

City of Biddeford

City Council

September 3, 2024 at 6:00 PM

City Hall Council Chambers & Zoom

1. Roll Call

Council President LaFountain – present

Councilor Lessard – present

Councilor Ortiz – excused

Councilor Belanger – present

Councilor Gross – present

Councilor Doughty – present

Councilor Beaupre – present

Councilor Whiting – present

Councilor Emhiser – present

Mayor Grohman – excused. Council President LaFountain will run the meeting.

Councilor Beaupre – motion to name Councilor Lessard as President Pro Tempore

Second – Councilor Belanger

Vote – Unanimous in favor.

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

None

4. Recognition

4.a Fire Department Promotions: Chief Best described the Fire Department process and read a short biography of each candidate. The City Clerk gave the Oath of Office to each candidate.

Captain/Paramedic Andrew Stevenson

Lieutenant/Paramedic Benjamin Brown

Lieutenant/Paramedic Breenna Ross

5. Appointments

5.a 2024.140 Approval/Mayoral Appointments to Citizens Committees

Motion: Councilor Beaupre

Second: Councilor Lessard

Councilor Lessard asked about the trust fund.

City Manager Jim Bennett gave a brief history of the fund and how it is managed.

Vote: Unanimous in favor.

Motion passed.

6. Public Addressing the Council

One person spoke about their attempts to find housing.

7. Consideration of Minutes

7.a Approval Council Minutes 8-20-24

Motion: Councilor Whiting

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

8. Second Reading

8.a 2024.132 Approval/Ch. 70 Ordinance Revision (Sewer Permit Fees)

Motion: Councilor Emhiser

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

8.b 2024.133 Approval/Establishment of a New Sustainability Commission

Motion: Councilor Emhiser

Second: Councilor Lessard

Citizen comments – one person spoke in favor of the item.

Vote: Unanimous in favor.

Motion passed.

9. Orders of the Day

9.a 2024.141 Heart of Biddeford waiver request for October Fest

Motion: Councilor Beaupre

Second: Councilor Lessard

Heart of Biddeford Assistant Director Abby Leibowitz thanked everyone for a great River Jam. She explained the reason for the request for the waiver. The new fees started after their budget process was completed. They appreciate the work that the City puts into their events and understand the costs, they consider themselves a partner with the City to host these events that have a direct economic impact on the businesses in the City.

Councilor Beaupre motion to waive all City fees for this event.

Second: Councilor Lessard

Vote on the amendment – Unanimous in favor.

Amendment passed.

Vote on the order as amended: Unanimous in favor.

Motion passed.

9.b 2024.142 Heart of Biddeford October fest

Motion: Councilor Belanger

Second: Councilor Lessard

Abby Leibowitz said that they expect Octoberfest to draw 1,700 people. Last year local businesses reported that it was their best day in the fall season.

Vote: Unanimous in favor.

Motion passed.

9.c 2024.143 Tidewater Estates Lot 5 Consent Agreement

Motion: Councilor Emhiser

Second: Councilor Whiting

The developer discussed the issue and the mistake that was made.

Councilor Lessard – the mistake is very large and sets a precedent for any future development mistakes to be handled, intentional or unintentional. He will not support this. He would only support it if the developer forfeited all profit.

Code Enforcement Officer Roby Fecteau described the process, and the fee was based on others in York County.

Vote: 3 yeas – Councilors Belanger, Whiting, and Emhiser

5 nays – Councilors LaFountain, Lessard, Gross, Doughty and Beaupre

Motion failed.

9.d 2024.151 Approval/EV Charger Station

Motion: Councilor Belanger

Second: Councilor Lessard

Councilor Whiting asked about the Water St. location.

Councilor Beaupre expressed concern about the charging station being placed in a paid parking lot.

Councilor Emhiser asked if they can get two stations with the grant?

Brad Favreau, City Planning and Development reviewed the two options, the criteria of the grant and answered questions.

Councilor Belanger – motion to strike out option 1 and choose option 2.

Second – Councilor Gross

Councilor Lessard – explained that when this was presented to the Finance Committee a few weeks ago he requested these options from Brad Favreau, and he thanked him for all of the work he has put into this. He has done more research on the function of a site plan in the grant process and now he supports option 1.

Councilor Belanger expressed concern with spending money on the site plan. In the world of EVs, the plan would be out of date before anything could be implemented.

Vote on the amendment: 3 yeas – Councilors Belanger, Gross and Whiting

5 nays – Councilors Lessard, Doughty, Beaupre, Emhiser and LaFountain.

Amendment failed.

Councilor Belanger Point of Order – asked about the role of the Council President in breaking a tie. City Solicitor Harry Center explained that he wasn't breaking a tie in this case, he was switching his vote to the negative, therefore the motion failed.

Councilor Belanger - Motion to choose option 1.

Second – Councilor Lessard.

Vote: 7 yeas – Councilors Lessard, Belanger, Doughty, Beaupre, Whiting, Emhiser and LaFountain.

1 nay – Councilor Gross.

Motion passed.

9.e 2024.150 Approval for Eastern Fire/EMS Station Land Transfer Agreement

Motion: Councilor Whiting

Second: Councilor Lessard

Public comments: 5 citizens spoke against this item with comments about the details of the agreement, losing public access to the water, the scholarship program, traffic issues, the reverter clause and missing information in the contract. They spoke in favor of the need for the fire station.

