

## COUNCIL MEETING

MARCH 1, 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.

Adjustment to the Agenda:

- Add Order of the Day 2022.17) Authorization/Additional Funds for Main, Hill, Water Street Intersection Improvements Project

**Public Hearing: Liquor License – Fish & Whistle, LLC**

The Chair opened the Public Hearing at 6:01 p.m.

There were no public comments.

The Public Hearing was closed at 6:01 p.m.

**Consideration of Liquor License: Fish & Whistle, LLC**

Motion by Councilor Belanger, seconded by Councilor Emhiser to recommend the issuance of a State Liquor License to **Fish & Whistle, LLC**, located at 299 Main Street.

Vote: Unanimous.

**Presentation: Overview of York County Government Purchase of a Regional Dredge**

Kevin Roche, President of Save Our Shores, Saco Bay gave the presentation. The funding for a \$1.8 million dredge and support equipment comes from the American Rescue Plan, York County allocation of \$40 million total; qualifying under infrastructure and shoreline tourism recovery. The purchase of the Dredge would be of no cost to the City; with the only ask at this time being a letter of support from the City. Ultimately, the Dredge would be a pay as you go/use it system, with the City of Saco serving as the host community for the Dredge equipment.

The Council will have further discussion on this item at their March 8<sup>th</sup> Workshop.

**Presentation: Proposed FY23 City Government Budget**

City Manager James Bennett gave a PowerPoint presentation, starting with the City's economic standing ten years ago compared to the economic standing today. He outlined the major costs that are part of the budget, which include personnel costs, Capital Outlays, funding for Social and Municipal Services, and other costs. He noted that there are new and emerging citizen expectations, which include:

- Climate Change
- Affordable Housing
- Economy, Jobs, Inflation
- Equity & Social Justice
- Public Spaces & Lifestyle Infrastructure
- Public Process & Citizen Engagement

Jim went on to stress the importance of considering ways for the City to become a "Preferred Employer." It is understood that boosting wages is not sustainable, so other initiatives and benefits will need to be considered. We are dealing with an employee-driven market and the City needs to find ways to make itself more desirable as an employer.

He did note that with costs and inflation on the rise, and an expected increase in the budget and tax rate, the City is expected to see an increase in State Revenue Sharing and excise tax is also on target to increase. Overall, the proposed City Government Budget includes a 2.69% increase, which is a \$.49 increase on the tax rate.

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

One citizen addressed his concerns to the Council.

*Consideration of Minutes: February 15, 2022*

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

Vote: Unanimous.

*Orders of the Day:*

**2022.12**

**IN BOARD OF CITY COUNCIL..MARCH 1, 2022**

**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby authorize the award of contract for the replacement of the wastewater pump station at Horrigan Court to Gordon Contracting, Inc. of Sangerville, Maine in an amount not to exceed \$4,326,285.00.

**BE IT FURTHER ORDERED**, that \$450,000.00 be allocated for change orders, inspections and administrative fees.

Funding for this project will be as follows:

- \$3,776,285 from American Rescue Plan Act (ARPA) Funds
- \$1,000,000 from the Dept. of Environmental Protection Grant

NOTE: This item will be considered by the Finance Committee at their March 1, 2022 meeting.

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

Vote: Unanimous.

**2022.17**

**IN BOARD OF CITY COUNCIL..MARCH 1, 2022**

**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby authorize the expenditure of an additional \$345,012 towards the Hill, Main & Water Street Intersection Improvements Project. (This will bring the total City contribution to this project to \$637,012). Funding for this project will come from the FY22 Operational Surplus and Contingency from prior year funding.

NOTE: The Finance Committee will consider this item at their March 1, 2022 meeting and send their recommendation to the Council.

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

Vote: Unanimous.

**2022.13**

**IN BOARD OF CITY COUNCIL..MARCH 1, 2022**

**BE IT ORDAINED** by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

**Part III (Land Development Regulations), Article XV (Historic Preservation Ordinance):**

**Section 5. Historic districts and historic landmarks designated.**

The following described lands, buildings, structures, or areas of the City of Biddeford are designated as historic districts or historic landmarks:

A. Districts:

1. Downtown Historic District, as defined by the MSRD-1 Zone.
2. Mill Area Historic District, as defined by the MSRD-3 Zone, except for those lands within MSRD-3 located northwest of Elm Street. [Amended 8-3-2021 by Ord. No. 2021.72]
3. Mixed Residential Historic District, as defined by the MSRD-2 Zone.

