

**COUNCIL MEETING
MARCH 21, 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 was excused.

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

Adjustment to the Agenda:

- Add Order 2017.30) Appointment of Interim Finance Director

Consideration of Minutes: **March 7, 2017**

Motion by Councilor McCurry, seconded by Councilor Ready 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 March 7, 2017}

2017.21) Amendment/Ch. 2, Administration/Division 6 – Downtown Development Commission/Sec. 2-253-Composition; appointment of Commissioners; terms of office; removal of members/Change Composition

Motion by Councilor McCurry, seconded by Councilor Ready to grant the second reading of the order.

Vote: Unanimous.

Orders of the Day:

2017.24

IN BOARD OF CITY COUNCIL...MARCH 21, 2017

BE IT ORDERED, that the City Manager be authorized to purchase one (1) Freightliner Chassis as per bid of March 14, 2017(the “Equipment”) from Freightliner of Maine (the “Vendor”) and may pay the Vendor an amount not to exceed \$75,143.00 (before discounts valued at \$5,000.00) 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 \$75,143.00;
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 \$75,143.00, (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.

BE IT FURTHER ORDERED, that the City Manager be authorized to purchase a new heated asphalt body from Doering Equipment (Vendor) for an amount not to exceed \$98,809.00

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the heated asphalt body;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$98,809.00;
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 heated asphalt body provided that (a) the principal amount of such agreement will not exceed \$98,809.00, (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 heated asphalt body; 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 reviewed these items on March 21, 2017 and voted to recommend them to the City Council for approval. The lease-purchase of these items are included in the FY17 CIP budget, with a down payment of \$9,500.00

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

REVISED ORDER

2017.18 **IN BOARD OF CITY COUNCIL...MARCH 21, 2017**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to convey/sell portions of the following 2 vacant properties to the Rachael Carson National Wild Life Refuge:

Map 61, lot 20-1, 73 Mile Stretch Road, City to retain a 10 ft strip adjacent to Mile Stretch

Map 61, lot 23, 87 Mile Stretch Road, City to retain a 10 ft strip adjacent to Mile Stretch

BE IT FURTHERED ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to retain the following vacant properties or portions thereof for City use as compensation parcels and then to convey/dispose of the parcels as required to meet the requirements for use as land compensation parcels and/or to convey these parcels or portion thereof to a recognized Land Conservation Trust:

Map 13 lot 45, 122 Precourt Street

Map 65, lot 19-2, off Fortunes Rock Road

Map 15, lot 4, 0 Commercial Street

Map 10, lot 28, Gooseberry Island

Map 5, lot 19, 772 Pool Street

Map 15, lot 13, off Elm Street

Map 61, lot 20, 71 Mile Stretch Road

Map 26, lot 36-1, Evanthia Drive

Map 4, lot 22-5, Newton Road

Map 2, lot 14-1, off Alfred Street

Map 9, lot 17, 86 Newton Road

Map 32, lot 11, off South Street

Map 9, lot 28-2, off Pool Road

Map 9, lot 52-1, off Pool Street

Map 9, lot 53-3, off Pool Street

Motion by Councilor Swanton, seconded by Councilor Mills to remove from the table.
Vote: Unanimous.

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

Motion by Councilor McCurry, seconded by Councilor Ready to amend the order by including “ft” after 10 in the first part of the order (thereby clarifying that the City will retain a 10 ft strip...).

Vote: Unanimous.

Vote on motion, as amended: Unanimous.

2017.25 **IN BOARD OF CITY COUNCIL... MARCH 21, 2017**
BE IT ORDERED, that the City Manager be authorized to sign an agreement with Desman Design Management of Boston, MA (DESMAN), for engineering and architectural services for site evaluation, design, preparation of construction documents, permit approvals, and construction administration for the Downtown Parking Structure Project in the amount of \$425,776.

BE IT FURTHER ORDERED, that the City Manager be authorized to contract with DESMAN for additional services deemed necessary to support construction as follows:

Bid Support	\$ 5,000
Construction Support	\$52,000 (onsite)
Geotechnical Review	\$23,400 (borings, labs, reporting)
Independent Testing	\$35,000 (construction services and materials)
Site Surveys	\$10,000 (topography and existing conditions)

The City Manager may, at his discretion, solicit through competitive bidding these additional services in lieu of contracting with DESMAN if deemed to be in the best interest of the City. Selection of services through competitive bidding shall comply with existing City of Biddeford purchasing rules and authorizations.

