

**SPECIAL COUNCIL MEETING
MARCH 31, 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 6:10 p.m.

Roll Call: William Embiser, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

Amy Clearwater was excused.

The Pledge of Allegiance was dispensed with due to the circumstance of meeting virtually.

There were no adjustments to the agenda.

Suspension of Council Rules: Public Addressing the Council

**IN BOARD OF CITY COUNCIL..MARCH 31, 2020
SUSPENSION OF COUNCIL RULES**

Due to the current pandemic (COVID-19), and the need for the City Council to meet virtually, the Council hereby **suspends** the following *Council Rules* related to public comment during City Council Meetings:

{NOTE: This suspension is temporary and will automatically be lifted once the City Council starts meeting publicly again}

APPENDIX A: RULES OF THE COUNCIL

Rule 1: Duties and powers of Mayor or Presiding Officer

j. When, as required by law, the City Council must act as municipal officers, they shall do so during a council meeting. Towards the end of each regular Council meeting there shall be a "public addressing the Council," portion for 30 minutes, when the residents of Biddeford shall be afforded an opportunity to address the City Council on any item of City business which is not before the Council as an order of the day on the Council agenda, over which the Council has direct control, not to exceed three minutes per speaker.

Rule 3: Proceedings and debates

- p. Any public comment on any Council order, resolve or ordinance, when allowed by state law or the Council shall not exceed three minutes per individual speaker. Such persons shall be permitted to speak only once on an item and shall confine their remarks to the merits of the order, resolve or ordinance before the Council.
- q. Procedure for addressing the Council on agenda items or during the municipal officers meeting:
 - (1) No public comment shall be permitted on the following agenda items: personnel matters, informational reports or communications from boards and commissions, staff or other organizations or entities; appointments and administrative action implementing prior action to the Council where that prior action had permitted public comment.
 - (2) On items other than those set forth in Subsection (1) above, public comment shall be permitted only once prior to final Council action. Except as specifically decided by the Council, such public comment shall occur at the advertised public hearing or at the first reading of such item. The public also may address the Council on proposed amendments at either the first or second reading.

- (3) Persons wishing to address the Council on an item which appears on the agenda, and upon which public comment is permitted under Subsections (1) and (2) above, shall wait until the presiding officer announces the consideration of such item, at which time they may address the Council on that particular item. Any presentation on an issue or introductory information regarding the issue shall be presented prior to the public requesting or receiving an opportunity to address the Council. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item. This subsection does not pertain to City staff or members of the public who may be called upon by the Chair or a member to give clarification on an issue under consideration by the Council.
- (4) Any person wishing to address the Council shall signify such desire by raising his or her hand and, when recognized by the presiding officer, such person shall thereupon request permission to address the Council giving his or her name and physical address and designating the subject matter to the Chair,
- (5) Persons present at Council meetings or at a municipal officers meeting shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.
- (6) The presiding officer may limit or cut off any commentary that he or she determines is not germane or that is discourteous, slanderous, abusive, or not in accord with good order and decorum. This will be prompted by a call to order by any member when appropriate.
- (7) No public comment shall be allowed on matters related to ongoing or threatened litigation involving the City, its elected officials and/or employees. A person who shall continue to violate these rules, after warning by the presiding officer, shall be ejected. The Council may, at its discretion, suspend or prohibit a person from addressing the Council or the municipal officers.

Motion by Councilor McCurry, seconded by Councilor Ready to grant the suspension of Council Rules for Public Addressing the Council.

Vote: 7/1; Councilor Quattrone opposed.

Councilors Emhiser, McCurry, St. Cyr, Belanger, Ready, Ortiz and Lessard in favor.

Motion carries.

Consideration of Minutes: **March 16, 2020**

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

Vote: Unanimous.

Orders of the Day:

2020.13 **IN BOARD OF CITY COUNCIL..MARCH 31, 2020**

BE IT ORDERED, by the City Council of the City of Biddeford that the City Treasurer be authorized to waive any interest on the FY20 property and personal property tax payments currently due on April 8, 2020. The interest deferment date will extend for 60 days from the original due date. Interest will begin accruing after June 8, 2020.

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

Vote: Unanimous.

