

## **COUNCIL MEETING**

**MARCH 15, 2022**

*NOTE: Due to COVID-19, this meeting was held in-person in the Council Chambers, as well as virtually (via ZOOM),*

Mayor Casavant called the meeting to order at 6:00 p.m.

**Roll Call:** William Emhiser, Scott Whiting, Martin Grohman, Bobby Mills, Amy Clearwater, Norman Belanger, Liam LaFountain, Doris Ortiz and Marc Lessard

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

Adjustments to the Agenda:

- Add: Proclamation for 2022 *Week of the Young Child*
- Add: Proclamation for *Vietnam War Remembrance Day*
- Remove Order of the Day 2022.19
- Remove Executive Session

**Proclamation: 2022 Week of the Young Child – April 2-8, 2022**

Mayor Casavant read the Proclamation.

**Proclamation: Vietnam War Remembrance Day – March 29, 2022**

Mayor Casavant read the Proclamation. He thanked Councilor Grohman for bringing this Proclamation forward so that the Council could recognize the importance of this Day of Remembrance, and to appreciate the sacrifices of those who served.

Councilor Grohman shared a couple ways to help our local Vietnam Veterans; one being bringing returnables to their Post on Elm Street. A ceremony for this Day of Remembrance will be put together for March 29<sup>th</sup>.

**Recognition of City Solicitor Keith Jacques, Esq.**

Mayor Casavant recognized that tonight's Council Meeting is Keith's last meeting with the Biddeford City Council. Keith will be retiring in April, after having served as Biddeford's City Solicitor for the past 18 years. Mayor Casavant went on to say that Keith has served with integrity, wisdom and skill and is respected by both past and present Councils and City Staff. Keith's legal counsel and guidance has proven to be exemplary and he will be truly missed.

*Public Addressing the Council..(3 minute limit per speaker for up to 15 minutes):*

There were no public comments.

**Presentation: School Department FY23 Budget**

Superintendent of Schools Jeremy Ray gave an in-depth overview of the proposed School Department FY23 Budget. He talked about how the rising valuation of the City makes it more difficult over time to bring in very limited increases to the taxpayers. He noted that the major increases in the School Budget stem from Employee Steps and Wages; expected Health Insurance increases; and payment for capital expenditures through the revolving renovations grant.

**Consideration of Minutes: March 1, 2022**

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

Vote: Unanimous.

*Second Reading:*

**2022.13) Amendment/Land Use Regulations/Art. XV-Historic Preservation Ordinance/Section 5 and Section 14**

{For a copy of the ordinance amendment and first reading, see the Council Meeting minutes of March 1, 2022}

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: Unanimous.

Orders of the Day:

**Order Authorizing \$3,872,635 City of Biddeford School Revolving Renovation Fund Financing, including \$1,641,610 in Loan Forgiveness and \$2,231,025 in Bonds, for Windows and Health, Safety, and Compliance Repairs at School Facilities**

**2022.17** **IN BOARD OF CITY COUNCIL...MARCH 15, 2022**  
**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, 2022, the Maine Department of Education approved School Revolving Renovation Fund loans for the following windows and health, safety, and compliance repair projects (the “Projects”):

| School                                  | Project                            | Loan Amount                       |
|-----------------------------------------|------------------------------------|-----------------------------------|
| Biddeford Primary School                | ADA, Security, Windows             | \$1,449,454                       |
| Biddeford Intermediate School           | Security, Windows                  | \$ 480,290                        |
| Biddeford Regional Center of Technology | ADA, Air Quality, Asbestos Windows | <u>\$1,942,891</u><br>\$3,872,635 |

**Whereas**, of the total loan principal amount of up to \$3,872,635, the sum of up to \$1,641,610 (42.39%) will be forgiven and the sum of up to \$2,231,025 (57.61%) will be payable at 0% interest in ten (10) equal annual installments; and

**Whereas**, the Council desires to authorize the execution and delivery of a loan agreement in principal amount of \$3,872,635 and the issuance, sale, and delivery of general obligation bonds of the City in principal amount of \$2,231,025 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, 2022, as amended, 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 \$3,872,635, but of which amount \$1,641,610 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 and Article XII, Section 7(a) 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 \$2,231,025 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 \$2,231,025, payable WITH NO INTEREST in ten (10) 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”); that the signatures on the Bond may be facsimile signatures, provided that at least the signature of the Treasurer or the Mayor be a manual signature; 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 \$3,872,675 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 Section 2528(5) of Title 30-A of the Maine Revised Statutes and Article XII, Section 7 of the City Charter, the following question, accompanied by the recommendations of the City Council, the Budget Committee, and the School Committee, shall be submitted to the voters of the City of Biddeford for consideration at a referendum vote to be held on June 14, 2022:

Shall the Mayor and the Treasurer of the City of Biddeford be authorized to borrow, on behalf of the City, a sum not to exceed \$3,872,635 through the State of Maine’s zero interest rate/loan forgiveness School Revolving Renovation Fund (SRRF) Program for windows and health, safety, and compliance repairs at Biddeford Primary School, Biddeford Intermediate School, and the Biddeford Regional Center of Technology (the “Project”)?

SRRF Program Funding. The Project costs (up to \$3,872,635) have been approved for funding through the State’s SRRF Program. Of this amount, the City will receive 42.39% (up to \$1,641,610) as a loan that will be forgiven, and 57.61% (up to \$2,231,025) as a loan that the City will repay at zero interest (0%) over a term of ten (10) years.