Note: the project cost under this authorization will total \$551,176 if all tasks are completed.

Motion by Councilor Mills, seconded by Councilor Quattrone to grant the order.
Vote: 4/4; Councilors Seaver, Ready, Swanton and McCurry opposed.
Councilors St. Cyr, Quattrone, Mills and Belanger in favor.
{ Councilor Lessard was not in attendance}
Mayor Casavant voted in favor to break the tie.
Motion carries.

2017.26 **IN BOARD OF CITY COUNCIL...MARCH 21, 2017**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to transfer property located at 518 Main Street to the Rotary Club of Biddeford-Saco and to execute the attached Agreement between the City of Biddeford, the Biddeford School Department and the Rotary Club of Biddeford- Saco.

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

2017.27 **N BOARD OF CITY COUNCIL..MARCH 21, 2017**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby amend the Code of Ordinances, **Appendix A, Rules of the Council – Rule 5: Committees**, as follows:

~~e. The Public Safety Committee shall consist of a chairperson who shall be a City Councilor, two additional Council members, one member from the Police Commission who is elected each January by the Police Commission, and one member from the Fire Commission, who is elected each January by the Fire Commission.~~

~~(5) Public Safety Committee. The Public Safety Committee shall be responsible for establishing and recommending ordinance language, Code revisions and City policy in matters that relate to public safety. The Public Safety Committee shall coordinate with the Code Enforcement Department, Fire Chief and Police Chief regarding the amendment, establishment and/or update of the City's ordinances affecting or governing public safety, including, but not limited to, Chapters 30 and 42 of the Code of Ordinances.~~

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

2017.28 **IN BOARD OF CITY COUNCIL...MARCH 21, 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:

~~West Street, even-numbered side, from the intersection with Elm Street thence easterly to the intersection with Granite Street.~~

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:

~~West Street, even-numbered side, from the intersection with Hill Street, thence westerly for a distance of 350 feet, from 7:30 a.m. to 3:30 p.m., Monday through Friday on school days.~~

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:

~~West Street, even-numbered side, from the intersection with Elm Street, thence easterly to the intersection with Forest Street.~~

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:

~~West Street, even-numbered side, from the intersection of Westland Street, for a distance of 35 feet in either direction.~~

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:

~~Dupont Avenue, even-numbered side, from the intersection with Prospect Street thence easterly to the intersection with Hill Street.~~

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:

~~Hillside Avenue, even-numbered side, from the intersection with Prospect Street thence easterly to the intersection with Hill Street.~~

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:

~~May Street, odd-numbered side, from the intersection with Yale Street thence northerly to Dartmouth Street.~~

NOTE: This item was considered by the Policy Committee at their March 13, 2017 meeting voted unanimously to send to the City Council for approval.

Motion by Councilor Ready, seconded by Councilor Seaver to grant the first reading of the order.

Vote: Unanimous.

2017.29

IN BOARD OF CITY COUNCIL...MARCH 21, 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 III Parking, Stopping, and Standing, **Section 42-66** Beach Permit Parking, is amended by adding or ~~deleting~~ to read as follows:

(9) Those areas of the City of Biddeford to be restricted by this section are as follows:

(a) Biddeford Pool Bathhouse Parking Lot (Gilbert Boucher Memorial Park) and Middle Beach Lot (across from Bridge Road): On the lower portion of the parking lot, parking is restricted for holders of resident parking stickers only from 8:00 a.m. until 12:00 noon; anyone holding a nonresident permit is permitted to park at those locations after 12:00 noon. The holders of resident or non-resident parking permits may park in the upper portion of the parking lot during those times that a beach permit is required.

NOTE: The Policy Committee considered this item at their March 13, 2017 meeting and voted unanimously to send to the City Council for approval.

Motion by Councilor Mills, seconded by Councilor Quattrone to grant the first reading of the ordinance amendment.

