

**COUNCIL MEETING
MAY 1, 2018**

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., Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

Victoria Foley was excused.

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

Adjustments to the Agenda:

- Add Proclamation: National Day of Prayer
- Remove **Order 2018.40**

Proclamations:

- ***Kids to Park Day – May 19th, 2018***
- ***National Day of Prayer – May 3rd, 2018***

Mayor Casavant read the proclamations.

Presentation: **Police Department Annual Report**

Police Chief, Roger Beaupre gave an overview of the 2017 Annual Report of the Police Department activities. The full report can be found on the City's website: biddefordmaine.org/police.

Consideration of Minutes: **April 17, 2018**

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

Second Reading:

{For a copy of the ordinance amendment and first reading, see the Council Meeting minutes of April 17, 2018}

2018.35) Amendment/Ch. 62-Streets, Sidewalk and other Public Places/Sec. 62-57-Displaying merchandise, goods, wares; standards for tables and chairs, and the service and consumption of alcoholic beverages/Add Outside Non-Contiguous Seating

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

Vote: 6/2; Councilors Lessard and Ready opposed.

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

Motion carries.

Orders of the Day:

2018.39

IN BOARD OF CITY COUNCIL.....MAY 1, 2018

BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2018 McNeilus wastepacker as per NJPA bid (the "Equipment") from McNeilus Truck and Manufacturing Inc.(the "Vendor") and may pay the Vendor an amount not to exceed \$282,935.00 for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$282,935.00;
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 \$282,935.00, (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 1, 2018 meeting.

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

Vote: 7/1; Councilor Lessard opposed.

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

Motion carries.

2018.41

IN BOARD OF CITY COUNCIL...MAY 1, 2018

WHEREAS, the Biddeford City Council finds and determines as follows:

1. The City Council has approved a safety project to remove trees that present a hazard to aircraft and obstruct the runway approach surface to Runway 24 at the Biddeford Municipal Airport; and
2. The City has approached property owners whose property contains trees that obstruct the runway approach surface to Runway 24 to obtain by agreement necessary avigation easements over their property for the public purpose of providing unobstructed air space and safe approaches for the landing and taking off of aircraft using the Biddeford Municipal Airport; and
3. The City has obtained by agreement avigation easements from six property owners whose properties are identified in blue on the Easement Map for the Biddeford Municipal Airport which is included in the City Council meeting packet (the “Easement Map”); and
4. The City has paid just compensation for said avigation easements to the six property owners as established by appraisals performed by Donald S. Welinsky, MAI, a Maine Certified General Real Estate Appraiser, which appraisals were peer reviewed by Leland E. Buzzell, a Maine Certified General Real Estate Appraiser; and
5. Four property owners whose properties are highlighted in yellow on the Easement Map, namely Cory Grattelo, 288 Granite Street, Parcel 19-18-1; John Dee, 6 Lizotte Avenue, Parcel 19-16-2; Ryan and Erin Huntington, 262 Granite Street, Parcel 19-20; and Robert Dee, Jr., 272 Granite Street, Parcel 19-16-1 (hereinafter collectively the “Four Property Owners”) have declined to voluntarily provide avigation easements; and
6. Public exigency requires that the City obtain the four avigation easements for a public purpose, namely the safety of its Municipal Airport and the general public; and
7. The City is authorized pursuant to 6 M.R.S. §122 to acquire by eminent domain air rights and easements over private property adjoining airports in order to provide unobstructed air space and safe approaches for the landing and taking off of aircraft using such airports; and
8. Donald S. Welinsky, MAI, a Maine Certified General Real Estate Appraiser has performed an appraisal of the four properties and has determined that the damages related to the proposed avigation easements and the just compensation for the taking of the avigation easements are as follows:
 - a. Cory Grattelo, 288 Granite Street, \$15,000.00;
 - b. John Dee, 6 Lizotte Avenue, \$7,500.00;
 - c. Ryan and Erin Huntington, 262 Granite Street, \$12,500.00
 - d. Robert Dee, Jr. 272 Granite Street, \$25,000.00

The Welinsky Appraisal Reports and findings have been peer reviewed by Leland E. Buzzell, a Maine Certified General Real Estate Appraiser.

