

**COUNCIL MEETING
JANUARY 7, 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., Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

Mayor Casavant began the meeting with the following comments:

Before we begin, tonight, I want to say how lucky we are to be here: to debate issues, to agree and disagree. I say that in the backdrop of what occurred in Washington, yesterday. It was a horrific, sad day for our nation, for our democracy, and it will be a stain on our nation's history forever. It is also a brutal reminder that words have consequences.

Today we are a polarized nation, and the inflammatory political rhetoric that we too often hear has no place in civil discourse. As a democratic republic, it is important to remember that our democracy is fragile. There is no guarantee for its survival, and there is absolutely no place for violence in our political system.

What happened is a wakeup call. We, as citizens, have a duty to be vigilant in the protection of our democracy: securing factual information, utilizing critical thinking skills when considering issues, and not being swayed by emotion and demagoguery. With social media being so embedded in daily lives, it is important to remember that information on that platform is often manipulated and manufactured. I suspect, in upcoming years, we will be subjected with video imagery that will literally put false words in the mouths of public figures. Will you be ready to recognize the fake character from the real?

So tonight, reflect upon what happened yesterday and what each of us can do to change the political culture. Be critical of sources of information and rely on multiple sources. Ask questions. Don't jump to conclusions. Listen and learn from others, and don't resort to mocking and attacking others who disagree with your point of view. If our republic is to survive, we must become kinder and gentler and not succumb to the passions of anger, jealousy, and hate. We are a nation of law, and as a people, we have far more in common than not.

There were no adjustments to the agenda.

Presentation: Social Worker Position at Police Department

Police Chief, Roger Beaupre began by sharing a letter that had been sent from CALEA. The letter confirms that CALEA has certified the Biddeford Police Department in having met certain eligibility requirements, set forth by the U.S. Department of Justice, for discretionary federal grants. Specifically, the Department maintains use of force policies that adhere to all applicable federal, state and local laws; including a written directive that prohibits the use of choke holds.

Chief Beaupre shifted gears a bit and gave an update on the newly established Community Engagement Specialist position working with the Police Department. The C.E.S. position was developed in partnership with Spurwink to address those community needs not covered by the Substance Use Outreach Liaison – like mental health issues and homelessness, as well as other resource needs. The intention of this position is to keep it fluid to be better able to address the community's needs as they exist and change over time.

Presentation: PROTECT – A Research Study

Dr. David Gagnon, PharmD, BCCCP, FCCM from the Maine Medical Center Research Institute presented the PROTECT Study. PROTECT is Ceftriaxone to Prevent pneumOnia and inflammaTion aftEr Cardiac arresT: a randomized-controlled trial and microbiome assessment.

Dr. Gagnon explained that the PROTECT Study is a research study being conducted at Maine Medical Center in Portland, Maine and Eastern Maine Medical Center in Bangor, Maine for patients brought in to the emergency department alive after a cardiac arrest. The study specifically focuses on the effects of ceftriaxone (antibiotic) after a cardiac arrest. Thus far, the research team has determined that the risks and benefits of the study are balanced – which is called equipoise.

This particular study is considered an Emergency Study where Federal regulations allow an Exception From Informed Consent (EFIC). A requirement of an EFIC Study is community consultation, which is the purpose of tonight's presentation. Participation in this research study is optional, and community members are able to opt-out. The Study Team welcomes any questions, comments and feedback from the community.

Consideration of Minutes: **December 15, 2020**

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

Vote: Unanimous.

Orders of the Day:

2021.1

IN BOARD OF CITY COUNCIL..JANUARY 5, 2021

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

NOTE: For ease, highlighted text identifies text that has been changed (underline = added, ~~strikethrough~~ = deleted).

Part III (Land Development Regulations), Article II (Definitions), Section 2 (Definitions):

MARIJUANA

As defined in State Administrative Rules (10-144 CMR Chapter 122), § 1.17, Marijuana. The leaves, stems, flowers and seeds of a marijuana plant, whether growing or not. “Marijuana” includes marijuana concentrate but does not include hemp as defined by Maine Statute, or a marijuana product.

MARIJUANA PRODUCT

A product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption. “Marijuana product” includes, but is not limited to, an edible marijuana, product, a marijuana ointment and a marijuana tincture. “Marijuana product” does not include marijuana concentrate.

MARIJUANA CONCENTRATE

The resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture or preparation of such resin, including, but not limited to, hashish.

