

City of Biddeford

City Council

February 16, 2021 6:00 PM Via ZOOM

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/97946828488?pwd=TUs0R2o0ZkYxUjJxVC91bmZiejZOQT09>

Passcode: 755145

Or iPhone one-tap :

US: +16465588656,,97946828488# or +13017158592,,97946828488#

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Dial(for higher quality, dial a number based on your current location):

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Webinar ID: 979 4682 8488

International numbers available: <https://biddeford.zoom.us/j/abwWKcm40j>

1. Roll Call

2. Adjustment(s) to Agenda

2.a. Remove: Order of the Day 2021.18

2.b. Add: Order 2021.19) Approval/Extension of Effective Date of Order 2021.1 - Amendments to Land Use Regulations Ordinance for Marijuana-Related Establishments

3. Presentation:

3.a. Community Garden at Rotary Park

[2-16-2021 Community Garden Council Information.docx](#)

[2-16-2021 Rotary Garden in-ground-Picture.pdf](#)

[2-16-2021 Rotary Garden Raised Beds-Picture.pdf](#)

Update:

Property Valuation

[2-16-2021 Property Valuation Presentation.docx](#)

4. Consideration of Minutes:

4.a. February 2, 2021 Council Meeting Minutes

[2-02-2021 Council Meeting Minutes.docx](#)

5. Orders of the Day:

5.a. 2021.19) Approval/Extension of Effective Date of Order 2021.1 - Amendment/Land Use Regulations/Various Articles/Marijuana Establishments

[2-16-2021 Marijuana Amendments Effective Date.docx](#)

Appointments:

Anne Nadzo...Downtown Development Commission

[2-16-2021 Appt-Nadzo-DDC.docx](#)

[2-16-2021 Comm App-Nadzo-DDC.pdf](#)

Liam LaFountain...Recreation Commission

- 6. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
- 7. City Manager Report**
- 8. Other Business**
- 9. Council President Addressing the Council**
- 10. Mayor Addressing the Council**
- 11. Executive Session**
 - 11.a. 1 MRSA 405(6)(C)...Real Estate Matter
- 12. Adjourn**



City Council

Meeting Date: February 16, 2021

Meeting Time: 6:00 P.M.

Agenda Item No: Presentation

Item Description: Update on Community Gardens

Submitted by: Carl Walsh, Recreation Director

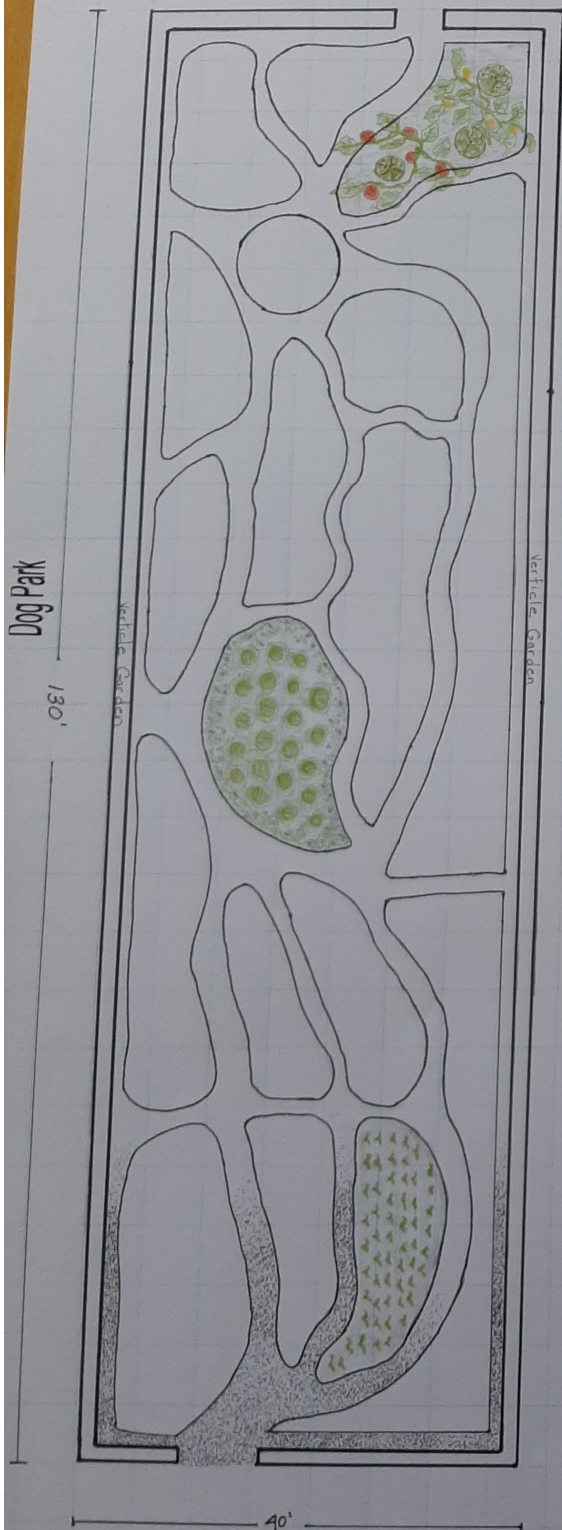
Supporting Information/Documentation: Please see attached