B. Landmarks:

1. All such structures/places, not including districts, identified on the National Register of Historic Places, prior to amendment by Order No. 2021.72.
2. All such structures or properties designated as historically significant by the XV:5 Biddeford Historic Preservation Commission

**Section 14. Demolition.**

A. An historic landmark, or any building or structure identified as contributing, shall not be demolished or removed and a certificate of appropriateness to do so shall not be issued unless one of the following conditions is met:

1. The building or structure has been identified by the Historic Preservation Commission as noncontributing or incompatible with the MSRD District in which it is located; or [Amended 8-3-2021 by Ord. No. 2021.72]
2. The property owner can demonstrate to the Commission that it cannot be renovated or reconstructed so as to earn an economic return on its value in its present location as determined by a qualified real estate appraiser; or
3. The property owner can demonstrate to the Commission that he/she has offered the property for sale through a real estate broker for at least 180 days and that there has been no bona fide offer to buy the property from any person or entity that is willing to preserve and restore the property.

B. Applicants applying for the demolition or removal of designated historic landmarks or contributing structures or buildings, or important portions and features thereof, shall clearly demonstrate that their application meets one or more of the following demolition or removal criteria before the Commission will approve the application for demolition or removal:

1. The physical condition of the building makes the continued upkeep of the building, or important portions or features thereof, uneconomical; or
2. The building or structure, or important portions and features thereof, has been determined by the Division of Code Enforcement to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures.

C. Demolition delay. Before the issuance of a demolition permit by the Code Enforcement Office, a delay period of 90 days shall apply to any building or structure and portion thereof that is: an historic landmark or is designated as contributing.

- ~~1. An historic landmark or is designated as contributing.~~
- ~~2. Listed and eligible for listing on the National Register of Historic Places, but not designated significant locally.~~

D. Demolition delay procedures. At the hearing on an application to relocate or demolish a contributing building in an historic preservation district, or an historic landmark, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If, 10 days prior to the expiration of the delay period, the Commission finds that there are still reasonable alternatives to explore, the Commission may continue the delay for an additional period of up to 60 days. The purpose of the delay is to find alternatives to demolition, such as assisting in securing funding to preserve in place the building, structure, or important portions and features thereof; or finding other ways to preserve the building or structure, such as outright purchase of the property, when feasible, or relocation; or proper recordation of buildings, structures and sites, including photography and narrative report; or preservation of historic artifacts.

E. This section shall not apply to any structure which has been ordered demolished by the City Council or the court in accordance with 17 M.R.S.A. §§ 2851 through 2959 and amendments thereto, or to any structure which has been partially destroyed and is determined by the Division of Code Enforcement to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures, specified by the Division of Code Enforcement, including securing apertures and/or erecting fences.

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

Vote: Unanimous.

**2022.14**

**IN BOARD OF CITY COUNCIL..MARCH 1, 2022**

**BE IT ORDERED** that the City Council, pursuant to Part III Land Development Regulations, Article XIII, does hereby request the Planning Board to hold a Public Hearing and make recommendations to the City Council regarding a proposed amendment to change Tax Map 17, Lots 16-2 and 16-3 from Industrial-1 (I-1) to Residential (R-1-A).

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

Vote: Unanimous.

2022.15

IN BOARD OF CITY COUNCIL..MARCH 1, 2022

**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby authorize the raising of the Irish Flag on the City Hall flagpole on March 17, 2022 in observance of St. Patrick's Day.

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

Vote: Unanimous.

2022.16

IN BOARD OF CITY COUNCIL..MARCH 1, 2022

**WHEREAS**, the City of Biddeford has completed the Community Resilience Partnership's Community Resilience Self-Assessment and List of Community Actions, and held a community workshop on Thursday, February 17, 2022, which prioritized the following action areas:

- Continue to install electric vehicle chargers in public parking areas;
- Adopt a Resolution setting targets and a plan for reducing emissions and advancing clean energy from municipal operations that align with the State's targets. (The Climate Task Force will present to Council a plan for carbon neutrality by 2050 at a future date.);
- Adopt a policy that prioritizes green infrastructure to manage stormwater in developed areas;
- Create a climate change education, outreach, and engagement program focusing on mitigation and adaptation for residents and businesses.

**WHEREAS**, the City of Biddeford is prepared to demonstrate leadership in reducing energy use and greenhouse gas emissions, and increasing the resilience of people, infrastructure, and businesses;

**WHEREAS**, achieving these emissions and resilience goals will require communities in Maine to act with urgency to slow the causes of climate change and prepare people, communities, and the environment for climate-related impacts to come;

**BE IT RESOLVED**, the City of Biddeford commits to participating in the Community Resilience Partnership, which supports community leadership in reducing greenhouse gas emissions and increasing resiliency to extreme weather and climate change impacts;

**BE IT FURTHER RESOLVED**, the City of Biddeford designates the Biddeford Climate Task Force to coordinate planning, implementation, and monitoring of energy and resilience projects and to be the primary point of contact to the Community Resilience Partnership.