~~MEDICAL~~ MARIJUANA, MEDICAL

Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition, consistent with Title 22 MRS 558-C.

MARIJUANA, ADULT USE

Marijuana cultivated, manufactured, distributed or sold by a marijuana establishment, consistent with Title 28-B MRS.

MARIJUANA ESTABLISHMENT

A cultivation facility, a products manufacturing facility, a testing facility or a caregiver or adult use marijuana store licensed under Title 28-B MRS.

MARIJUANA CAREGIVER RETAIL STORE

A store that has attributes generally associated with retail stores, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients.

MARIJUANA STORE, ADULT USE

A facility licensed by the State of Maine to purchase adult use marijuana, immature marijuana plants and seedling from a cultivation facility, to purchase adult use marijuana and adult use marijuana products from a products manufacturing facility, to collect and transport samples of marijuana, marijuana concentrate and marijuana products in a marijuana store’s possession for mandatory testing, and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

MARIJUANA CULTIVATION OR CULTIVATE

The planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana. “Cultivation” or “cultivate” does not include manufacturing, testing or marijuana extraction.

MARIJUANA CULTIVATION FACILITY

A facility licensed under Maine Statute to purchase marijuana plants and seeds from other cultivation facilities; to cultivate, prepare and package marijuana; to sell marijuana to products manufacturing facilities, and immature marijuana plants and seedlings to marijuana stores.

MARIJUANA TESTING

The research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency. “Testing” or “test” includes the collection of samples of marijuana and marijuana products for testing purposes, but does not include cultivation or manufacturing.

MARIJUANA TESTING FACILITY

A facility licensed by the State of Maine and certified to test medical use marijuana, including concentrates and products containing marijuana, for research and development purposes and to analyze contaminants in, and the potency and cannabinoid profile of, marijuana samples and products containing marijuana cultivated in accordance with Maine Statute.

MARIJUANA PRODUCTS MANUFACTURING

The production, blending, infusing, compounding or other preparation of marijuana and marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. “Manufacturing” or “manufacture” does not include cultivation or testing.

MARIJUANA PRODUCTS MANUFACTURING FACILITY

A facility licensed under Maine Statute to purchase marijuana from a cultivation facility or other products manufacturing facility; to manufacture, label and package marijuana products; and to sell marijuana and marijuana products to marijuana stores and to other products manufacturing facilities.

MEDICAL MARIJUANA CAREGIVER

A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense, consistent with 22 MRS 558-C.

MEDICAL MARIJUANA DISPENSARY

A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial land use.

MEDICAL MARIJUANA GROWING FACILITY

A facility used for cultivating, processing, and/or storing medical marijuana by one or more medical marijuana caregiver(s) at a location which is not the medical marijuana caregiver's primary year-round residence or his or her patient's primary year-round residence. This shall be considered a commercial land use.

MEDICAL MARIJUANA HOME PRODUCTION

Cultivating, processing and/or storing of medical marijuana by a qualifying patient at his or her own residence or a medical marijuana caregiver at his or her own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory land use.

MEDICAL MARIJUANA LAND USES

Any of three types of land uses, defined herein, that cover the full range of options for lawful cultivating, processing, storing and distributing medical marijuana.

AGRICULTURE

The production, keeping or maintenance for sale or lease of plants and/or animals, including but not limited to, forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, fruits and vegetables; and ornamental and greenhouse products. “Agriculture” does not include forest management or timber harvesting activities, or the growing of medical marijuana by medical marijuana dispensaries, caregivers or patients or the cultivation of medical or adult use marijuana.

COMMERCIAL GARDENING

Any land area in which plants, vegetables, flowers and similar materials are grown for sale. “Commercial gardening” does not include the cultivation of medical or adult use marijuana growing of medical marijuana by medical marijuana dispensaries, caregivers, or patients.

COMMERCIAL GREENHOUSE

Any structure in which plants, vegetables, flowers and similar materials are grown for sale. “Commercial greenhouse” does not include the cultivation of medical or adult use marijuana growing of medical marijuana by medical marijuana dispensaries, caregivers, or patients.

DRUG/MEDICAL SUPPLY STORE

A retail store where the primary business is the sales of medical prescriptions, drugs, medical devices, medical supplies, and nonprescription medicines but where nonmedical products may be sold as well provided they do not subordinate the principle medical sales use. A “drug/medical supply store” does not include a caregiver or adult use marijuana store.