Key Terms: None

Executive Summary: Biddeford Community Gardens plan to expand the garden at Williams Court Park with additional raised beds and the creation of two garden areas at Rotary Park, one with raised beds and one in ground (please see attached). Williams Court Project has been supported by both the Recreation Commission and Biddeford Citizens Advisory Committee. The Rotary Project has been supported by the Recreation Commission. They also plan to have other area agencies involved including the youth that participate at the Biddeford Teen Center and potential for involvement with our tween and teen summer camp programs.

Rotary Park will be the third city park to provide community garden space. Currently Pierson's Lane has a Community Garden as does a section of Williams Court. All three parks serve different areas of the city. They also have site at Mission Hill.

Funding Source: Self-Funded



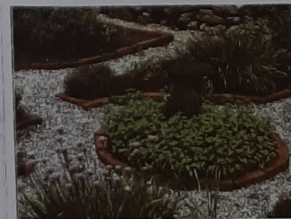
These towers are easy to make and fun to use. You can pick the berries from inside or outside.

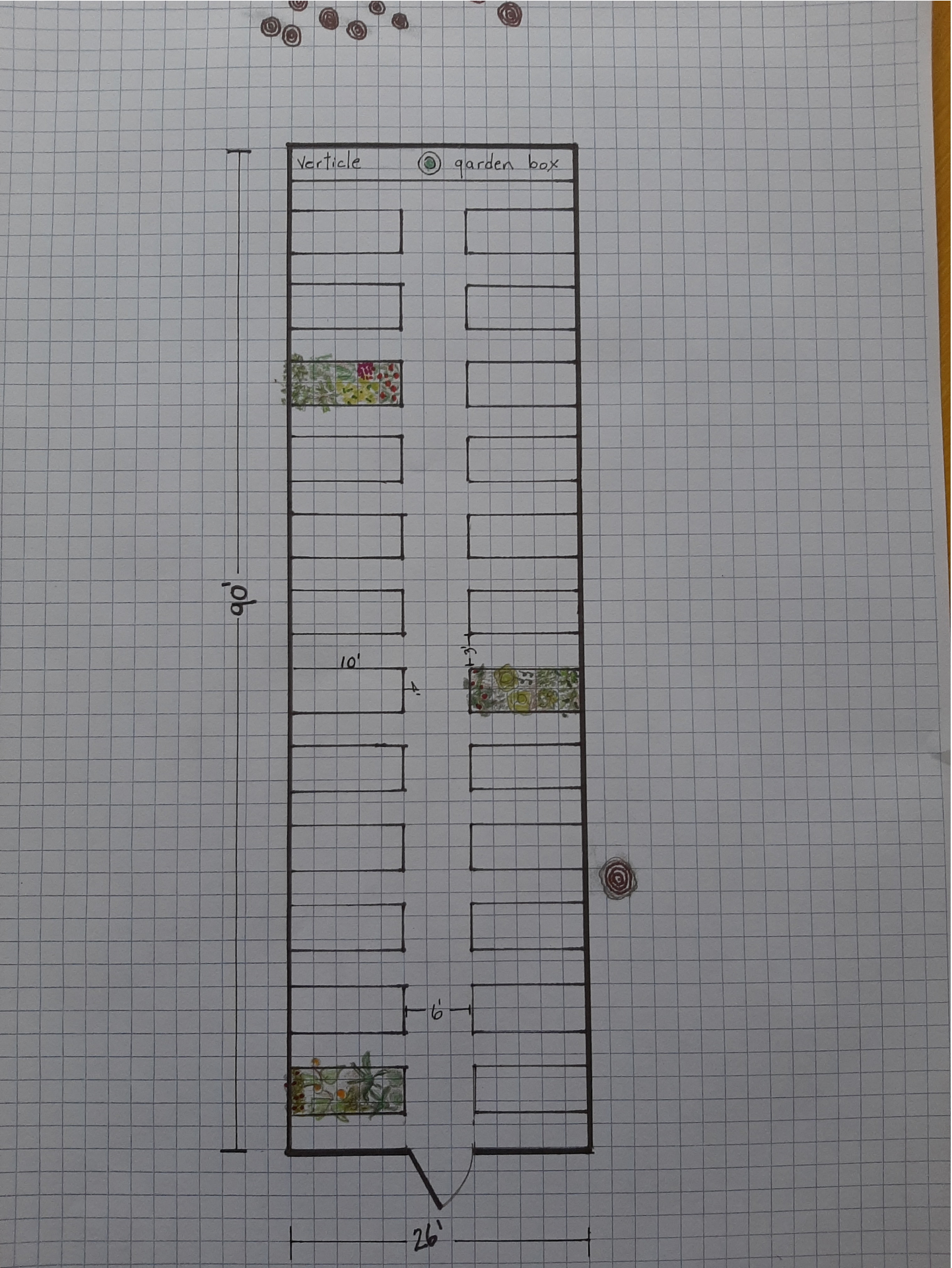


Rotary Park



Community Garden







ASSESSORS' OFFICE

Meeting Date: 2/16/2021

Meeting Time: 6:00PM

Agenda Item No: Update

Item Description: Valuation Adjustment for FY 2022

Submitted by: Nicholas Desjardins, City Assessor

Supporting Information/Documentation:

- Presentation for City Assessed Valuation Analysis

Key Terms

- The importance of Assessors and the service they provide to the City
- An overview of statistical analysis used by Assessors' to conduct sales analysis
- State Statutes and Biddeford's history of 5 years State valuation analysis
- Breakdown of different property classes and the average ratios
- The importance of "Biddeford's Declared Certified Ratio" and how this relates to the importance of State reimbursements

Executive Summary:

- Sales analysis study conducted verified certain classes of properties are not at an equitable level to the average therefore adjustments are warranted

Detailed Review:

- City of Biddeford's overall average assessed value to sales price ratios are currently around 75% down from 84% analyzing the last two fiscal year sales periods
- 2-4 Unit apartment ratios are averaging in the mid 60% range depending on number of units
- Commercial ratios are in the 70% range
- The Overall Ratio in the past year has dropped around 12%
The Council should be aware this percentage drop from 84% to 75% brings the Cities overall ratio very close to the State's allowable minimum ratio of 70%

Staff Recommendation

- The City Assessor intends to increase the valuations of inequitable classes of properties to an equitable level to distribute the tax burden fairly

**COUNCIL MEETING
FEBRUARY 2, 2021**

*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 6:00 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

Stephen St. Cyr and Robert Quattrone, Jr. were excused.

There were no adjustments to the agenda.

Presentation: Biddeford-Saco-Old Orchard Beach Transit Update

Tony Scavuzzo, Executive Director of the Biddeford-Saco-Old Orchard Beach Transit gave a PowerPoint presentation on a few updates concerning Transit operations:

COVID-19 Update:

- Vehicles are sanitized each day; masks are required
- Ridership is down 50%; which means fare recovery is also down at least 50%
- CARES Act is currently keeping Transit whole for the short term.
- Biddeford-Saco-Old Orchard Beach Transit was able to operate in the current fiscal year with flat funding from participating municipalities
- The local match in the next fiscal year is expected to increase to prepare for the post CARES Act environment.

Project Update:

- ✓ Automated vehicle locator continues to be widely used and has helped to streamline operations
- ✓ DiriGo electronic fare collection system was launched on October 1, 2020 and is working out very well, and provides for touchless payment of fares
- ✓ Two new Coach vehicles have arrived
- ✓ Trolley procurement is in process, with an expected delivery date in 2021
- ✓ The Electric Bus project continues to move forward, with an expected delivery date of November 2021.