2020.14 **IN BOARD OF CITY COUNCIL..MARCH 31, 2020**

BE IT ORDERED, by the City Council of the City of Biddeford that the City Treasurer be authorized to waive parking lot permit fees for the month of May for anyone who has purchased a parking lot permit for the month of April.

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

Vote: Unanimous.

2020.15 **IN BOARD OF CITY COUNCIL..MARCH 31, 2020**
BE IT ORDERED, that the City Council of the City of Biddeford that the Treasurer to be authorized to make the following modifications to certain City services, due to COVID-19:

- 1) Motion by Councilor McCurry, seconded by Councilor Lessard that the City waive orange bag fees so that the City may provide orange bags free of charge to residents requesting orange bags and the City may replace orange bags as they are used by residents.
Vote: Unanimous.
- 2) Motion by Councilor Belanger, seconded by Councilor McCurry to institute curbside collection of yard waste.
Vote: 6/2; Councilors Lessard and Quattrone opposed.
Councilors Emhiser, McCurry, St. Cyr, Belanger, Ready and Ortiz in favor.
Motion carries.
- 3) Motion by Councilor Ready, seconded by Councilor McCurry to approve the opening of the Recycling Center for residents only, for large item drop off only, with a modified plan to be put into place.
Vote: 6/2; Councilors Belanger and St. Cyr opposed.
Councilors Emhiser, McCurry, Quattrone, Ready, Ortiz and Lessard in favor.
Motion carries.

Order Authorizing \$844,439 City of Biddeford School Revolving Renovation Fund Financing, including \$392,326 in Loan Forgiveness and \$452,113 in Bonds, for Health, Safety, and Compliance Repairs at School Facilities

2020.16 **IN BOARD OF CITY COUNCIL...MARCH 31, 2020**
BE IT ORDERED, by the City Council of Biddeford as follows:

Whereas, pursuant to sections 5953-E and 6006-F of Title 30-A of the Maine Revised Statutes, on January 31, 2020, the Maine Department of Education approved School Revolving Renovation Fund loans for the following health, safety, and compliance repair projects (the “Projects”):

School	Project	Loan Amount
Biddeford Primary School	ADA, Security	\$442,342
Biddeford Intermediate School	Security	\$ 75,596
Biddeford Regional Center of Technology	ADA, Security	\$326,501
		\$844,439

Whereas, of the total loan principal amount of up to \$844,439, the sum of up to \$392,326 (46.46%) will be forgiven and the sum of up to \$452,113 (53.54%) will be payable at 0% interest in five (5) equal annual installments; and

Whereas, the Council desires to authorize the execution and delivery of a loan agreement in principal amount of \$844,439 and the issuance, sale, and delivery of general obligation bonds of the City in principal amount of \$452,113 to finance the Projects;

Now therefore, be it ordered, by the City Council of the City of Biddeford as follows:

Section 1. Loan Authorized. That pursuant to Maine law, including sections 5953-E, 6006-F, and 5772 of Title 30-A of the Maine Revised Statutes, Article XI, Section 6 and Article XII, Section 7(a) of the Charter of the City of Biddeford, a Maine Department of Education School Revolving Renovation Fund Project Eligibility Certificate dated January 31, 2020, and all other authority thereto enabling, the Treasurer and the Mayor of the City of Biddeford are authorized in the name of and on behalf of the City to execute and deliver a Loan Agreement between the Maine Municipal Bond Bank (the “Bond Bank”) and the City to effect a loan from the Bond Bank to finance the Projects in the principal amount of \$844,439.00, but of which amount \$392,326.00 of principal is forgiven by the Bond Bank (the “Loan Agreement”); and that the Loan Agreement be in such form as the Treasurer and Mayor may approve, the execution and delivery thereof to be conclusive evidence of such approval;

Section 2. Bond Authorized. That pursuant to Maine law, including sections 5953-E, 6006-F, and 5772 of Title 30-A of the Maine Revised Statutes, Article XI, Section 6 of the Charter of the City of Biddeford, and other applicable law, the Treasurer and Mayor of the City be authorized to borrow in the name and on behalf of the City the sum of up to \$452,113.00 from the Bond Bank to finance the Projects; that in connection therewith, the Treasurer and the Mayor be authorized to issue general obligation securities (bonds or notes) of the City in an original principal amount of up to \$452,113.00, payable WITH NO INTEREST in five (5) equal annual installments of principal, and to execute and deliver such general obligation bonds or notes in registered form under the seal of the City, signed by the Treasurer, countersigned by the Mayor, and attested by the City Clerk (the “Bond”); and that the Bond be in such form and include such terms not inconsistent herewith as the Treasurer and Mayor may approve, the execution and delivery thereof to be conclusive evidence of such approval.