EXPERIMENTAL RESEARCH AND TESTING LABORATORY

A facility for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development, usually associated with wet labs or places with running water, gases, special ventilation devices, chemicals, special heating and electrical or electronic equipment, or use of animals or human subjects under controlled conditions. An “experimental research and testing laboratory” does not include a marijuana testing facility.

MANUFACTURING

The making of goods and articles by hand or machinery including assembly, fabrication, finishing, packaging and processing. “Manufacturing” does not include marijuana products manufacturing.

1. LIGHT MANUFACTURING/INDUSTRY

A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

2. HEAVY MANUFACTURING/INDUSTRY

A use engaged in basic processing and manufacture of material or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

NEIGHBORHOOD CONVENIENCE STORE/SERVICE

A store or service business of less than 1,500 square feet of total area intended to service the convenience of a residential neighborhood primarily with the sale of merchandise, including, but not limited to, basic foods, prepared foods to go, newspapers, emergency home repair articles, and other household items and/or services, including, but not limited to, Laundromats, dry cleaners, beauty salons, business and educational services, financial services, and tailoring. Services such as building, electrical, plumbing, and landscape contracting are not considered "neighborhood services." Motor vehicle service and repair is not included and is defined separately. A “neighborhood convenience store/service” does not include a caregiver or adult use marijuana store.

RETAIL BUSINESS

Any business engaged in sales and related services to the ultimate consumer for direct consumption and/or use, and not for resale. For purposes of this chapter, eating and drinking places, auto sales, motor vehicle service and repair and gasoline sales are not considered as a retail business and are defined separately. A “retail business” does not include a caregiver or adult use marijuana store.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table A (Table of Land Uses):

KEY:

- * Subject to Article VI, Performance Standards, of this ordinance.
- P Permitted use.
- Not permitted.
- C Conditional use. See Article VII for specific standards.
- A Accessory use

	Article VI Section	I-1	I-2	I-3
Commercial uses:				
Marijuana caregiver retail store	XX	C	C	C
Marijuana store, adult use				
Marijuana cultivation facility		C	C	C
Marijuana testing facility		C	C	C
Marijuana products manufacturing facility		C	C	C
Medical marijuana dispensaries				C23
Medical marijuana growing facilities		C23	C23	

23. All medical marijuana dispensaries and growing facilities shall be governed by and subject to the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services, 10-144 CMR Chapter 122 (as amended)

Part III (Land Development Regulations), Article VI (Performance Standards), Section 77 (Medical mMarijuana establishments).

- A. All marijuana establishments shall be located indoors. Any common areas, including, but not limited to storage areas and building facilities, shared with another marijuana establishments shall be clearly identified as such on the site plan or conditional use application.
- B. Odor management. For all Marijuana establishments, the odor of marijuana shall not be detectable off-premises, meaning not detectable on any property that is not under the control of the establishment. To prevent and control marijuana odors, an odor control plan shall be submitted as part of the site plan application describing the odor(s) originating or anticipated to originate at the premises and the control technologies to be used to prevent such odor(s) from leaving the premises. The odor control plan shall, at a minimum, include the following:
 - 1. A facility floor plan that identifies the locations of all odor-emitting activities and sources. The plan shall also identify the location of doors, windows, vents, HVAC systems, odor control systems and other relevant information.
 - 2. A list of specific odor-emitting activities and sources, and a description of the processes that will take place at the facility, including, but not limited to, vegetative flowering, processing and storage.
 - 3. For each odor-emitting activity or source, a description of the administrative procedures as well as the engineering processes, technologies, and equipment the facility will use.
 - a. Administrative controls shall include, at a minimum: management practices to isolate odor activities and sources, use of standard operating procedures, employee training, regular equipment inspections and maintenance of inspection logs.
 - b. Engineering controls shall include, at a minimum, building design features; use of equipment and technology to address each specific odor-emitting activity or source; a systems and equipment maintenance and replacement schedule; and evidence that proposed equipment and technology are sufficiently capable and appropriately sized consistent with marijuana industry best practices for control technologies designed to effectively mitigate odors. Marijuana establishments shall implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. While the City does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.
 - c. Noxious gases and fumes. Marijuana establishments shall have appropriate ventilation systems to mitigate noxious gases or other fumes used or created as part of the establishment. Gases or fumes shall not extend beyond the premises of any establishment, meaning not detectable on any property that is not under the control of the establishment.
 - d. Sufficient measures and means of preventing smoke, debris, dust, fluids and other substances from exiting a marijuana establishment shall be provided at all times.
 - e. All marijuana and marijuana byproducts intended for disposal shall be stored indoors in a self-contained room that is intended solely for this purpose and in accordance with all applicable federal, state and local laws and regulations. When moving material from the self-contained storage room for disposal, marijuana and marijuana by-product shall be moved only in receptacles with a cover or lid. Security cameras shall be installed to record activities in the area of the storage room as well the areas between the storage room and where said material is loaded onto vehicle(s) for disposal.

