

COUNCIL MEETING

February 7, 2023

{The meeting was held in a hybrid model – in person and via Zoom}

Called to order by Mayor Casavant at: 6:01 p.m.

Roll Call: William Emhiser, Scott Whiting, Martin Grohman, Bobby Mills, Doris Ortiz, Liam LaFountain, Julian Schlaver, and Marc Lessard were present.
Norman Belanger joined the meeting via Zoom at 6:18 p.m.

The Council and all that were present recited the Pledge of Allegiance

Adjustment to the Agenda:

WinterFest Special Events Permit - ADDED

Presentation: **CDBG Funding – Citizens Advisory Committee**

Cat Bates, Chair of the Citizen’s Advisory Committee and Leah Schaffer Co-Chair of the Citizen’s Advisory Committee give a presentation on CDBG FY22 Fund Uses. A copy of the presentation can be found on the City of Biddeford’s website.

Public Addressing the Council: Two people from the public addressed the Council

Consideration of Minutes: **January 24, 2023**

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

Vote: Unanimous

Motion Passes

Orders of the Day:

2023.8) Approval/Order of Condemnation – Clifford Park

2023.8 IN BOARD OF CITY COUNCIL... FEBRUARY 7, 2023

ORDER OF CONDEMNATION

WHEREAS, the City of Biddeford is a party to a certain land conveyance agreement with E & R Development Corporation wherein the City shall convey approximately 4.2 +/- acres to E & R Development Corporation;

WHEREAS, said agreement obligates the City of Biddeford to convey good and marketable title to E & R Development;

WHEREAS, the City has long claimed title to two adjacent tracts of land, one of which includes said 4.2 +/- acres, said two tracts being more fully described herein, as part of so-called “Clifford Park” and used solely for public recreational purposes;

WHEREAS, title research with respect to said 4.2 +/- acres, as well as said adjacent portions of so-called “Clifford Park” has revealed that no readily discernable source of title in the City;

NOW, THEREFORE, pursuant to 30-A M.R.S. §3101 and 23 M.R.S. §3023, for the public purpose of a public park to be used for recreational purposes and to clear title to the subject properties, the Biddeford City Council, as Municipal Officers with the power of

appropriation does hereby take by the power of eminent domain the following described property:

Parcel One:

A certain lot of land situated in the City of Biddeford, County of York and State of Maine, bounded and measuring as follows;

BEGINNING at the southerly corner of the granted premises;

THENCE northeasterly by the line of said lot twelve hundred and twenty four and one half feet;

THENCE at a right angle Southeasterly across said lot seven hundred and ninety-three feet to the southeast sideline thereof;

THENCE South 58° West, twelve hundred and sixty three and one half feet to the east corner of said lot;

THENCE Northwesterly five hundred and twenty-eight feet to the point of beginning.

Containing about eighteen acres, be the same, or any of the above measurements, more or less, and however otherwise the granted premises, may be bounded, measured or described. Said premises are hereby conveyed with all the rights, easements, privileges and appurtenances, and subject to all the restrictions and reservations expressed in a deed to Nathan Otis Kendall of the said premises from Nathan Chadwick dated November 16, 1833 and recorded in the York County Registry of Deeds in Book 154, Pages 228 and 229, and also in a deed to Nathan Otis Kendall from the Saco Water Power Company dated April 27, 1849 and recorded in said Registry of Deeds in Book 248, Page 259 and 260, whereto reference may be had for a more particular description of the granted premises.

Parcel Two:

A certain lot or parcel of land situated in the City of Biddeford, County of York and State of Maine, bounded thus:

BEGINNING at the west corner of the lot of land released to John M. Batchelder in the deed of the Saco Water Power Company, which corner is 1224 ½ feet northeast from the south corner of the lot intended to be divided by said parties by the deeds aforesaid dated April 27, 1849;

THENCE northeast four hundred fifty-seven feet to the west corner of this lot;

THENCE southeast nine hundred and twenty-four feet to the north corner of the same lot;

THENCE southwest sixty-six feet;

THENCE northwest forty-nine and one half feet;

THENCE South 58° west four hundred and three feet to the north corner of the lot released to said Batchelder as aforesaid;

THENCE Northwest by the lot released to said Batchelder as aforesaid, seven hundred and ninety three feet to the point of beginning, containing about nine acres. This division being made agreeably to a plan of the premises drawn by R. M. Chapman Esq. to be referred to, and

the boundaries of the whole lot aforesaid are described in the deed of Nathan Chadwick to John M. Batchelder dated November 16, 1834, reserving to John M. Batchelder the same right of passage over the above premises as is reserved in the said deed to Chadwick and to said Jordan, his right of passage as expressed in the same deed.

FURTHERMORE, it can reasonably be determined the following persons and/or the heirs thereof shall be awarded (\$1.00) One Dollar as compensation, as said properties have been unoccupied, undeveloped and used solely for public recreation for the past (100) one hundred years.

