

COUNCIL MEETING

FEBRUARY 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, Norman Belanger, Liam LaFountain, Doris Ortiz and Marc Lessard

Amy Clearwater was excused.

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

There were no adjustments to the agenda.

Presentation: Corrective Action Plan in Response to BerryDunn Report (Sewer Billing):

Finance Director Nichole Wood presented this item. She noted that she had submitted a Memo to the Council with explanations and responses to the BerryDunn Report. She went on to explain that the challenges related to wastewater billing over the past several years is due, in large part to a long-term employee's retirement and lack of written procedures and processes for how to process the different types of sewer billing. Also attributing to the challenge is that there has been a change in staffing for the sewer billing position at least three times in this time period.

Tax Collector Kristy Cyr has sporadically filled in the sewer billing position whenever the position was vacant, and in doing so, had already identified many of the issues that were identified in the BerryDunn Report.

Corrective actions that have been taken include setting a billing schedule; and Staff is scheduled for a training with Munis to go over the wastewater billing module and learn all the processes that are available in the Munis program, but are currently not in place. The hope is to gain more efficiencies within the sewer billing process. Also part of the corrective actions is the drafting of a policy and procedures manual once Staff has been through the Munis training.

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

Rev. Shirley Bowen from Seeds of Hope gave a mid-winter update on what her social service agency has been dealing with, including the opening of the warming center many nights thus far this winter. She forewarned that her FY23 budget request to the City has increased, and that's in order to continue to meet the needs of the most vulnerable population in our community.

Consideration of Minutes: **January 17, 2022; January 18, 2022**

Motion by Councilor Belanger, seconded by Councilor Mills to accept the minutes of January 17, 2022 Special Council Meeting as printed.

Vote: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Mills to accept the minutes of January 18, 2022 Council Meeting as printed.

Vote: Unanimous.

Orders of the Day:

2022.7

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

BE IT ORDERED, that the City Manager or his designee be authorized to sign a unit cost contract with Gorham Sand and Gravel, Inc. of Gorham, Maine for the construction of the Center Street Sewer Separation Project as per the bid submitted and opened on December 21, 2021 in the amount of \$1,467,157.70. Funding for this work is from the Sewer Separation Bonds approved by voters and as provided for in account codes 35102-60605 & 31458-60313.

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NOTE: The Finance Committee will review this item at their February 1, 2022 meeting.

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

Vote: Unanimous.

2022.8

IN BOARD OF CITY COUNCIL..FEBRUARY 1, 2022

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 42-99 No through trucks, be amended by adding or deleting to read as follows:

Sec. 42-99 No through trucks.

- (a) One-and-one-half-ton and over. There shall be no through trucks over 1 1/2 ton in size on the following streets:

Diamond Street, no trucks greater than 1 1/2 ton; local deliveries only

Stone Street, no trucks greater than 1 1/2 ton; local deliveries only

Summer Street, signs to be placed at Summer Street and Harrison Street and Summer Street and Birch Street

- (b) Five tons and over. There shall be no through trucks over five tons gross vehicle weight on the following streets:

Edwards Avenue

Graham Street, any part between Crescent Street and Alfred Streets

Grayson Street, any part between Elm Street and Hill Street

Janelle Street

Maple Avenue, any part

May Street, any part

Round Hill Street

NOTE: The Policy Committee considered this item at their January 24, 2022 meeting and voted unanimously to recommend passage by the City Council.

Motion by Councilor Belanger, seconded by Councilor Whiting to grant the first reading of the ordinance amendment.

Vote: Unanimous.

2022.9

IN BOARD OF CITY COUNCIL..FEBRUARY 1, 2022

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**, be amended by adding or deleting to read as follows:

Lemieux Street, even numbered side, beginning at the intersection with Rathier Street, thence southwesterly to the intersection with Forest Street.

NOTE: The Policy Committee considered this item at their January 24, 2022 meeting and voted 3/2 to recommend passage by the City Council.

Motion by Councilor Belanger, seconded by Councilor Whiting to grant the first reading of the ordinance amendment.

Vote: 7/1; Councilor Lessard opposed.

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

Motion carries.

2022.10

IN BOARD OF CITY COUNCIL..FEBRUARY 1, 2022

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 40, Miscellaneous Provisions and Offenses Traffic, **Article III DISCHARGE OF FIREARMS, Section 40-44** Discharge of firearm on Sunday amended by adding or deleting to read as follows:

Sec. 40-44 Discharge of firearm on Sunday prohibited.

It is unlawful for a person to discharge a firearm as defined in Section 40-46 on Sundays.

Sec. 40-44 40-45 Exceptions.