A. Before submission of a conditional use application, the applicant must demonstrate his or her authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program.

B. As an accessory use, medical marijuana home production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting.

C. No medical marijuana dispensary or medical marijuana growing facility shall be closer than 250 linear feet, measured in a straight line from the dispensary or facility building entrance, to the nearest point on

the boundary of any property which is occupied by a licensed day care facility, school, Town park, Town playground or church.

D. Before granting an approval, the Planning Board shall ensure the applicant has reviewed his or her property and building security plans with the Biddeford Police Department and the Police Department finds the security measures are consistent with state requirements.

E. No signs containing the word "marijuana," or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a medical marijuana dispensary or a medical marijuana growing facility. Interior advertisements, displays of merchandise or signs depicting the activities of a medical marijuana dispensary or a medical marijuana growing facility shall be screened to prevent public viewing from outside such facility.

F. No use shall emit offensive, harmful, or noxious odors beyond the property line.

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

Motion by Councilor Lessard, seconded by Councilor McCurry to amend the ordinance by removing the I-3 Zone for all permitted marijuana uses.

Vote: 4/5; Councilors Ready, McCurry, Lessard and Quattrone in favor.

Councilors Emhiser, St. Cyr, Clearwater, Belanger and Ortiz opposed.

Motion to amend fails.

Motion by Councilor Lessard, seconded by Councilor McCurry to amend the ordinance by removing only the marijuana grow facilities from the I-3 Zone.

Vote: 4/5; Councilors Ready, McCurry, Lessard and Quattrone in favor.

Councilors Emhiser, St. Cyr, Clearwater, Belanger and Ortiz opposed.

Motion to amend fails.

Motion by Councilor McCurry, seconded by Councilor Lessard to amend the ordinance by including a stipulation that there has to be at least 500 feet between any marijuana facilities; with the current marijuana facilities being grandfathered, unless the facility changes ownership.

Vote: 5/4; Councilor St. Cyr, Clearwater, Belanger and Ortiz opposed.

Councilors Emhiser, McCurry, Quattrone, Ready and Lessard in favor.

Motion to amend carries.

Vote on ordinance amendment, as amended: 5/4; Councilors McCurry, Quattrone, Ready and Lessard opposed.

Councilors Emhiser, St. Cyr, Clearwater, Belanger and Ortiz in favor.

First reading carries.

2021.2

IN BOARD OF CITY COUNCIL...JANUARY 5, 2021

BE IT ORDAINED by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford by deleting Contract Zone #8 for John Conroy at 72 Hill Street (Tax Map 39, Lot 55) and 37 Pool Street (Tax Map 39, Lot 54).

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

Vote: 7/2; Councilors McCurry and Lessard opposed.

Councilors Emhiser, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Ortiz in favor.

First reading carries.

2020.115) Reconsideration: Amendment/Land Development Regulations/Art. V – Establishment of Zones/Allowance of Multi-Family Residential Units in I-3 and B-2 Zones

Motion by Councilor Belanger, seconded by Councilor Clearwater to reconsider the previous motion.

Vote: 6/3; Councilors McCurry, Quattrone and Lessard opposed.

Councilors Emhiser, St. Cyr, Clearwater, Belanger, Ready and Ortiz in favor.

Motion to reconsider carries.

Motion by Councilor Belanger, seconded by Councilor Clearwater to table the ordinance amendment until the next meeting so that the Council can attain more information.

Vote: 7/2; Councilors McCurry and Quattrone opposed.

Councilors Emhiser, St. Cyr, Clearwater, Belanger, Ready, Ortiz and Lessard in favor.

Motion to table carries.

2021.3

IN BOARD OF CITY COUNCIL.....JANUARY 5, 2021

BE IT ORDERED, that the City Manager be authorized to purchase one (1) **2021 Ford F-250 crew cab Pickup Truck** as per quote of January 4, 2021 (the "Equipment") from Arundel Ford (the "Vendor") and may pay the Vendor an amount not to exceed \$31,401.00 (before discounts valued at \$1,800.00) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$31,401.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$31,401.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee reviewed this item at their January 5, 2021 meeting and voted to recommend to the City Council.