*The City Council recommends the adoption of this question – Voted     -    .*

*The Budget Committee recommends the adoption of this question – Voted     -    .*

*The School Committee recommends the adoption of this question – Voted     -    .*

Section 9. That said referendum question be accompanied by a signed financial statement of the Treasurer substantially in form as set forth below:

#### CITY OF BIDDEFORD FINANCIAL STATEMENT

1. Total City Indebtedness

|                                                |                      |
|------------------------------------------------|----------------------|
| Bonds outstanding and unpaid                   | \$ <u>33,520,000</u> |
| Bonds authorized and unissued                  | \$ <u>17,500,000</u> |
| Bond to be issued if this Question is approved | \$ <u>2,231,025</u>  |
| Total:                                         | \$ <u>53,251,025</u> |

2. Estimated Costs and Impacts of Bond

At an estimated interest rate of zero percent (0%), for a 10-year term, the estimated total costs of this bond issue will be:

|                               |                       |
|-------------------------------|-----------------------|
| Principal                     | \$ <u>2,231,025</u>   |
| Interest                      | \$ <u>- 0 -</u>       |
| Total Principal & Interest    |                       |
| to be Paid at Maturity        | \$ <u>2,231,025</u>   |
| Projected effect on mil rate: | \$ <u>0.084</u>       |
| Total length of term:         | <u>Ten (10) years</u> |

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.

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James Bennett, Treasurer  
City of Biddeford

Motion by Councilor Clearwater, seconded by Councilor Lessard to grant the first reading of the order.  
Vote: Unanimous.

**2022.18** **IN BOARD OF CITY COUNCIL..MARCH 15, 2022**

**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby authorize the purchase of Self-Contained Breathing Apparatus Equipment from Bergeron Protective Clothing in an amount not to exceed \$313,835.00. Funding for this equipment will, in large part, be covered by a FEMA Grant in the amount of \$285,304.55; and \$28,530.45 will come from the City's Grant Matching Reserve Account (22001-92111-11602).

NOTE: This item will be considered by the Finance Committee at their March 15, 2022 meeting and recommendation will be forwarded to the Council.

Motion by Councilor Clearwater, seconded by Councilor Lessard to grant the order.  
Vote: Unanimous.

**2022.20** **IN BOARD OF CITY COUNCIL..MARCH 15, 2022**

**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby award a contract extension with Shaw Brothers for the City's Paving Program; contract to be extended through July 1, 2023.

Motion by Councilor Clearwater, seconded by Councilor Lessard to grant the order.  
Vote: Unanimous.

**2022.21** **IN BOARD OF CITY COUNCIL..MARCH 15, 2022**

**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby authorize the City Manager, or his designee, to execute an Easement Deed in the form attached hereto between the City of Biddeford and Freddy, LLC granting a non-exclusive vehicular easement to provide access to 64 Alfred Street.

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

**2022.22** **IN BOARD OF CITY COUNCIL..MARCH 15, 2022**

**WHEREAS**, York County has received American Rescue Plan Act (ARPA) funding; and

**WHEREAS**, there is a proposal to use a portion of the York County ARPA funds to purchase a regional hydraulic dredge for use by communities within York County, and

**WHEREAS**, access to a regional dredge may be of benefit to the City of Biddeford and other communities within York County, and

**WHEREAS**, the City of Biddeford has been asked to provide a letter in support of the purchase of a regional dredge, and

**WHEREAS**, the Biddeford City Council does not have sufficient information to form an opinion on the benefits and sustainability of such a purchase, and

**WHEREAS**, York County Commissioners have until December 31, 2024 to expend ARPA funds, and

**WHEREAS**, a detailed project proposal would assist the City of Biddeford in making a determination in support of the benefits and sustainability of the purchase of a regional hydraulic dredge for the benefit of the City of Biddeford and York County Communities;

**NOW THEREFORE BE IT RESOLVED** that the Biddeford City Council express the need for more information from the York County Commissioners in the form of a letter recommending the development of a detailed project proposal in the form referenced in the draft *York County Regional Dredge Purchase Support Request Letter*, dated March 15, 2022 as may be amended.

Motion by Councilor Clearwater, seconded by Councilor Lessard to grant the resolution.

Motion by Councilor Belanger, seconded by Councilor Clearwater to amend the resolution so to allow the City Manager to sign the letter, instead of the Councilors.

Vote: 8/1; Councilor Mills opposed.

Councilors Emhiser, Whiting, Grohman, Clearwater, Belanger, LaFountain, Ortiz and Lessard in favor.

Amendment carries.

Motion by Councilor Belanger, seconded by Councilor Clearwater to suspend the rules to allow Councilor Mills to speak for a third time.

Vote: Unanimous.

Vote on order, as amended: 5/4; Councilors Lessard, Mills, Belanger and Emhiser opposed.

Councilors Whiting, Grohman, Clearwater, LaFountain and Ortiz in favor.

Motion carries.

*Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):*

There were no public comments.

*City Manager Report:*

Chief Operating Officer Brian Phinney let the Council know that he forwarded them the School Department FY23 Budget Presentation to their email; as well as posted the presentation in Granicus with the other FY23 Budget documents.

*Other Business:*

Councilor Mills: let the Council know that he will be requesting \$25,000 at an upcoming Budget Committee meeting for crosswalks and signage at Waterhouse Field.

*Council President Addressing the Council*: Councilor Belanger expressed his appreciation to Keith for all he has done.

*Mayor Addressing the Council*: Mayor Casavant recently received a note from a former student who was an exchange student in one of his classes years ago when he taught at Biddeford High School. The former exchange student and now lives in the Ukraine. In his note, the former student shared that he is living in a basement with his parents due to the ongoing war in that country. The note served as a reminder of how life is fragile and it's important that we keep things in perspective.

Motion by Councilor Belanger, seconded by Councilor Clearwater to adjourn.

Vote: Unanimous.

Time: 8:00 p.m.

**Attest by:** \_\_\_\_\_  
**Carmen J. Bernier, City Clerk**