- (a) The provisions of Sections 40-42 through 40-43 ~~40-44~~ shall not apply in the following cases.

- (1) Approved firearms range.

- (2) Raccoon hunting at night with a .22 long rifle caliber firearm.
- (3) Trappers tending their traps.
- (4) Military funerals or reviews.
- (5) Memorial events.
- (6) Law enforcement officers in the performance of their duties.
- (7) In the destruction of a dangerous animal as authorized by law.
- (8) Hunters retrieving a wounded bird or animal.
- (9) Hunting of wildlife pursuant to a depredation permit issued by the Maine State Department of Inland Fisheries and Wildlife allowing the removal of wildlife causing property damage, and with written permission from the Chief of Police.
- (b) Nothing in this section shall infringe upon the statutory right of a person to act in self defense as set forth in the Maine Revised Statutes.

Sec. ~~40-45~~ 40-46 Definitions.

As used in this chapter, the following terms have the following meanings.

APPROVED FIREARMS RANGE

An approved firearms range having a backstop constructed of logs or timbers at least 12 inches in diameter with an earth barrier behind or an earth barrier of suitable materials with no less than a 45° slope. There shall be a natural obstruction of trees or terrain to the rear of the backstop. The target area shall be placed no less than three feet from the top and sides of the backstop. The range widths of the target shall be no less than 15 feet, for 50 yards; 25 feet for 100 yards; and 50 feet for 200 yards. No range shall be situated less than 100 feet from the nearest roadway. No shooting is allowed between the hours of sunset and sunrise. These regulations do not apply to indoor shooting ranges.

FIREARM

Any weapon whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive, and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun, or shotgun. A weapon which can be made into a firearm by the insertion of a firing pin, or other similar thing, or repair, is a firearm.

MUZZLE-LOADING FIREARM

A rifle or smooth-bored firearm, patch and ball only, that is loaded through the muzzle with powder or priming charge or flint, match or wheel lock mechanism.

NO DISCHARGE OF FIREARMS ZONE

That part of the City encompassed within the following boundaries:

Beginning at a point on the border between Biddeford and Saco in the Saco River, said point also being at or near the Main Street Bridge;

Thence running in a generally southeasterly direction, along the border between Biddeford and Saco to a point on the border that would intersect to a straight line drawn from the center line easterly most side of the West Brook outlet;

Thence running in a generally southwesterly direction to a point 50 feet upland and parallel to the mean high water line of the main body of the Saco River to a point, said point being on the easterly most side of the West Brook outlet;

Thence running in a generally southeasterly direction, 50 feet upland and parallel to the mean high water line of the main body of the Saco River to a point, said point being the rock jetty at Hills Beach.

Thence running in a generally southeasterly direction, 50 feet upland and parallel to the mean high water line of the Atlantic Ocean, to the opening to the Biddeford Pool, more commonly known as "The Gut";

Thence running in a generally counter clockwise direction, 50 feet upland and parallel to the mean high water line of the Biddeford Pool to the opening to the Atlantic Ocean known as "The Gut";

Thence running in a generally northeasterly direction, 50 feet upland and parallel to the mean high water line of the Atlantic Ocean to East Point;

Thence running in a generally southwesterly direction, 50 feet upland and parallel to the mean high water line of the Atlantic Ocean to the Little River;

Thence running in a generally northerly direction, 50 feet upland and parallel to the mean high water line of the navigable portion of the Little River;

Thence running 50 feet, more or less, to the mean high water line of the Little River;

Thence running in a generally southwesterly direction, along the mean high water line of the Little River to a point, said point being the intersection of the mean high water line and the extension of the Biddeford-Kennebunkport Town line;

Thence running northwesterly along extension of the Biddeford-Kennebunkport Town Line and the Biddeford-Kennebunkport Town Line, each in part to a point, said point being the intersection of the Biddeford-Kennebunkport Town Line and the right-of-way line on the westerly side of Pool Street, also known as State Route 9;

Thence running along the last mentioned right-of-way line in varying directions, to a point, said point being the intersection of the right-of-way on the southerly side of Pool Street and the southerly right-of-way line of Meetinghouse Road;

Thence running in a generally northwesterly direction, along the southerly right-of-way line of Meetinghouse Road, to a point, said point being the intersection of the southerly right-of-way line of Meetinghouse Road and the right-of-way line on the southerly side of Pool Street;

Thence running in a generally northwesterly direction, along the right-of-way line on the southerly side of Pool Street to a point, said point being the intersection of the right-of-way line on the southerly side of Pool Street and the easterly bank of west Brook;

Thence running in a generally southwesterly direction, along the easterly bank of West Brook to Wilcox Pond;

Thence running in a generally southerly direction, along the easterly shore line of Wilcox Pond to the easterly bank of West Brook.