Downtown Circulator Update:

- The concept for a Downtown Circulator is public transit servicing the downtowns of Biddeford and Saco and the University of New England.
- The service will be provided by a Trolley, with 20-minute loops and 12 trips to UNE daily.
- The Downtown Circulator will include stops at both Biddeford and Saco City Halls, the Saco Transit Center, the Pearl Street district, Pepperell Mill and 4 Scammon Street in Saco (Shaw's Plaza)
- The target launch for the Downtown Circulator is in August 2021
- Service for the Circulator will be year round and will run from 6am-10pm

Update: Upcoming Combined Sewer Operations (CSO) Projects

Jeff Demers, Public Works Director briefly explained the upcoming CSO project planned for the next year. The projects include:

Project 1 – Horrigan Court Pump Station Evaluation Report

Project 1A – Horrigan Court Pump Station Capacity Upgrade

Project 2 – South Street -from Elm Street to Wentworth Street

Project 3 – Center Street Separation and Division – from Elm Street to Jefferson Street

Project 4 – Alfred Street, Phase 1, Separation – from Main Street to Pool Street

Project 5 – Alfred Street, Phase 2, Separation – from Pool Street to Summer Street; and Summer Street to Foss Street

Update: COVID-19 Vaccination Accessibility

Roby Fecteau, the City's Emergency Management Director provided the update. He noted that there are currently 1,079 confirmed COVID cases in Biddeford; and there have been 5 facilities that have been identified with outbreaks (which is 3 or more COVID cases at one location). To date, there have been 158,071 total vaccinations given in Maine; with 117,613 being the first round of vaccinations and 40,458 being the second round. It has been confirmed that a York County mega-center for vaccination distribution will be set up in Sanford. For more information on vaccinations and how to pre-register for the vaccine, folks are encouraged to go to www.mainehealth.org.

Consideration of Minutes: **January 19, 2021**

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

Vote: Unanimous.

Orders of the Day:

2021.12 IN BOARD OF CITY COUNCIL...FEBRUARY 2, 2021

BE IT ORDERED, by the City Council of the City of Biddeford does hereby approve the write-off in the amount of (\$1,248.51) one thousand two hundred forty-eight dollars and fifty-one cents for real estate taxes assessed upon the parcel identified as Map 3 Lot 52 (Granite Street) for the fiscal year 2020 and 2021.

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

Vote: Unanimous.

2021.13 IN BOARD OF CITY COUNCIL..FEBRUARY 2, 2021

BE IT ORDERED, that the City Manager be authorized to receive, execute, and record a deed from Berube Builders. to accept **Whitewater Drive** as a public way subject to the conditions outlined in the Public Works Director's memo dated January 26, 2021.

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

Vote: Unanimous.

2021.14 IN BOARD OF CITY COUNCIL..FEBRUARY 2, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the purchase of the rehabilitation of Clarifier #2 at the Wastewater Treatment Plant, from Apex Corporation, Inc. of Somersworth, NH in the amount of **\$367,900.00**. Funds for this project will come out of the \$1.5 million Wastewater Revenue Bond issued by Biddeford Savings.

NOTE: The Finance Committee will review this item at their February 2, 2021 meeting and make a recommendation to the City Council.

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

Vote: Unanimous.

2021.15 IN BOARD OF CITY COUNCIL..FEBRUARY 2, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the sole-source purchase of MetroQuest Subscription Services to bolster civic engagement needs for the Comprehensive Plan process, as well as other projects throughout the City over the course of the year. The cost for the 1-year subscription will not exceed \$15,000, and will be paid for out of existing Planning & Development Office funds.

NOTE: The Finance Committee considered this item at their January 19, 2021 meeting and voted unanimously to recommend approval by the City Council.

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

Vote: Unanimous.

2021.16) Amendment/Ch. 22, Businesses, Various Sections/Add Marijuana Facilities Licensing Requirements

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

Motion by Councilor Lessard, seconded by Councilor Ortiz to table the ordinance amendment and send to the Policy Committee for further review and recommendation.

Vote: Unanimous.

2021.17 **IN BOARD OF CITY COUNCIL..FEBRUARY 2, 2021**
Extension of Permission to Utilize Public Space for Outdoor Retail and Restaurant Activity in the City of Biddeford.