9. The Four Property Owners have received Notices of Meeting dated April 13, 2018 advising them that the City at its May 1, 2018 City Council meeting would consider taking by eminent domain the avigation easements attached to their Notices of Meeting.

BE IT ORDERED AS FOLLOWS:

1. The City of Biddeford hereby approves the taking by eminent domain of four avigation easements, copies of which are attached, establishing air rights over the below properties of the Four Property Owners in order to remove hazards and provide unobstructed air space and safe approaches for the landing and taking off of aircraft at the Biddeford Municipal Airport:

- a. Cory Grattelo, 288 Granite Street, Map 19, Lot 18-1, York County Registry of Deeds Book 16601, Page 457;
- b. John Dee, 6 Lizotte Avenue, Map 19, Lot 16-2, York County Registry of Deeds Book 8206, Page 313;
- c. Ryan and Erin Huntington, 262 Granite Street, Map 19, Lot 20, York County Registry of Deeds Book 17126, page 203;
- d. Robert Dee, Jr., 272 Granite Street, Map 19, Lot 16-1, York County Registry of Deeds Book 1680, Page 149.

2. The City of Biddeford shall pay the following amounts to the following Four Property Owners and their mortgage holders, where applicable, as just compensation for the avigation easements:

- a. Cory Grattelo and United Wholesale Mortgage - \$15,000.00
- b. John Dee and Biddeford Savings Bank - \$7,5000.00
- c. Ryan Huntington, Erin Huntington and Mortgage Research Center, LLC d/b/a Veterans United Home Loans - \$12,500.00
- d. Robert Dee, Jr. - \$25,000.00

3. The City Manager is hereby directed to execute the attached four avigation easements and to record said Avigation Easements in the York County Registry of Deeds.

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

Motion by Councilor Seaver, seconded by Councilor Belanger to suspend the rules and allow David Lorie, the lawyer representing Robert Dee, Jr., longer than three minutes to address his comments to the Council.

Vote: 4/4; Councilors Lessard, Quattrone, St. Cyr and McCurry opposed.

Councilors Swanton, Belanger, Ready and Seaver in favor.

Mayor Casavant voted in favor to break the tie. Motion carries.

Vote on order: 4/4; Councilors Swanton, Lessard, Quattrone and St. Cyr opposed.

Councilors McCurry, Belanger, Ready and Seaver in favor.

Mayor Casavant voted in favor to break the tie. Motion carries.

Committee of the Whole: Moving of City Hall Offices

Motion by Councilor Swanton, seconded by Councilor Belanger to move into Committee of the Whole.

Vote: 3/5; Councilors Lessard, Ready, Quattrone, St. Cyr and McCurry opposed.

Councilors Swanton, Belanger and Seaver in favor.

Motion fails.

Appointments:

IN BOARD OF CITY COUNCIL...MAY 1, 2018

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

**Carina Walter
1 Parkview Court, #132
Ward 6**

to the *Historic Preservation Commission*, for a term to expire in December 2021.

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

IN BOARD OF CITY COUNCIL...MAY 1, 2018

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

Carina Walter
1 Parkview Court, #132
Ward 6

to the *Project Canopy Committee*, for a term to expire in December 2022.

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

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

City Manager Report:

City Manager, James Bennett noted the following:

- 1) Finance Director, Cheryl Fournier gave an end of the FY18 Forecast at the Finance Committee meeting. She is projecting that \$478,000 will be contributed to the Unassigned Fund Balance.
- 2) MPERS Retirement Plan has recently changed some of the rules that will affect some of the future retirees. Due to these changes, the City Assessor, Frank Yattaw has submitted his resignation and will retire as of June 30, 2018.

Other Business:

Councilor Lessard: thanked the City Manager for recently writing and submitting a letter to Amtrak outlining the safety issues around closing down a portion of Main Street in Saco whenever Amtrak loads and unloads passengers.

Councilor Swanton: announced that Councilor Lessard was re-elected to the York County Budget Committee.

Executive Session: 1 MRSA 405(6)(D)...Labor Contract Negotiations

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

Vote: Unanimous. Time: 7:31 p.m.

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

Vote: Unanimous. Time: 8:32 p.m.

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

Vote: Unanimous. Time: 8:32 p.m.

Attest by: _____
Carmen J. Morris, City Clerk