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

Vote: Unanimous.

2021.4

IN BOARD OF CITY COUNCIL.....JANUARY 5, 2021

BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2022 Freightliner plow truck as per bid of December 18, 2020 (the “Equipment”) from Freightliner of Maine (the “Vendor”) and may pay the Vendor an amount not to exceed \$192,094.00 (before discounts valued at \$24,000.00) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$192,094.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$192,094.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on January 5, 2021 and vote to recommend it to the City Council for approval. The lease-purchase of this item is included in the FY20/21 CIP budget line 21204-60603

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

2021.5 **IN BOARD OF CITY COUNCIL...JANUARY 5, 2021**
BE IT ORDERED, by the City Council of the City of Biddeford that the City Manager be authorized to enter into a \$1,500,000.00 Wastewater Treatment Plant Revenue Bond with Biddeford Savings for 10 years at an interest rate not to exceed 2.99%.

NOTE: The Finance Committee will review this item on January 5, 2021 and make a recommendation to the City Council.

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

2020.119 **IN BOARD OF CITY COUNCIL...DECEMBER 15, 2020**
Saco-Lowell Municipal Development and Tax Increment Financing District

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate the **Saco-Lowell Municipal Development and Tax Increment Financing District** (the “Saco-Lowell District,” and together with the Rte 111-Mill District, the “Districts”) and the Development Program (the “Saco-Lowell Development Program,” and together with the Rte 111-Mill Development Program, the “Development Programs”) for the Saco-Lowell District; and

WHEREAS, there is a need for economic development in the City of Biddeford, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the City of Biddeford; and to improve the general economy of the City of Biddeford and the surrounding region; and

WHEREAS, implementation of the Development Programs will help to improve and broaden the tax base in the City of Biddeford and improve the economy of the City of Biddeford and the region by attracting business development to the Districts; and

WHEREAS, there is a need to implement continued economic development initiatives in the Districts through the Development Programs in accordance with the provision of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the “Department”), approving the **Tenth Amendment to the Rte 111-Mill Redevelopment Transit-Oriented Municipal Development and Tax Increment Financing District** and the Rte 111-Mill Development Program related thereto and approving the **Saco-Lowell Municipal Development and Tax Increment Financing District** and the Saco-Lowell Development Program related thereto;

ORDERED AS FOLLOWS:

Section 1. The City of Biddeford hereby designates the Saco-Lowell District and adopts the associated Saco-Lowell Development Program for the Saco-Lowell District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 2. The City Council hereby finds and determines that:

- a. At least twenty-five percent (25%), by area, of the real property within the Saco-Lowell District, as hereinafter designated, is suitable for commercial uses; and
- b. The total area of the Saco-Lowell District does not exceed two percent (2%) of the total acreage of the City, and the total area of all existing and proposed development districts within the City (including the Saco-Lowell District) does not exceed five percent (5%) of the total acreage of the City; and
- c. The original assessed value of all existing and proposed tax increment financing districts (including the Saco-Lowell District) does not exceed five percent (5%) of the total value of equalized taxable property within the City as of April 1, 2020; and
- d. The Saco-Lowell District and pursuit of the Saco-Lowell Development Program will make a contribution to the economic growth and well-being of the City of Biddeford and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Biddeford, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good

and valid public purpose. The City has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the Saco-Lowell District and Saco-Lowell Development Program.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Saco-Lowell Development Program is hereby established as set forth in the Saco-Lowell Development Program.

Section 4. The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Saco-Lowell Development Program for the Saco-Lowell District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 5. The foregoing designation of the Saco-Lowell District and adoption of the Saco-Lowell Development Program for the Saco-Lowell District shall automatically become final and shall take full force and effect upon receipt by the City of approval by the State of Maine Department of Economic and Community Development, without requirement of further action by the City, the City Council, or any other party.

Section 6. The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Saco-Lowell District and Saco-Lowell Development Program as the City Manager may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Saco-Lowell Development Program.

Section 7. The City Manager, in the name and on behalf of the City, is hereby authorized and directed to enter into a credit enhancement agreement between the City and the developer of the project to be located in the Saco-Lowell District, on terms as described in the Saco-Lowell Development Program and any other negotiated agreements between the City and the Developer.

Motion by Councilor Belanger, seconded by Councilor Emhiser to remove the order from the table.

Vote: 7/2; Councilors McCurry and Ready opposed.