Thence running in a generally southerly direction, along the easterly bank of West Brook to a point 1,200 feet, more or less, northeasterly of the end of Granite Street Extension;

Thence running southwesterly parallel to Granite Street Extension, 1,800 feet, more or less, to a point 900 feet, more or less, southerly of the right-of-way at the end of Granite Street Extension;

Thence running in a generally westerly direction, perpendicular to the last mentioned line in a northwesterly direction, 2,250 feet, more or less, to the southerly bank of the southern leg of Richardson Brook;

Thence running along the southerly bank of the southern leg of Richardson Brook to Richardson Brook;

Thence running in a generally northerly direction, along the bank of the southerly side of Richardson Brook to a point, said point being the intersection of the bank on the westerly side of Richardson Brook and the southwesterly right-of-way line of Precourt Street, also known as the Turnpike Connector;

Thence running northwesterly along the southwesterly right-of-way line of Precourt Street to a point, said point being the intersection of the southwesterly right-of-way line of Precourt Street and the southerly right-of-way line of Alfred Street, also known as State Route 111;

Thence running in a westerly direction, along the southerly right-of-way line to a point, said point being the intersection of the southerly right-of-way line of Alfred Street and the westerly right-of-way line of Interstate 95, also known as the Maine Turnpike;

Thence running in a northerly direction, along the westerly right-of-way line of Interstate 95 to a point, said point being the intersection of the westerly right-of-way line of Interstate 95 and the mean high water line of the Saco River;

Thence running in a generally easterly direction, along the mean high water line of the Saco River to a point on the westerly side of the boat launch at Rotary Park;

Thence running on a perpendicular line to the border between Biddeford and Saco in the Saco River.

Thence running in a generally easterly direction along the border between Biddeford and Saco in the Saco River to the point of beginning.

Thence running in a northerly direction to a point, said point being the mean high water line at the western point of Spring Island;

Thence running in a generally clockwise direction, along the mean high water line of the Saco River to the easterly point of Spring Island;

Thence running in a southerly direction, to a point on the mean high water line on the southerly bank of the Saco River;

Thence running in a generally southeasterly direction, along the mean high water line of the Saco River to a point, said point being the intersection of the mean high water line and southeasterly edge of the Main Street Bridge;

Thence running at or near the southeasterly edge of the Main Street Bridge, 50 feet more or less, in a

southwesterly direction to the point of beginning.

This description is intended to describe that portion shown as a "No discharge zone" on a map entitled "Proposed Firearms Ordinance Boundaries," dated: January 9, 1997, revised: March 4, 2003, Scale: 1" = 2,000', and Prepared By: The City of Biddeford Engineering Department. This Plan is recorded with the City of Biddeford Engineering Department, Plan TD-1169

SHOTGUN

A rifled or smooth bore firearm designated to shoot shot shells, e.g., 10, 12, 16, 20, 28 gauge .410 caliber.

Sec. 40-46 40-47 Penalties.

A person who violates any of the provisions of this section is subject to a fine of not less than \$500, plus costs, which fines shall be recovered in a civil action to the use of the City.

Sec. 40-47 40-48 Committee review.

At such time as a review is conducted of the Discharge of Firearms Ordinance, an ad hoc committee will be convened, appointed by the Mayor and confirmed by the City Council, to participate in the review process.

Motion by Councilor Whiting to grant the first reading of the ordinance amendment.
Fails due to lack of second motion.

2021.132 IN BOARD OF CITY COUNCIL..DECEMBER 21, 2021
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, MOTOR VEHICLES & TRAFFIC, **Section 42-66 Beach permit parking regulations enumerated, Sub-section (2) & (3).** is amended by adding or ~~deleting~~ to read as follows:

- (2) For the purpose of this section, the word "resident" shall meet one of the following criteria:
- a. Person who pays real estate property taxes to the City;
 - b. Person who is a registered voter in the City;
 - c. Person who can provide a vehicle registered both in the City and the State of Maine. All residents of the City may obtain parking permits for compliance with this Section for a fee of ~~\$28~~ ~~\$30~~ **\$35** for the first vehicle, ~~\$15~~ **\$20** per additional vehicle registered at the same address, ~~\$15~~ **\$20** for residents 65 and older, payable to the City Clerk. Proof of eligibility will be the burden of the applicant.
- (3) Persons ineligible under Subsection (2) may obtain a parking permit to be in compliance with this section for a fee of ~~\$153~~ ~~\$155~~ **\$245** for a season permit; ~~\$79~~ ~~\$82~~ **\$140** for a seven-day permit; ~~\$46~~ ~~\$49~~ **\$75** for a three-day permit; and ~~\$22~~ ~~\$25~~ **\$35** for a one-day permit. The seven-day and three-day permits are valid in consecutive days only, and are not transferable from vehicle to another.