Nahum Getchell of Saco, Maine, Joann Getchell, sometimes called Joan Getchell of Saco, Maine, Mary W. Gowen of Portland, Maine, Annie L. Getchell of Saco, Maine, Charles A. Getchell of Hollis, Maine, Margarite C. Townsend of West Buxton, Maine, d Ellen G. Sawyer, also known as Ellen Getchell of Hollis, Maine, Alfred L. Bickford of Hollis, Maine, Charles Getchell Townsend of Hollis Maine, Charles Austin Bickford of Hollis, Maine, Freeman Gowen and Leonard Gowen, both of Portland, Maine, Immanuel Baptist Church, now believed to be known as Williston Immanuel United Church located at 156 High Street, Portland, Maine, Joseph Getchell of Kennebunk, Maine, Jerusha Getchell of Kennebunk, Maine, Clara A. Getchell of Kennebunk, Maine, Martha A. W. Getchell, also known as Martha A. Williams, Benjamin F. Getchell, sometimes called B. Frank Ketchell of Kennebunk, Maine, Benjamin Williams of Kennebunk, Maine, George F. Getchell of Kennebunk, Maine, Charles N. Getchell, John Getchell, Susie Jordan, Ethel M. Hill, Hartley Storer, all of uncertain whereabouts, Margaret Littlefield, Chester Littlefield, Ashby Littlefield, Edward B. Littlefield, all believed to be once of Kennebunk, Maine, now of parts unknown, Saco Water Power Company and its successors in interest, including but not limited to, Pepperell Manufacturing Company, Westpoint Pepperell, Inc. Westpoint Stevens, Inc., a Delaware corporation with a place of mailing address of c/o Corporation Service Company, 2512 Little Falls Drive, Wilmington, DE 19808, and WestPoint Home, Inc. with a mailing address of 777 Third Avenue, 7th Floor, New York, New York, 10017, their heirs, successors, legal representatives, devisees, assigns, trustees in bankruptcy, disseisors, creditors, lienors and grantees and any and all other persons unascertained or not in being or unknown or out of the state, and all other persons whomsoever who may claim any right, title, interest or estate, legal or equitable, in the within described land and real estate through any of the said above named persons or entities

BE IT ORDERED, this Order shall be delivered and filed forthwith to the Biddeford City Clerk dated February 7, 2023.

Motion made by Councilor Lessard, seconded by Councilor Emhiser to Approve the Order of Condemnation to Clifford Park.

Vote: 5:4, Councilors Belanger, Lessard, Emhiser, Schlaver and Otiz in Favor. Councilors Mills, Whiting, Grohman and LaFountain Opposed.

Motion Passes.

Motion made by Councilor Ortiz to table the Order, seconded by Councilor Grohman.
Point of Order: Councilor Grohman withdraws his second.

Motion made by Councilor Ortiz to table the Order, seconded by Councilor Grohman.
Vote: 3:6, Councilors Ortiz, Grohman and LaFountain in Favor. Councilors Belanger, Lessard, Schlaver, Whiting, Emhiser and Mills Opposed.
Motion Defeated.

Motion made by Councilor LaFountain to require a Second Reading, seconded by Councilor Mills.
Point of Order: Councilor LaFountain withdraws his Motion.

2023.9) CDBG FY22 Fund Uses

Jim Bennett, City Manager presents to the Council a decision regarding \$505,000 in CDBG funds that is expected to be spent by May 1, 2023 referencing a memo provided to the Council. A copy of that memo is available on the City of Biddeford's website. No decision(s) was made regarding the CDBG funds at tonight's meeting.

Motion made by Councilor Whiting, seconded by Councilor Mills to revisit this item the first meeting in March.

Councilor Whiting amends his motion to revisit this item no later than the first meeting in March, seconded by Councilor Mills.
Vote: Unanimous
Motion Passes

2023.10) Approval/Phase I of Fire Department Roof Replacement

2023.10 **IN BOARD OF CITY COUNCIL..FEBRUARY 7, 2023**

BE IT ORDERED, that the City Council of the City of Biddeford does authorize the City Manager to enter into an agreement with Viking Roofing in the amount of \$92,903.00, for the purpose of completing the living/office and generator room roof repairs at the Biddeford Fire Station.

Motion made by Councilor Whiting, seconded by Councilor Lessard to authorize the City Manager to enter into an agreement with Viking Roofing.
Vote: Unanimous
Motion Passes

2023.11) Approval/Request for Purchase of Battery-Operated Extrication Tool

2023.11 **IN BOARD OF CITY COUNCIL..FEBRUARY 7, 2023**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into an agreement with Northeast Emergency Apparatus in the amount of \$34,271.00 for the purpose of purchasing TNT Battery Extrication tools for the Biddeford Fire Department

Motion made by Councilor Mills, seconded by Councilor Whiting to authorize the City Manager to enter into an agreement with Northeast Emergency Apparatus.