Section 3. That the Mayor, Treasurer, City Clerk, and other appropriate officials of the City of Biddeford, acting singly, are authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with the Loan Agreement and the Bond, including execution and delivery of an Assignment of monies transferred by the State of Maine to pay for Project costs and such other instruments, documents, certificates and agreements, and to take or cause to be taken such further actions for and on behalf of the City, as may be necessary, convenient, or appropriate to accomplish the Projects and to effect the transactions contemplated herein and by the documents referenced herein, and that the City Clerk be authorized to attest to the foregoing and attach the City’s seal to any of the foregoing.

Section 4. That if the Treasurer, Mayor, or City Clerk are for any reason unavailable to approve and execute the Loan Agreement, the Bond, or any associated documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, as the “acting” official, or otherwise, are each individually authorized to act for such official with the same force and effect as if such official has herself or himself performed such act.

Section 5. That if any of the officers or officials of the City who have signed or sealed the Loan Agreement or Bond shall cease to be such officers or officials before the Loan Agreement or Bond so signed and sealed shall have actually been authenticated or delivered by the City, such Loan Agreement or Bond nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Loan Agreement or Bond had not ceased to be such officer or official; and also any such Loan Agreement or Bond may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Loan Agreement or Bond, shall be the proper officers and officials of the City, although at the nominal date of such Loan Agreement or Bond, any such person shall not have been such officer or official.

Section 6. That during the term of the Loan Agreement and Bond, all authority granted pursuant to this Order shall be, remain, and continue in full force and effect without the necessity of any further action of the City Council.

Section 7. That the sum of \$844,439.00 is hereby appropriated to finance costs of the Projects, such amount to be raised by the execution and delivery of the Loan Agreement and the issuance and sale of the Bond.

Section 8. That pursuant to Article XII, Section 7 of the City Charter, the following question shall be submitted to the voters of the City of Biddeford for ratification or rejection at a referendum vote to be held on June 9, 2020:

Shall the Order of the City Council of the City of Biddeford entitled “Order Authorizing \$844,439 City of Biddeford School Revolving Renovation Fund Financing, **including \$452,113 in Bonds and \$392,326 in Loan Forgiveness**, for Health, Safety, and Compliance Repairs at School Facilities” be ratified and approved?

Section 9. That said referendum question be accompanied by a signed financial statement of the Treasurer, as well as the recommendations of the City Council, the Budget Committee, and the School Committee, substantially in form as set forth below:

CITY OF BIDDEFORD FINANCIAL STATEMENT

1. Total City Indebtedness

Bonds outstanding and unpaid	\$ _____
Bonds authorized and unissued	\$ _____
Bond to be issued if this Question is approved	\$ 452,113
Total:	\$ _____

2. Estimated Costs and Impacts of Bond

At an estimated interest rate of zero percent (0%), for a 5-year term, the estimated total costs of this bond issue will be:

Principal	\$ 452,113
Interest	\$ - 0 -
Total Principal & Interest to be Paid at Maturity	\$ 452,113

Projected effect on mil rate: _____

Total length of term: Five (5) years

3. Validity

The validity of the Bond and of the voters' ratification of the Bond may not be affected by any errors in the above Estimated Costs of Bond. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

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

Vote: Unanimous.

2020.17) Authorization/\$7,000,000 Bond for Sewer, CSO and Pump Station Upgrades and Improvements; with \$2,000,000 for Grant Matching Purposes for June 9, 2020 Municipal Referendum Election

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

Motion by Councilor McCurry, seconded by Councilor Ready to table the order until the first Council Meeting in July 2020.

Vote: 7/1; Councilor Lessard opposed.

Councilors Emhiser, McCurry, St. Cyr, Quattrone, Belanger, Ready and Ortiz in favor.

Motion to table carries.

