park:

Horses or horse-drawn vehicles, or dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.

~~horses, horse-drawn vehicles or dogs may not use any part of the City's public beaches between the hours of 9:00 a.m. to 5:00 p.m. from May 25th to September 15th; No unleashed dog is allowed on any of the City's public beaches between the hours of 9:00 a.m. and 8:00 p.m. at Rotary Park, from May 25 to September 15 of each year. From September 16 and May 24, and during operating hours, dogs may be off leash and under voice command. Nothing herein is intended to prohibit the Recreation Commission from creating and maintaining a Dog Park, as defined herein under section 46-1(B), and for establishing rules and regulations governing the operation thereof.~~

NOTE: The Policy Committee considered this item at their April 24, 2017 meeting and voted unanimously to forward to the City Council with a recommendation for adoption.

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

Motion by Councilor Belanger, seconded by Councilor McCurry to amend the language by changing the word “after” to **from** in the section D (1), last sentence.
Vote: Unanimous.

Vote on first reading, as amended: 8/1; Councilor St. Cyr opposed.
Councilors Swanton, McCurry, Quattrone, Mills, Belanger, Ready, Seaver and Lessard in favor.
Motion carries.

2017.39 **IN BOARD OF CITY COUNCIL..MAY 2, 2017**
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, **Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

Summit Street, even-numbered side, from the intersection with Alfred Street thence northerly to the intersection with Round Hill Street.

BE IT FURTHER 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, **Section 42-90 No Parking**, is amended by adding or ~~deleting~~ to read as follows:

Summit Street, odd-numbered side, from the intersection with Alfred Street thence northerly to the intersection with Round Hill Street.

NOTE: The Policy Committee considered this item at their April 24, 2017 meeting and voted unanimously to forward to the City Council with a recommendation for adoption.

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

Motion by Councilor Lessard, seconded by Councilor Mills to amend the ordinance by eliminating the No Parking on the even-numbered side of the street; therefore, only approving the No Parking on the odd-numbered side.

Motion by Councilor Ready, seconded by Councilor McCurry to table this ordinance amendment back to the Policy Committee for further discussion and recommendation from the Police Chief.
Vote: Unanimous.

2017.40 **IN BOARD OF CITY COUNCIL..MAY 2, 2017**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager or designee to sign a contract with WC Cressey and Son of Kennebunk, Maine for a 36-passenger bus, as per the quote provided. This purchase is utilizing the state school bus bid to reduce cost. Total cost for the commercial style vehicle is \$100,960. Funding to be provided by the following accounts: \$44,672 by the 50 Plus Club, \$30,000 in allocated FY 17 Capital Improvement Program. (21202-60603), \$20,960 from the Recreation Program Fund, of which \$10,000 comes from Youth Camp Programs (31204), \$5,000 Youth Sports Programs (31211), and \$5,960 Ross Center Programs (31220), balance of \$5,328 in the Teen Center Programs Funds (31202) as a no interest loan to the 50 Plus Club.

NOTE: The Finance Committee will consider this item at their May 2, 2017 meeting.

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

2017.41 **IN BOARD OF CITY COUNCIL..MAY 2, 2017**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby enter into an Agreement for the operation of a shared Finance Department with the City of Saco.

NOTE: The Personnel Committee will consider this item at their April 26, 2017 meeting.

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

Motion by Councilor McCurry, seconded by Councilor Mills to approve this order with a sunset provision that the approval will stand until May 16th, unless the City of Saco makes a final decision to approve a shared Finance Director before this date.

Vote: 7/2; Councilors Swanton and St. Cyr opposed.

Councilors McCurry, Quattrone, Mills, Belanger, Ready, Seaver and Lessard in favor.

Motion to amend carries.

Vote on order, as amended: 8/1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Mills, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

2017.42

IN BOARD OF CITY COUNCIL... MAY 2, 2017

BE IT ORDERED, that City Manager, James Bennett's appointment of Cheryl Fournier to be the Finance Director for the City of Biddeford, be confirmed.

Motion by Councilor Ready, seconded by Councilor Seaver to table the appointment until a Shared Finance Director Agreement has been approved by both Biddeford and Saco.

Vote: Unanimous.

2017.43

IN BOARD OF CITY COUNCIL.....MAY 2, 2017

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 \$3,583.00 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.CR-16-657. These funds shall be transferred to the City of Biddeford, to satisfy the City of Biddeford's match to the Saco Biddeford Opiate Outreach Initiative.

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

Vote: Unanimous.

2017.44

IN BOARD OF CITY COUNCIL...MAY 2, 2017

BE IT ORDERED, that the City Council of the City of Biddeford does hereby set the date, time and place for a General Meeting of the citizens, as per the petition filed with and certified by the City Clerk on April 25, 2017.