Whereas, on Sunday, March 15, 2020, Governor Mills signed a Proclamation of State of Civil Emergency addressing the issues of the COVID-19 pandemic; and

Whereas, the Governor issued an additional proclamation that closed all restaurants and bars statewide, closed to dine-in customers effective March 18, 2020 at 6:00 p.m. and as of May 27, 2020, extended that indefinitely in York county; and

Whereas, with the gradual re-opening of the state of Maine, the Governor's office also promulgated rules governing the operation of restaurants and retail operations that when reopened, restricted the ability of Biddeford businesses to successfully deliver their product within existing confines; and,

Whereas, the City of Biddeford would like to assist area businesses in easing the use of public spaces adjacent to their operations, including sidewalks, parking spaces, streets or parks, to better serve the public during this pandemic;

Therefore, in accordance with Chapter 6, Article IV, of the City Code of Ordinances, the City of Biddeford declares the following emergency ordinance:

1. The city will use the special permit authority under Article IV, Special Events, to declare that public space, including sidewalks, parking spaces, streets or parks adjacent or nearby the operation of private retail and restaurant businesses may be made available for outside operations;
2. Permission may be granted in accordance with Section 6-143 and 6-144 through the existing special permit authority, except that for applications associated with this emergency ordinance a separate *Curbside Biddeford Temporary Outdoor Restaurant and Retail Operation Permit Application* shall be available; and,
3. This ordinance was originally put into place by the City Council on June 2, 2020 and is now being extended until January 1, 2022, or upon rescission or other relevant modification of Governor's Rural Reopening Plan, whichever comes first.

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

Vote: Unanimous.

Appointments:

Maine Service Center Coalition:

Motion by Councilor McCurry, seconded by Councilor Lessard to nominate James Bennett, City Manager as Biddeford's Representative to the Maine Service Center Coalition; and to nominate Brian Phinney, Chief Operating Officer as the Alternate; and to authorize Carmen Morris, City Clerk to complete, sign and submit the appointment form on behalf of the City Council.

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 2, 2021
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

Maya Atlas
92 Granite Street, #2
Ward 3

to the *Conservation Commission*, replacing Steven Reiter, for a term to expire in December 2024.

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

IN BOARD OF CITY COUNCIL..FEBRUARY 2, 2021

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

**Renee Messier
73 Old Pool Road
Ward 1**

to the *Downtown Development Commission*, replacing Brittany Saliwanchik, for a term to expire in December 2021.

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

IN BOARD OF CITY COUNCIL...FEBRUARY 2, 2021

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

**David Marchand
18 Kennedy Drive
Ward 7**

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

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

Public Addressing the Council...5 minute limit per speaker; 30 minute total time limit:
One citizen addressed his comments to the Council.

City Manager Report:

Chief Operating Officer, Brian Phinney noted that the most recent storm event has passed without any significant issues, except for some minor flooding at the coast. He commended the Public Works Department for all their efforts in keeping up with the storm.

Other Business:

Councilor Lessard: because the trash and recycling pick up for today was postponed to Saturday due to the storm event, he would like to see a waiver of the requirement for the use of PAYT orange trash bags for overflow trash. The rest of the Council concurred; and the requirement for the orange bags will be waived for Saturday's trash pick up.

Councilor Lessard would like the Council to request a meeting with State House Speaker, Ryan Fecteau (who also represents Biddeford's District 11) in order to make an appeal for a Turnpike Exit off of South Street.

Councilor Clearwater: asked how the information of the postponed trash pick up was communicated. Mr. Phinney explained that it was posted on the City's website, on Public Access, on all the usual social media feeds and on all the message boards throughout the City.

Councilor Clearwater shared that she currently serves as Biddeford's representative on the MMA Legislative Policy Committee, which met last week. She was pleased to learn about all the legislation and issues that MMA supports and does not support on behalf of Maine's municipalities.

Council President Addressing the Council: Councilor McCurry thanked the Public Works Department for all their efforts during the most recent storm event. He is pleased that the City is using the message boards as a way to communicate to the citizens.

Councilor McCurry shared that Maine Water has announced an increase in water usage rates.

Mayor Addressing the Council: Mayor Casavant encouraged folks to check out the episode of ***Places & Spaces*** on Channel 6, which recently did a feature on Biddeford.

Mayor Casavant reminded folks that WinterFest is coming up during the week of Feb. 15th to 19th. Scavenger hunts are being planned with prizes that include cash and gift cards. This year's WinterFest is geared to get people outside and get active in the community. He thanked New Life Church, Biddeford's Recreation Department and Heart of Biddeford for all their efforts with this year's event.