Motion by Councilor Swanton, seconded by Councilor Quattrone to amend the ordinance to add “Biddeford Pool Bathhouse Parking Lot” after ‘On the lower portion of the...’

Motion was withdrawn.

Motion by Councilor Swanton, seconded by Councilor Ready to table the ordinance amendment so that it can be re-written for clarification.

Vote: Unanimous.

2017.9

IN BOARD OF CITY COUNCIL...JANUARY 17, 2017

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 2, Administration, Article V FINANCE, **Add Section 2-329- Exempting Eligible Active Duty Military Personnel From Vehicle Excise Tax** to read as follows:

Section 2-329 - Exempting Eligible Active Duty Military Personnel From Vehicle Excise Tax

a) Authority.

This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A, which expressly authorizes such ordinances.

b) Excise tax exemption; qualifications.

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident’s vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

c) Application for exemption.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident’s post, station or base, or from the commander’s designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

For purpose of this section, “United States Armed Forces” includes the National Guard and the Reserves of the United States Armed Forces.

For purpose of this section, “deployed for military service” has the same meaning as in 26 M.R.S.A. § 814(1)(A).

For purpose of this section, “vehicle” has the same meaning as in 36 M.R.S.A. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. § 13001.

d) Effective date; duration.

This ordinance shall take effect thirty days after its adoption by the City Council and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.

NOTE: The Policy Committee considered this item at their March 13, 2017 meeting and voted unanimously to forward to the City Council for approval.

Motion by Councilor Seaver, seconded by Councilor Mills to remove from the table.
Vote: Unanimous.

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

Motion by Councilor Belanger, seconded by Councilor Mills to amend the ordinance by adding language that poses a limit of one vehicle per household; as well as specifies the definition of vehicle as a motor vehicle. {In section (c), fourth paragraph, the State reference as to the definition of “vehicle” will need to be edited.}

Motion by Councilor McCurry, seconded by Councilor Swanton to table the ordinance amendment.

Vote: 2/6; Councilors McCurry and Swanton in favor.

Councilors St. Cyr, Quattrone, Mills, Belanger, Ready and Seaver opposed.

Motion to table fails.

Vote on amendment: 6/2; Councilors Seaver and McCurry opposed.

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

Amendment carries.

Vote on first reading, as amended: Unanimous.

2017.30 **IN BOARD OF CITY COUNCIL...MARCH 21, 2017**
ORDERED, that I, James Bennett, City Manager of the City of Biddeford, do hereby appoint **Geraldine Matherne** as Interim Finance Director, effective April 1, 2017.

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

Committee of the Whole: Permitted Alcohol Consumption on City’s Athletic Fields/Parks
Motion by Councilor Quattrone, seconded by Councilor Swanton to move into Committee of the Whole.

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

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

Motion carries.

Time: 6:40 p.m.

Councilor McCurry stated that he has received calls from folks who support bringing alcohol back to LaKermesse. He’s not completely averse to the idea; however, does not want to give a blanket approval, but rather, look at events on a case by case basis. He also would like to see a policy be adopted by the Council regarding alcohol consumption on City fields/parks.

Councilor Swanton said that he would support LaKermesse having permission to serve alcohol. He is also in favor of RiverJam serving alcohol at their event; however, he is not in favor alcohol consumption in Shevenell Park (as was requested by Palace Diner).

Councilor Quattrone stated that he too has received phone calls from folks supporting alcohol consumption at LaKermesse. He stressed that the organization uses security precautions and alcoholic beverages are only served in a designated, roped off area. He also would support alcohol consumption in some of the City parks, as long as it's contained (under a tent) and done properly. He went on to mentioned that LaKermesse is proposing to limit the alcohol consumption to certain hours during the Festival and not make it like an all-day drink fest.

City Manager, Jim Bennett suggested that if the majority of the Council is in favor of considering alcohol consumption on a case by case basis for events that take place in City fields/parks, that Staff can draft a policy which will be placed on the next Policy Committee agenda for consideration and recommendation.

Councilor Mills expressed his support for the idea of case by case basis considerations for alcohol consumption in City fields/parks.

Councilor Ready stated that he is not in favor of alcohol consumption in any of the City fields and/or parks. He believes that by allowing alcohol to be served in a family atmosphere event, the wrong message is being sent to the children of the community that alcohol is needed to have a good time.