2020.18) Authorization/\$17,000,000 Bond for Renovations, Repairs and Upgrades to Various Municipal Buildings, Parks and Other Public Facilities for June 9, 2020 Municipal Referendum Election

Motion by Councilor McCurry, seconded by Councilor Belanger to grant the first reading of the order.

Motion by Councilor McCurry, seconded by Councilor Ready to table the order until the first Council Meeting in July 2020.

Vote: 7/1; Councilor Lessard opposed.

Councilors Emhiser, McCurry, St. Cyr, Quattrone, Belanger, Ready and Ortiz in favor.

Motion to table carries.

2020.19) Authorization/\$4,500,000 Bond for Street and Sidewalk Construction, Repairs, Rehabilitation and Improvements for June 9, 2020 Municipal Referendum Election

Motion by Councilor McCurry, seconded by Councilor Belanger to grant the first reading of the order.

Motion by Councilor McCurry, seconded by Councilor Ready to table the order until the first Council Meeting in July 2020.

Vote: 7/1; Councilor Lessard opposed.

Councilors Emhiser, McCurry, St. Cyr, Quattrone, Belanger, Ready and Ortiz in favor.
Motion to table carries.

Other Business:

NOTE: State Representatives Victoria Foley and Ryan Fecteau were present to address questions and concerns from the Council.

Mayor Casavant asked for Representatives Foley and Fecteau's thoughts on today's Governor's ***Stay At Home Order***.

Rep. Fecteau realizes how the Order is helpful to communities who have been grappling with the issue of mandating that folks stay at home during this time. He agrees with the Order and the direction it gives to keep folks at home.

Rep. Foley is glad that the Governor has taken a proactive step; and is glad she specified in the Order that folks may still go shopping for groceries and other essential items, go for walks, go fishing, etc., and would like everyone to educate themselves as to what activities are essential and which ones are not essential.

Councilor Lessard – noted the shortage of Personal Protective Equipment (PPE). Both Representative Foley and Fecteau offered assurances that the State CDC (Center for Disease Control) has done a great job in distributing PPE to communities as it becomes available.

Councilor Emhiser – asked about the June 9th Election and if they have any insight on what will happen with the election. He also asked about the enforcement of the Governor's Order put into place today.

Rep. Fecteau agreed with what City Clerk, Carmen Morris shared earlier in that the State is currently moving forward with the June 9th election; however, that there are likely to be modifications on how the election is conducted. He noted that absentee voting will more than likely be highly encouraged. He said that talks are ongoing at the State and he has not heard of the election being delayed.

In regards to enforcement of the Governor's Order, Rep. Fecteau shared the Governor's sentiment that we do not want this to turn into a police state. Folks are being asked to maintain a balance of not enhancing anxieties; but also discouraging social interactions that are not essential.

Councilor St. Cyr – asked about the increase in revenue funding that the City and School Department had been expecting, and if that is likely to still happen. Rep. Foley answered that it is too early to know.

Councilor Ready – shared that while he was at Seeds of Hope today, he saw a gentleman there who was trying to get through to unemployment and it took him 3 hours. He is concerned about the Dept. of Labor and the access to this department who are in most need.

Rep. Foley encouraged constituents to contact her and Rep. Fecteau if they need assistance getting through the process.

Rep. Fecteau noted that the Dept. of Labor is asking those who are self-employed to hold off on applying for unemployment because the enormous amount of calls flooding the department and the lack of Staff to handle the calls. He and Rep. Foley are finding that this has been the number one issue brought up by constituents.

Councilor Ortiz – appreciates the information about the unemployment issue that was shared by Representatives Foley and Fecteau, and she asked that they keep the City updated so that we may be able to communicate and help folks through the process.

Councilor McCurry – would like the unemployment information included on the City's website and get that out to the public as soon as possible. There are too many folks living from week to week and it is important for them to be able to get through the process. Rep. Foley noted that the Dept. of Labor is developing processes "in real time" and are doing what they can to get folks paid and, in some cases, are even going retroactive when the situation warrants it.

Councilor Ready – said that Rep. Fecteau sent out a notice about a week ago explaining that he was organizing volunteers to assist seniors in the community and since then, he has collaborated with City's General Assistance Office and has become a resource for those who call in with requests for help.

Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.
Vote: Unanimous.

Attest by: _____
Carmen J. Morris, City Clerk