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

Vote: Unanimous.

*Appointments:*

IN BOARD OF CITY COUNCIL...MARCH 1, 2022

**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint the following to the *Ad Hoc Housing Committee*:

**Ian Garcia-Grant**  
**117 Cleaves Street, #101**  
**Ward 2**

Motion by Councilor Clearwater, seconded by Councilor Lessard to confirm the appointment.

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...MARCH 1, 2022

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

**George Sutherland**  
**5 Ranch Lane**  
**Ward 3**

to the *Biddeford Police Advisory Committee*, for a term to expire in December 2026.

Motion by Councilor Clearwater, seconded by Councilor Lessard to confirm the appointment.  
Vote: Unanimous.

**IN BOARD OF CITY COUNCIL...MARCH 1, 2022**

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

**Patrick Mourmouras  
57 Hills Beach Road  
Ward 1**

to the *Downtown Development Commission*, for a term to expire in December 2025.

Motion by Councilor Clearwater, seconded by Councilor Lessard to confirm the appointment.  
Vote: Unanimous.

**IN BOARD OF CITY COUNCIL...MARCH 1, 2022**

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

**Alexa Plotkin  
136 Alfred Street  
Ward 5**

from an Associate Member to a Regular Member on the *Planning Board*, for a term to expire in December 2024.

Motion by Councilor Clearwater, seconded by Councilor Lessard to confirm the appointment.  
Vote: Unanimous.

**IN BOARD OF CITY COUNCIL...MARCH 1, 2022**

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

**Randy Seaver  
23 Lamothe Avenue  
Ward 7**

to the *Zoning Board of Appeals*, replacing David Flood, for a term to expire in December 2022.

Motion by Councilor Clearwater, seconded by Councilor Lessard to confirm the appointment.  
Vote: Unanimous.

**IN BOARD OF CITY COUNCIL...MARCH 1, 2022**

**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint the following to the *Diversity, Equity and Inclusion Committee*:

**Liam LaFountain, City Councilor  
Irene Brackett  
Jacob Hammer  
Martha Jacques  
Florence Leighton  
Andrew Lovley  
Anne Morrissey  
Bistra Nikiforova  
Sydney Wolf**

Motion by Councilor Clearwater, seconded by Councilor Lessard to confirm the appointment.  
Vote: Unanimous.

*Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):*  
There were no public comments.

*City Manager Report:*

City Manager James Bennett had the following items:

- He is very pleased to report that with all of the efforts of Code Enforcement Officer Roby Fecteau, and others who were involved, that the FEMA application for the River Wall Repairs is out of Region 1 and is now in Washington, D.C. for review.
- Jim introduced one of the City's newest employees, Timothy Boston, who is working as the Community Outreach and Inclusion Coordinator.
- Jim encouraged the public to make complaints about City Departments directly to his office, rather than publicly to the Council.
- When asked by Councilor Grohman, Jim explained that the proposed housing project to be located on outer Alfred Street is working to put together a Joint Development Agreement, as well as a request for the necessary zone changes. The hope is to have this item on the next Council agenda.

*Other Business:*

Councilor Ortiz – shared that the first Housing Task Force meeting took place last week and it went really well. All reports and information coming from this Task Force will be on the City's website and she encouraged folks to stay informed about their discussions.

She rode in one of the City plow trucks during the last snowstorm, which she found really fascinating. She encouraged her fellow Councilors to do the same. She was impressed with how much pride the Public Works employees have for the City, even those who don't live in Biddeford.

Councilor Clearwater – will be doing Meals on Wheels ride-along, and is excited for this opportunity.

She noticed that the Planning Board agenda this week was much thicker than usual because it included a lot more information, which informed folks about who the applicant is, the location being considered, which items would allow for public comment, etc. She would like to see Council agendas follow the same kind of format.

*Council President Addressing the Council:* Councilor Belanger will follow up on Councilor Clearwater's above request.

He thanked City Manager Jim Bennett and all who were involved in preparing the budget. He anticipates a lot of work to be done by the Budget Committee/Council.

*Mayor Addressing the Council:* Mayor Casavant touched on a point made during the Budget Presentation that our employees are valuable and the City needs to support ways to retain those employees who are invested and dedicated to the community.

He is proud that three chefs in Biddeford have been nominated for the James Beard Award. Nominees include Bowman Brown from *Elda*, Ben Jackson from *Magnus on Water* and new to Biddeford, Pastry Chef Katherine Hamm of *Fish & Whistle*. He noted that this just goes to show the improvements in our community, as well as the desirability to live and work here.

He reminded the Council, as they start the budget review process, that many items and policies are inter-connected and will need to be deliberated as considerations are made.

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

Vote: Unanimous.

Time: 8:04 p.m.

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