Councilor Seaver said that she agrees with the City Manager that the current ordinance would need to be addressed if the Council were to consider alcohol consumption in City fields/parks during events. That said, she has an issue with events being considered on a case by case basis, and fears that it could open the City up to a discrimination claim. She isn't personally in favor of the idea, but is more concerned about having a policy in place.

Councilor Belanger noted that if the City is going to consider the idea of alcohol consumption in City fields/parks, then a provision for liability insurance would need to be included to protect the City from any potential damages.

Councilor Quattrone asked if including certain provisions in a proposed ordinance would be possible. Mr. Bennett explained that it would be easy enough to look at other communities' policies and piggy back off them. Councilor Quattrone's concern is the timing of putting a policy into place since LaKermesse would need to apply for the proper State licenses. Mr. Bennett assured him that something could be put together prior to the next Policy Committee meeting, but made no promises that such a policy could be established as quick as would be needed for this year's LaKermesse Festival.

Councilor Mills asked Recreation Director, Carl Walsh about the insurance provision that was brought up by Councilor Belanger and if the Special Event Permit policy would cover that provision with this provision already a part of the application.

Motion by Councilor McCurry, seconded by Councilor Mills to move out of Committee of the Whole.

Vote: Unanimous.

Time: 6:57 p.m.

Appointments:

IN BOARD OF CITY COUNCIL...MARCH 21, 2017

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

**Casey Elmer
60 Western Avenue, Apt. 201
Ward 6**

to the *Conservation Commission*, with a term to expire December 2021.

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

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...MARCH 21, 2017

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

**Stephanie Edwards
5 Laurier Street
Ward 4**

to the *Downtown Development Commission*, with a term to expire December 2019.

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

IN BOARD OF CITY COUNCIL...MARCH 21, 2017

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

**Graham Ganz
47 Oak Ridge Road
Ward 3**

to the *Harbor Commission*, with a term to expire December 2020.

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

IN BOARD OF CITY COUNCIL...MARCH 21, 2017

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

**Andrew Chad Barrs
12 Seigny Avenue
Ward 2**

to the *Police Advisory Committee*, with a term to expire December 2019.

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

IN BOARD OF CITY COUNCIL...MARCH 21, 2017

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

**Andrew Chad Barrs
12 Seigny Avenue
Ward 2**

to the *Zoning Board of Appeals*, with a term to expire December 2019.

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

City Manager Report:

City Manager, James Bennett gave an in depth review of the FY18 proposed budget and challenges the City Council will have to resolve policies and approve a responsible budget.

Public Addressing the Council..(3 minute limit per speaker; 30 minute total time limit)
One citizen addressed his comments to the Council.

Other Business:

Councilor Swanton: announced that the City will be hosting an Earth Day event on Saturday, April 29th from 8:00 am to noon at the Public Works Facility. Some things that will be offered include Drug Take Back; free shredding of personal documents, with an amount limit; as well as composting opportunities. While there is no charge for these services, donations are requested and will go to benefit the local food pantries.

Councilor Ready: noted that he had sent out an email about having a possible Executive Session at this meeting; however, he never heard anything back. Mayor Casavant apologized for the oversight and said he would talk with Councilor Ready after the meeting.

Council President Addressing the Council: Councilor McCurry noted that the Council is going to have some tough decisions to make in the upcoming budget workshops.

Councilor McCurry reminded folks that the next tax installment is due on April 12th.

Lastly, Councilor McCurry shared that he had attended the Art Show that was held at the Biddeford Schools, grades Kindergarten through 12th.

Mayor Addressing the Council: Mayor Casavant shared that he and Economic Development Director, Daniel Stevenson, along with members of Saco's local government met with members of the Canadian government. The discussion revolved around cultural tourism. Mayor Casavant is hoping for more developments out of these talks.

Mayor Casavant also shared that he rode along with a volunteer from Meals on Wheels earlier today and met with folks who are homebound. He commended the Meals on Wheels volunteers for all they do.

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

Vote: Unanimous.

Time: 7:54 p.m.

Attest by: _____
Carmen J. Morris, City Clerk