Councilor Emhiser – the site committee created a plan that is in the best interest of a broad range of citizens and the City is working on this in good faith with UNE.

City Manager Bennett spoke about the process for the fire station, and this is one step towards identifying the property and conducting due diligence, everything will come back to the Council for approval. This item is connected to the next item.

Several Councilors had questions about details of the contract.

Councilor Belanger stated the importance of the fire station, it is a safety issue and would save lives. He explained that this would be a binding contract if the Council approved it, more work needs to be done.

Councilor Belanger – motion to Table the item until such time as Council needs to review the documents.

Second – Councilor Lessard.

Vote – Unanimous in favor.

Motion to Table passed.

9.f 2024.123 Approve Funds for Eastern Fire/EMS Station Property/Site Conditions

Review and Additional Architectural Work

Councilor Belanger – motion to Table.

Second – Councilor Whiting

Vote: Unanimous in favor.

Motion to Table passed.

9.g 2024.144 Approval/Recycling Center Fees

Motion: Councilor Belanger

Second: Councilor Lessard

Councilor Belanger commented that this item passed the Policy Committee unanimously.

Vote: Unanimous in favor.

Motion passed.

9.h 2024.148 Approval/Street Opening fees

Motion: Councilor Belanger

Second: Councilor Lessard

Councilor Belanger that this also was unanimous at the Policy Committee.

Public Works Director Jeff Demers explained the purpose of the fee.

Vote: Unanimous in favor.

Motion passed.

9.i 2024.149 Approval/Recycling Center Vehicle Sticker

Motion: Councilor Belanger

Second: Councilor Lessard

Councilor Belanger that this also was unanimous at the Policy Committee.

Public Works Director Jeff Demers explained that the purpose of the sticker is to speed up entry for those who have a sticker, others who don't have one can still use the facilities. This is the first step; they will continue to review ways to improve access.

Vote: Unanimous in favor.

Motion passed.

9.j 2024.152 Authorize Purchase of 2021 Hyundai Ioniq (Vehicle Coming Off Lease)

Motion: Councilor Belanger

Second: Councilor Lessard

Councilor Lessard does not support this based on the financial analysis.

Councilor LaFountain stated that this passed in the Finance committee.

Vote: 7 yeas – Councilors Belanger, Gross, Doughty, Beaupre, Whiting, Emhiser, and LaFountain.

1 nay – Councilor Lessard.

Motion passed.

9.k 2024.145 Approval Orchard Street Parking

Motion: Councilor Belanger

Second: Councilor Lessard

Councilor Belanger – this was unanimous in the Policy Committee and the public spoke in favor of it.

Councilor Beaupre – motion to amend remove “distance of 300 feet” and add “to May Street”

Second: Councilor Belanger

Vote on the amendment: 7 yeas – Councilors Belanger, Gross, Doughty, Beaupre, Whiting, Emhiser, and LaFountain.

1 nay – Councilor Lessard.

Amendment passed.

Vote on the order as amended: 7 yeas – Councilors Belanger, Gross, Doughty, Beaupre, Whiting, Emhiser, and LaFountain.

1 nay – Councilor Lessard.

Motion passed.

9.l 2024.146 Amend/ Part II: Code of Ordinances, Chapter 42 Motor Vehicles and Traffic,

Article IV Specific Street Regulations, Sec. 42-90(a) No Parking - Lester B. Orcutt Blvd

Motion: Councilor Emhiser

Second: Councilor Lessard

Public comments – several people spoke about overall safety concerns in that area with speeding, parking, enforcement issues, and access to the bird sanctuary.

Several Councilors had concerns with the same issues. This needs to be worked out more.

Councilor Beaupre – motion to Table and send it back to the Policy Committee.

Second – Councilor Lessard.

Vote- Unanimous in favor.

Motion to Table passed.

9.m 2024.147 Approval Opioid Use Settlement Fund Tracking and Reporting Ordinance

Motion: Councilor Belanger

Second: Councilor Lessard

Public comments – two people spoke in favor of the item and want to make sure it is properly used.

Vote: Unanimous in favor.

Motion passed.

10. Public Addressing the Council

One person spoke about a request to GA for assistance with a lease deposit. Another person spoke about concerns with algorithms being used to calculate rent.

11. City Manager Report - the City Manager did not address the Council at this time.

12. Other Business - Councilor Lessard reminded everyone about the hazardous waste day on September 14th from 8 am to noon.

13. Council President Addressing the Council - Council President LaFountain mentioned that students were back in school this week and he wishes them well.

14. Mayor Addressing the Council - none.

15. Executive Session

15.a Executive Session MRS 405 6 (a) Personnel Matters

Councilor Belanger – motion to go into Executive Session at 8:28 pm

Second: Councilor Lessard.

Vote: Unanimous in favor.

Motion passed.

Councilor Beaupre- motion to come out of Executive Session at 9:25 pm

Second: Councilor Whiting

Vote: Unanimous in favor.

Motion passed.

16. Adjourn

Motion to adjourn at 9:25 pm by Councilor Beaupre

Second: Councilor Whiting.

Vote: Unanimous in favor.

Meeting adjourned.