We the undersigned, duly registered voters of the City of Biddeford, qualified to vote at a General Election, in accordance with the Charter of the City of Biddeford, do hereby call for a meeting of the citizens to address concerns of taxation without representation. Topics including, but not limited to, neglect of Waterhouse Field and overzealous spending downtown are to be discussed and addressed at this meeting.

This meeting will be held in accordance to the rules of the City Charter. A moderator will be chosen by majority vote of the citizens attending the meeting.

Per the **City Charter, ART. XII – Miscellaneous Provisions**

Sec. 4. General meetings of citizens.

General meetings of the citizens qualified to vote in the City affairs may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress of any grievances according to the right secured to the people by the Constitution of this State; and such meetings may and shall be duly warned by the City Council, upon the requisition of 100 qualified voters of said City. A moderator shall be selected by majority vote of the citizens attending the meeting.

NOTE: The citizen requesting the General Meeting has requested a meeting date of Wednesday, May 3, 2017 at 7:30 p.m.

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

Motion by Councilor McCurry, seconded by Councilor Quattrone to table this order until after the budget has been approved due to the fact that the items of discussion specified on the petition are being discussed and dealt with during the budget process.
Vote: Unanimous.

2017.45

IN BOARD OF CITY COUNCIL..MAY 2, 2017

BE IT ORDERED, that the City Manager of the City of Biddeford is hereby authorized to purchase new planters and the plantings as part of the rebuilding of the sidewalks in the downtown area; as well as appropriate funds for the maintenance of the downtown area plantings. The total cost of the downtown plantings project, including maintenance, is \$41,511, of which \$21,000 will be paid from unexpended funds in the CDBG Program, leaving a net balance of \$16,511 being paid from TIF funds.

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

Order Approving Refinancing of the City's 2010 and 2011 Bonds

2017.46

IN BOARD OF CITY COUNCIL...MAY 2, 2017

BE IT ORDERED, by the City Council of the City of Biddeford as follows:

WHEREAS, in 1999, the City of Biddeford, Maine issued its \$11,600,000 General Obligation Bonds (the "1999 Bonds") to finance wastewater treatment plant and CSO improvements and road, parks, parking and other miscellaneous public improvements; and

WHEREAS, in 2010, the City issued its \$15,280,000 General Obligation Bonds (the "2010 Bonds"), with \$9,695,000 currently outstanding, to finance road and CSO improvements and to refund the City's a portion of the City's 1999 Bonds (the "2010 Projects"); and

WHEREAS, in 2011, the City issued its \$32,000,000 2011 General Obligation Bonds (the "2011 Bonds" and together with the 2010 Bonds, the "Prior Bonds"), with \$24,320,000 currently outstanding, to finance improvements to Biddeford High School (the "2011 Project" and together with the 2010 Projects, the "Prior Project"); and

WHEREAS, due to the drop in interest rates, the City desires to advance refund and refinance some or all of the Prior Bonds through issuance of its general obligation refunding bonds in order to achieve debt service savings;

1. Pursuant to 30-A M.R.S.A. §5772, Article XI, Section 6 of the City Charter, and all other authority thereto enabling, the City Council hereby authorizes and approves the refinancing of the Prior Bonds and in furtherance thereof authorizes and approves the issue and sale of the City's general obligation refunding bonds in the principal amount not to exceed Thirty-four Million Fifteen Thousand Dollars (\$34,015,000) (the "Bonds"), the proceeds of which (including bond premium and investment earnings thereon, if any) are hereby appropriated and shall be be used to refinance and advance refund some or all of the Prior Bonds, to pay redemption premium and interest accrued and unpaid on the Prior Bonds to the redemption date, issuance costs and any other costs related or ancillary thereto.

2. That the Bonds shall be signed by City Treasurer and the Mayor, sealed with the seal of the City, attested by the City Clerk;

3. That the Mayor and City Treasurer be and hereby are authorized to prepare, issue, and sell such Bonds, without public bidding, at one time or from time to time, as one or more separate issues, and to determine the date, form, interest rate, maturities (with the last maturity not to exceed the last maturity of the Prior Bonds), and all other details of the Bonds, including whether the Bonds shall be callable, with or without premium, prior to their stated date of maturity and the form and manner of their sale and award, which may be on either a competitive bid or a negotiated basis;

4. That the City Manager be and hereby is authorized to select the underwriter, registrar, paying agent and transfer agent for the Bonds, without public bidding, and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure such services;

5. That the City Treasurer be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement (or other offering document) for use in the offering and sale of the Bonds, such Preliminary Official Statement and Official Statement (or other offering document) to be in such form and contain such information as may be approved by the City Treasurer, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement (or other offering document) in the name of and on behalf of the City in connection with offering the Bonds for sale be and hereby is approved;

