

**COUNCIL MEETING
APRIL 20, 2021**

*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., Stephen St. Cyr, Robert Quattrone, Jr., Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

Amy Clearwater was excused.

Adjustment to the Agenda:

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

Consideration of Minutes: **April 6, 2021**

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

Vote: Unanimous.

Orders of the Day:

2021.31

IN BOARD OF CITY COUNCIL..APRIL 20, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby endorse Biddeford's Mayor, Alan Casavant, to take the *National Wildlife Federation Mayors' Monarch Pledge* on behalf of the City of Biddeford. The purpose of the pledge is described below:

"Mayors and other heads of local and tribal government are taking action to help save the monarch butterfly, an iconic species whose eastern populations have declined by 90% and western populations by 99% in recent years. Through the National Wildlife Federation's Mayors' Monarch Pledge, U.S. cities, municipalities, and other communities are committing to create habitat for the monarch butterfly and pollinators, and to educate residents about how they can make a difference at home and in their community."

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

Vote: Unanimous.

2021.32

IN BOARD OF CITY COUNCIL..APRIL 20, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into the following Agreement for the Diamond Match Site Development:

AGREEMENT

Agreement made this ____ day of March 2021, by and between **LORD & HARRINGTON, LLC**, a Maine limited liability company with a place of business in Kennebunkport, Maine, or its assigns (hereafter collectively "L&H") and the **CITY OF BIDDEFORD**, a municipal corporation with a place of business in Biddeford, Maine (hereafter "City").

WHEREAS, L&H has entered into a certain "Contract for the Sale of Commercial Real Estate" with Gloves Etc, Inc. to purchase a certain lot or parcel of land, with the buildings thereon, situated at 1 Diamond Street in said Biddeford (hereafter the "Diamond Property"), which has a Biddeford Tax Map designation as Lot 1 in Block 25 on Tax Map 40; and

WHEREAS, the City of Biddeford is the owner of a certain lot or parcel of unimproved land situated off Main Street in said Biddeford (hereafter the "City Property"), which has a Biddeford Tax Map designation as Lot 2 in Block 25 on Tax Map 40; and

WHEREAS, L&H desires to acquire the City Property and to join it with the Diamond Property, in order to develop a multi-unit, multi-building residential project (involving both fee ownership and rental units) on the combined properties (hereafter the "Project"); and

WHEREAS, the City is willing to transfer the City Property to L&H, upon the undertaking of certain actions by L&H as set forth in this Agreement; and

WHEREAS, the parties desire to set forth their understandings and Agreements in writing.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the sufficiency of which is acknowledged, the parties hereto agree as follows:

1. Conveyance of City Property. Upon the completion of or compliance with the undertakings of L&H as set forth hereinafter, City agrees that it will convey the City Property to L&H by a Municipal Quitclaim Without Covenant (Release) Deed. The parties recognize and agree that the City shall maintain an easement on the City Property for necessary stormwater/sewer separation projects.
2. Approval of Project. Upon the execution of this Agreement, which the parties agree provides sufficient right, title and interest to L&H in the City Property, L&H agrees to proceed with seeking necessary city and state approvals for the Project. The City agrees that it shall enter into a Contract Zone Agreement with L&H to enable the project to be approved and developed.
3. Additional Undertaking by L&H. In consideration of the conveyance to L&H of the City Property, L&H agrees that it shall undertake the following actions:
 - A. As part of the project, L&H will construct at its expense a so-called "River Walk" along the entire shore of the Saco River on both the Diamond Property and the City Property. The location, dimensions, and design of the River Walk shall be mutually agreed upon by L&H and the City. Upon completion of the River Walk, L&H shall grant an easement to the City over the River Walk for use by the public.
 - B. L&H agrees that it will use its best efforts to acquire a certain property in Biddeford, identified between the parties to this Agreement as "Property A," and develop the same as a multi-unit residential building. In the event that L&H is unable to reach agreement with the owner of Property A for its acquisition, L&H shall pay the City the sum of one million dollars (\$1,000,000.00) as additional consideration for the conveyance of the City Property.
4. Closing; Transfer. Upon approval of the project from the City Planning Board, any other City Agencies and from the State of Maine, and upon evidence that L&H is proceeding in using its best efforts to obtain Property A, the City and L&H will schedule a closing on the conveyance of the City Property, such closing to be held within fifteen (15) days after the closing by L&H on the acquisition of the Diamond Property. Each party will be responsible for its own expenses, assessments and fees associated with such closing.
5. Miscellaneous. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their successors, heirs, assigns, and personal representatives. This Agreement completely expresses the obligations of the parties hereto and shall not be modified without the written consent of all the parties. This Agreement and the legal relations between the parties shall be governed by and construed in accordance with the laws of the State of Maine.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as to the day, month and year first above written.