Lastly, Mayor Casavant recently met with Steve Reiter who is the Chair of the newly-formed Climate Change Task Force. The Task Force is working aggressively and will be coming forward to the Council with climate change recommendations in the near future.

Executive Session: 1 MRSA 405(6)(E)...Cable T.V. Contract Negotiations

Motion by Councilor McCurry, seconded by Councilor Clearwater to move into Executive Session.

Vote: Unanimous. Time: 7:41 p.m.

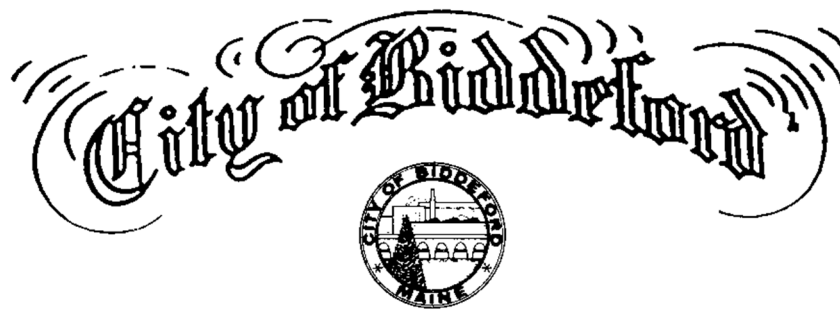
Motion by Councilor McCurry, seconded by Councilor Lessard to move out of Executive Session.

Vote: Unanimous. Time: 8:03 p.m.

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

Vote: Unanimous. Time: 8:03 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



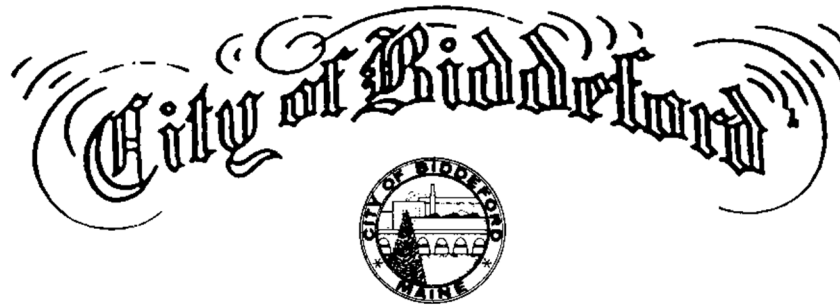
2021.19 **IN BOARD OF CITY COUNCIL... FEBRUARY 16, 2021**
BE IT ORDERED, by the City Council of the City of Biddeford, Maine as follows:

WHEREAS, on January 19, 2021, the City Council after a second reading of Order No. 2021.1, adopted certain amendments to Part III (Land Development Regulations), Article II, Article V and Article VI; and

WHEREAS, on February 2, 2021, the City Council tabled Order No. 2021.16 proposing certain amendments to the City of Biddeford's Business Licensing Ordinance, Chapter 22 – Businesses; and

WHEREAS, the City Council desires to delay the effective date of Order No. 2021.1 until the City Council has had an opportunity to take final action on Order No. 2021.16.

IT IS HEREBY ORDERED, THEREFORE, that Order No. 2021.1 shall take effect immediately upon the City Council taking final action on Order No. 2021.16.



IN BOARD OF CITY COUNCIL..FEBRUARY 16, 2021
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Anne Nadzo
53 Harding Street
Ward 4

to the *Downtown Development Commission*, replacing Stephanie Edwards, for a term to
expire in December 2022.

CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: February 1, 2021

Name: Anne Nadzo

Street Address: 53 Harding Street
Biddeford, ME 04005

Mailing Address:
(if different) _____

Phone Number(s): 207.289.7157

Email Address: annenadzo@gmail.com

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|---|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Housing Authority | ☐ • Planning Board |
| ☐ • Biddeford Police Advisory Committee | ☐ • Policy Committee |
| ☐ • Board of Assessment Review | ☐ • Project Canopy Committee |
| ☐ • Cable T.V. Committee | ☐ <u>3</u> • Recreation Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ <u>2</u> • Conservation Commission | ☐ • Solid Waste Management Commission |
| ☐ <u>1</u> • Downtown Development Commission | ☐ • Wastewater Management Commission |
| ☐ • Economic Improvement Commission | ☐ <u>4</u> • Zoning Board of Appeals |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

Association for Talent Development, 2016-2016
Salt Institute for Documentary Studies, 2011-2016

Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

I briefly served on the Heart of Biddeford, Operations Committee during the summer of 2017 and worked with Delilah Poupore to write a grant application for a community health fair. Previously, I worked for a Downtown Development Authority in Ypsilanti, MI for over a year and during this time, I organized and facilitated community meetings to elicit public comment on implementation of a state grant.