6. That the City Treasurer be and hereby is authorized to covenant and certify in the name of and on behalf of the City that no part of the proceeds of the issue and sale of the Bonds or the Prior Projects shall be used

directly or indirectly in a manner that would cause such Bonds to be “private activity bonds” or “arbitrage bonds” within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended;

7. That the officers and officials executing the Bonds be and hereby are individually authorized to covenant and agree, in the name of and on behalf of the City, for the benefit of the holders of such Bonds, that the City will file any required reports and take any other action that may be necessary to insure that interest on the Bonds will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds to be subject to federal income taxation;

8. That the City Treasurer be and hereby is authorized and empowered in the name of and on behalf of the City, to do or cause to be done all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, agreements, refunding escrow agreements, certificates and other documents, including but not limited to IRS Form 8038-G and a continuing disclosure agreement that meets the requirements of Securities and Exchange Commission Rule 15c2-12, as may be necessary or appropriate as determined and approved by the City Treasurer in connection with the refinancing of the Prior Bonds, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the City Treasurer such approval to be conclusively evidenced by his execution thereof;

9. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and also any such Bonds may be signed and sealed in the name of and on behalf of the City by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the City, although at the nominal date of such Bonds any such person shall not have been such officer or official; and

10. That if the Mayor, the City Treasurer or City Clerk are for any reason unavailable to approve and execute the Bonds or any other documents necessary or convenient to the issuance, execution and delivery of the Bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

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

Appointment:

IN BOARD OF CITY COUNCIL...MAY 2, 2017

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

**John B. Gilbert
52 Old Pool Road
Ward 1**

to the *Biddeford Police Advisory Committee (BPAC)*, for an initial term to expire in December 12/2018.

Motion by Councilor Ready, seconded by Councilor Lessard to confirm the appointment.
Vote: Unanimous.

City Manager Report:

City Manager, James Bennett had a couple things to report:

1. The Ribbon Cutting ceremony for Laconia Plaza is scheduled for Thursday, May 11th at noon. The Council is encouraged to attend.
2. In light of the passage of Order 2017.45, all plantings in the downtown and surrounding areas will be completed by Memorial Day.

Public Addressing the Council..(3 minute limit per speaker; 30 minute total time limit)
Three citizens addressed their comments to the Council.

Other Business:

Councilor Lessard; reminded his fellow Councilors that he will be attending the York County Budget Meeting tomorrow evening, so therefore, will not be at the Budget Committee meeting.

Councilor Quattrone; asked if it was possible to have the second reading of Order 2017.36 at tonight’s meeting. The City Solicitor, Keith Jacques, explained that there would need to be a stated emergency (something regarding the health and safety of the public), in order to suspend the rules and allow for a second reading at this meeting.

Councilor McCurry stated that it could possibly be done as a reconsideration (of the last motion of that order).

Motion by Councilor McCurry, seconded by Councilor Swanton to reconsider the previous motion on Order 2017.36.

After further explanation from the City Solicitor, Councilors McCurry and Swanton withdrew their motion to reconsider.

Councilor Swanton: noted that there was a Public Meeting held last night (May 1st) to discuss the conditions and needed renovations of the City's athletic fields, and specifically, Waterhouse Field. He is disappointed in the lack of turnout and community interest in this million dollar project.

Council President Addressing the Council: Councilor McCurry also attended the Public Meeting last night; and he has also attended School Committee meetings when the Waterhouse Field issue has been discussed; and he noted that there have been no complaints made to the School Committee about this issue. He urged citizens to go to the School Committee meetings and voice their concerns about the future of the City's athletic fields.

Councilor McCurry informed folks that the Public Hearing for the School Department budget has been scheduled for May 10th, and the Public Hearing for the City Government budget will be scheduled within the next couple of weeks. He urged citizens to attend these public hearings and voice their concerns about the budgets.

Councilor McCurry would like City Staff to take a look at how the City is regulating medical marijuana and if the regulations are stringent enough to prevent huge amounts of growing of medical marijuana in residential homes and apartments.

Mayor Addressing the Council: Mayor Casavant, in speaking on the Waterhouse Field issue, stated that the issue will take some short-term and long-term solutions. What's important is that the City and School Department are budgeting for the renovations that are needed at the City's fields.

Mayor Casavant clarified that TIF funds and user fees cannot be used for the Waterhouse Field renovations; and folks need to stop equating this project with the parking garage issue.

At this past weekend's first Art Walk of the season, Mayor Casavant was pleased to have so many people approach him and speak of how proud they are of all the positive changes happening in Biddeford.

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

Vote: Unanimous.

Time: 7:52 p.m.

Attest by: _____
Carmen J. Morris, City Clerk