Lord & Harrington, LLC

Witness:

By: _____
Timothy Harrington, Manager

City of Biddeford

Witness

By: _____
James A. Bennett, City Manager

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

Motion by Councilor Ready, seconded by Councilor Lessard to move into Executive Session, per 1 MRSA 405(6)(C)...Real Estate Matter.

Vote: Unanimous.

Time: 6:07 p.m.

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

Vote: Unanimous.

Time: 7:03 p.m.

Motion by Councilor McCurry, seconded by Councilor Ready to table the order.

Vote: Unanimous.

2021.33

IN BOARD OF CITY COUNCIL..APRIL 20, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby support the City Manager, or his designee, to serve in an Intervener status with the Maine Public Utilities Commission (MPUC) in matters concerning Maine Water.

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

Vote: Unanimous.

Appointments:

IN BOARD OF CITY COUNCIL..APRIL 20, 2021

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

**William MacKeil
651 Pool Street
Ward 1**

to the *Harbor Commission*, for a term to expire in December 2023.

Motion by Councilor McCurry, seconded by Councilor Emhiser to confirm the appointment.

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...APRIL 20, 2021

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

**Lisa Brunelle
141 West Street
Ward 3**

to the *Solid Waste Management Commission*, for a term to expire in December 2024.

Motion by Councilor McCurry, seconded by Councilor Emhiser to confirm the appointment.

Vote: Unanimous.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
One citizen addressed her concerns to the Council.

City Manager Report:

City Manager James Bennett noted that a budget memo has been distributed to the Council that addresses the outstanding issues that the Budget Committee needs to deal with. This Thursday, April 22nd, the Budget Committee will meet to discuss the outstanding budget issues and hopefully move forward on some of the items included in the memo. There are a couple of items that are still being worked on and information will be provided as it becomes available.

For Thursday's Budget Committee meeting, Councilor McCurry would like to know a couple things:

- He would like an update on the April 27th COVID vaccination clinic scheduled to take place in Biddeford.
- He also asked about the recycling contamination and where the City is at as far as what we are being charged – especially since this may have to be dealt with in budget discussions.

Other Business: there was no Other Business brought up.

Council President Addressing the Council: Councilor McCurry reminded folks that the Budget Committee will resume meetings this coming Thursday and he urged citizens to get involved and understand why their taxes may go up.

Mayor Addressing the Council: Mayor Casavant thanked the City Manager Jim Bennett and Chief Operating Officer Brian and Staff for the budget that has been proposed. This particular budget has been challenging due to the ever-changing issues, and he gave Staff kudos for all their efforts.

Executive Session:

- **1 MRSA 405(6)(E)...Consultation with City Attorney**
- **1 MRSA 405(6)(D)...Labor Contract Negotiations**

Motion by Councilor McCurry, seconded by Councilor Lessard to move into Executive Session.
Vote: Unanimous. Time: 7:22 p.m.

Motion by Councilor McCurry, seconded by Councilor Lessard to move out of Executive Session.
Vote: Unanimous. Time: 7:56 p.m.

Motion by Councilor Emhiser, seconded by Councilor McCurry to adjourn.
Vote: Unanimous. Time: 7:56 p.m.

Attest by: _____
Carmen J. Morris, City Clerk