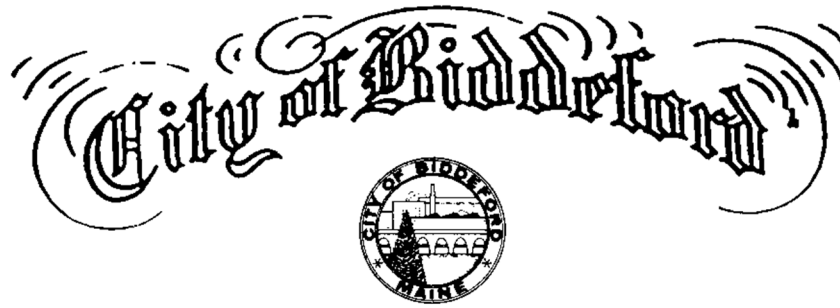
Please provide a brief statement describing your interest in serving the City of Biddeford.

When I moved to Biddeford a few years ago, I was very excited to get involved in such a thriving and growing community. While earning my Master's Degree in Public Policy, I focused my studies on economic and community development. It has been a thrill to watch Biddeford's development as a resident but I also felt there were opportunities for me to contribute and help the positive changes continue.

Shortly after I began volunteering with Heart of Biddeford, I started a job which required out of state travel every week. Due to the limited time I would physically be in Biddeford, I did not feel it was appropriate to commit to volunteer opportunities. My job duties have recently changed and I will no longer be traveling (even when the pandemic is over).

Now that I have the time to fully commit, I hope to be able to devote time and energy to the Biddeford community.

Attach any additional information to this application and return it to the City Clerk's Office.



IN BOARD OF CITY COUNCIL...FEBRUARY 16, 2021
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Liam LaFountain
242 Elm Street
Ward 7

to the *Recreation Commission*, for a term to expire in December 2026.

CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: February 2, 2021

Name: Liam LaFountain

Street Address: 242 Elm St.
Biddeford, ME 04005

Mailing Address:
(if different) _____

Phone Number(s): 207-423-8091

Email Address: lafountain8020@gmail.com

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Housing Authority | ☐ • Planning Board |
| ☐ • Biddeford Police Advisory Committee | ☐ • Policy Committee |
| ☐ • Board of Assessment Review | ☐ • Project Canopy Committee |
| ☐ • Cable T.V. Committee | ☒ • Recreation Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Solid Waste Management Commission |
| ☐ • Downtown Development Commission | ☐ • Wastewater Management Commission |
| ☐ • Economic Improvement Commission | ☐ • Zoning Board of Appeals |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

Diversity, Equity, and Inclusion Committee, Maine Medical Center, Portland, ME (July 2020-Present)

Emerging Leaders Committee, Maine Medical Center, Portland, ME (August 2020 - present)

Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

Lifelong resident of Biddeford

Volunteer at The Heart of Biddeford

Former Biddeford Youth Wrestling Volunteer Assistant Coach

Participant in Biddeford Youth Sports including:

Biddeford Youth Wrestling

Biddeford Youth Soccer

Please provide a brief statement describing your interest in serving the City of Biddeford.

As lifelong resident of Biddeford, I am grateful for the vibrant and welcoming community that has had a positive influence on my life. In particular, I am especially fond of my recreational experiences in Biddeford ranging from competitive athletics (Biddeford Youth Wrestling, Youth soccer, to school sports) to many of the after school and summer programs I participated in while growing up. These recreational activities are valuable experiences for our youth that will help them grow, mature, and learn to face adversity. Meanwhile, such recreational activities often serve as the foundation for life-long healthy friendships. I would be honored to serve the City of Biddeford through the Recreation Commission where I pledge to volunteer my time and energy towards supporting diverse and inclusive recreation activities for youth and adults in our great city.

Attach any additional information to this application and return it to the City Clerk's Office.