Vote: Unanimous

Motion Passes

2023.12) Approval/WinterFest Special Events Permit

2023.12 IN BOARD OF CITY COUNCIL..FEBRUARY 7, 2023

BE IT ORDERED, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for The Heart of Biddeford to sponsor the service of liquor (beer) provided by Blaze Brewing at WinterFest 2023 on February 10, 2023 at the City Hall Parking Lot, providing that the said Heart of Biddeford is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

Motion made by Councilor Grohman, seconded by Councilor Mills to approve the special events permit for WinterFest taking place February 10-12, 2023.

Vote: Unanimous

Motion Passes

Motion made by Councilor Grohman, seconded by Councilor Whiting to approve the sale of beer provided by Blaze Brewing at WinterFest on February 10, 2023.

Vote: 7:2, Councilors Belanger, Emhiser, Whiting, Grohman, Schlaver, LaFountain and Ortiz in Favor. Councilors Mills and Lessard Opposed.

Motion Passes

Committee-of-the-Whole: Discussion of the next steps based on Affordable Housing Task Force Report

Motion to begin Committee-of-the-Whole made by Councilor Emhiser, seconded by Councilor Whiting.

Vote: Unanimous

Time: 8:27 p.m.

Point of Order: Motion made by Councilor Emhiser, seconded by Councilor Whiting to extend the meeting past 9:00 p.m.

Vote: 6:3, Councilors Emhiser, Belanger, Whiting, Grohman, Schlaver and LaFountain in Favor. Councilors Lessard, Mills and Ortiz Opposed.

Motion Passes

Motion to end Committee-of-the-Whole made by Councilor Mills, seconded by Councilor Lessard.

Vote: Unanimous

Time: 9:05 p.m.

Appointment: Peter Robbins – Conservation Commission

IN BOARD OF CITY COUNCIL...FEBRUARY 7, 2023

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

**Peter Robbins
Ward 1**

to the *Conservation Commission*

Motion made by Councilor Mills, seconded by Councilor Lessard to confirm the appointment.

Vote: Unanimous.

Appointment Confirmed

Public Addressing: No one from the public addressed the Council.

City Manager report:

Jim Bennett, City Manager – Recognizes Roby Fecteau and other staff members for their hard work getting prepared for the extremely cold temperatures over the past weekend. He mentions the preparations began a week prior. Secondly, he is pleased to announce that he has appointed David Galbraith as Deputy Director of Planning and Development. He goes on to talk about the State Evaluation information that he has sent out to the Council to take a look at. Some of the points he made regarding the State Evaluation is that the State Evaluation went up \$492,250,000. The City of Biddeford went up almost double of what the state average is so there will be some impact on formulas. He reminded the Council that this is based off of two-year-old data so this isn't including the growth that is happening now. When the budget comes forward and people are asked to pay a little more than they've had to in the past in terms of single-family homes, his hope is that people keep in mind that over the last 10yrs it's been very stable and they haven't had to pay more. He reports that the City of Biddeford in eight years has gone from 5th or 6th highest valued community in York County to number 3 and very close to the number 2 spot.

Other Business:

Councilor Mills – Commends Roby Fecteau for being predictive of the cold temperatures last weekend. He also wanted to commend Seeds of Hope and all they did in regards to the warming shelter. Councilor Mills also addresses a citizen's request about having a workshop outlining the differences between the Planning Board and the City Council. He asked Mayor Casavant if he would reach out to Larry Patoine who is the Chair of the Planning Board to get something on the City Facebook page or web page that would help explain the difference.

Councilor LaFountain – Thanks Roby Fecteau and the Seeds of Hope for their response to the emergency need in our community last week. He also wanted to thank all the people that participated in The-Point-In-Time count led by Seeds of Hope, York County Community Action and McArthur Public Library. Additionally, he reported to the Council that the City of Biddeford School Department received a grant for over a half million dollars to help support the expansion of restorative practices for students. He thanks the Superintendent, the School Board and the staff for their involvement in getting that grant. Councilor LaFountain also mentions that on Saturday there will be Super Bowl Trivia taking place at Letellier Realty/Remax located downtown to raise money for the Biddeford Education Fund.

Council President Addressing the Council: Norman Belanger the Council President did not address the Council.

Mayor Addressing the Council:

Mayor Casavant hopes to see everyone at the WinterFest. There are going to be over forty bicycles being raffled off along with gift cards, a couple of the gift cards are in the amount of \$500.00 and some being in the amount of \$100.00. It's a time to have a little fun and get to know each other.

Motion to adjourn made by Councilor Mills, seconded by Councilor Lessard

Vote: Unanimous

Motion Passes

Time: 9:11 p.m.