NOTE: This ordinance amendment was considered at the October 12, 2021 Policy Committee meeting and was voted unanimously to recommend passage by the Council.

NOTE: The Policy Committee considered this item at their January 24, 2022 meeting and voted unanimously to recommend passage of the **proposed beach permit increases** by the City Council.

Motion by Councilor Belanger, seconded by Councilor Whiting to remove the ordinance amendment from the table.

Vote: 7/1; Councilor Mills opposed.

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

Motion by Councilor Belanger, seconded by Councilor Grohman to suspend the rules and allow Councilor Mills to speak for a third time.
All were in favor.

Motion by Councilor Mills, seconded by Councilor Lessard to table the ordinance amendment back to the Policy Committee for further work on the fee structure.

Vote: 2/6; Councilors Lessard and Mills in favor.

Councilors Emhiser, Whiting, Grohman, Belanger, LaFountain and Ortiz opposed.

Motion to table fails.

Vote on ordinance amendment: 6/2; Councilors Lessard and Mills opposed.

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

First reading carries.

Appointments:

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

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

**Erik Heumiller
81 Clifford Street
Ward 2**

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

Motion by Councilor Belanger, seconded by Councilor Whiting to confirm the appointment.

Vote: Unanimous.

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

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

**Michael Lowell
521 South Street
Ward 6**

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

Motion by Councilor Belanger, seconded by Councilor Whiting to confirm the appointment.

Vote: Unanimous.

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

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

**Robert Cyr
20 Buzzell Road
Ward 6**

to the *Downtown Development Commission*, for a term to expire in December 2024.

Motion by Councilor Belanger, seconded by Councilor Whiting to confirm the appointment.

Vote: Unanimous.

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

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

**Camille White
475 South Street
Ward 6**

to the *Downtown Development Commission*, for a term to expire in December 2024.

Motion by Councilor Belanger, seconded by Councilor Grohman to confirm the appointment.

Vote: Unanimous.

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

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

**Rebecca Henry
5 Forest Street
Ward 7**

to the *Project Canopy Committee*, for a term to expire in December 2026.

Motion by Councilor Belanger, seconded by Councilor Whiting 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:

Chief Operating Officer Brian Phinney gave an update on the River Wall Repair. When the City first requested funding assistance from FEMA, we were directed to file with USDA. The USDA denied the City's application as not being applicable. The City is again working with FEMA, who is now questioning some of the costs and details of the project. Due to the numerous inquiries from FEMA, the City has had to file for an extension, which was recently approved. City Staff will continue to work through the issues with FEMA and get the application filed in a timely manner.

Other Business:

Councilor Grohman – asked if there is an update on the South Street Hidden Hills Project. Chief Operating Officer Brian Phinney offered that he was aware of a meeting that had taken place for the initial traffic impact of the project, and that Planning & Development Director Mathew Eddy had attended. Brian has not been updated any further.

Councilor Lessard – in response to Councilor Grohman's question about the South Street Hidden Hills Project, he understands that the Developer did send a response to the City regarding the type of housing that will be built, and Councilor Lessard asked that the response be forwarded to the Council.

Councilor Mills – had the following comments:

He thanked those who offered their condolences for the passing of his sister.

He encouraged everyone to get their COVID vaccines.

He would like to know more about the volunteer opportunities at Seeds of Hope.

He wonders if it would make sense to reach out to the physicians who used to help out at the Biddeford Free Clinic to see if they would be willing to help out at Seeds of Hope.

Councilor Grohman – reminded everyone that the WinterFest event is this weekend, starting on Friday night and going into Sunday. He hopes to see lots of people attend.

Council President Addressing the Council: Councilor Belanger gave a shout out to the Public Works Department for the great job they did over the weekend during the blizzard.

Mayor Addressing the Council: Mayor Casavant also reminded folks that WinterFest is coming up this weekend, February 4th, 5th and 6th with lots of fun and free activities planned. Wal-Mart has donated 30 bicycles which will be raffled off; and many local businesses have donated pizzas for the event. On Sunday, there will be skating at the Westbrook Skating Rink. The whole idea behind this event is to bring the community together for a fun-filled weekend.

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

Vote: Unanimous.

Time: 6:51 p.m.

Attest by: _____
Carmen J. Morris, City Clerk