Councilors Emhiser, St. Cyr, Quattrone, Clearwater, Belanger, Ortiz and Lessard in favor.

Motion to remove from table carries.

Vote on order: 4/5; Councilors McCurry, Quattrone, Ready, Ortiz and Lessard opposed.

Councilors Emhiser, St. Cyr, Clearwater and Belanger in favor.

Motion fails.

2021.6 IN BOARD OF CITY COUNCIL..JANUARY 5, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the request for \$9,000 in matching funds to match a \$10,000 grant awarded by the Maine Arts Commission for the creation of a cultural plan for the City of Biddeford. Funds will be paid to Reinholt Consulting, LLC to complete the scope of work.

Matching funds will be paid out of the Grant Matching Reserve.

NOTE: The Finance Committee will review this item on January 5, 2021 and vote to recommend it to the City Council for approval.

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

Vote: 7/2; Councilors St. Cyr and Quattrone opposed.

Councilors Emhiser, McCurry, Clearwater, Belanger, Ready, Ortiz and Lessard in favor.

Motion carries.

2021.7 IN BOARD OF CITY COUNCIL..JANUARY 5, 2021

BE IT ORDERED, that the City Manager of the City of Biddeford is hereby authorized to enter into a fee-for-service agreement with Southern Maine Abatement & Consulting, LLC, for Housing Rehab Consulting Services, as further described in RFP # 2020-1102-01 for the City's 2- to 4-Unit Owner-Occupied Housing Rehabilitation Program. Service fees shall be based on a total of forty-five (45) downtown housing units rehabilitated by the Program over a period not to exceed three (3) years. A per-unit fee of \$2,200 shall be paid to the Consultant for each rehabilitated housing unit where lead-based paint abatement occurs; a fee of \$1,800 per unit shall be paid for each rehabilitated housing unit where no lead-based paint abatement occurs. The total agreement cost for the Consulting work shall be paid from CDBG or City Lead Grant funds, as applicable, and shall not exceed \$99,000 over the contract period.

NOTE: The Finance Committee will review this item on January 5, 2021 and vote to recommend it to the City Council for approval.

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

Committee-of-the-Whole: Upgrades to City Theater for Possible Venue for Public Meetings
Motion by Councilor Ready, seconded by Councilor Belanger to move into Committee-of-the-Whole.
Vote: Unanimous. Time: 8:27 p.m.

City Manager, Jim Bennett explained that if the Council wishes to move back to in-person meetings, the City Theater would be a viable option; however, certain upgrades would need to be made to the City Theater. There are two investments that would need to be made: (1) the air exchange system would need to be upgraded, which is an estimated cost of \$20,000 to \$25,000; (2) an upgrade to the broadcast capabilities to ensure that the public would be able to participate effectively, which is another estimated cost of anywhere between \$5,000 and \$20,000 – depending on to what extent the Council wants to invest.

Jim did note that even with these proposed upgrades, this would allow for only a hybrid model of a public meeting; meaning that, per the current State-mandated restrictions, no more than 50 people would be allowed in attendance (this number includes the Council and members of the Staff). This will inevitably lead to have to turn folks away from attending meetings in-person.

Overall, the Council does not support expending funds for the proposed upgrades, mostly because it still does not allow for unlimited in-person public participation.

Councilor Belanger did note that he would be more apt to support an upgrade to the current equipment/system being used by the City to improve the quality of video and audio output of our virtual public meetings.

Mayor Casavant agrees with Councilor Belanger; however, he would also like to see the City make some investment in the City Theater by funding some or all of the proposed upgrades.

Jim was asked to look into what it would cost to make the necessary upgrades to the City's equipment/system. If the cost comes back within \$5,000, he will move forward with the upgrades without coming back to the Council for approval.

Motion by Councilor McCurry, seconded by Councilor Belanger to move out of Committee-of-the-Whole.
Vote: Unanimous. Time: 8:42 p.m.

Appointments:

IN BOARD OF CITY COUNCIL...JANUARY 5, 2021
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

Graham Ganz
47 Oak Ridge Road
Ward 3

to the *Harbor Commission*, for a term to expire in December 2023.

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

IN BOARD OF CITY COUNCIL...JANUARY 5, 2021
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

David Morissette
8 Rosewood Circle
Ward 3

to the *Shellfish Conservation Committee*, for a term to expire in December 2023.

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

Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit):
A number of citizens addressed their comments to the Council.

City Manager Report:

City Manager, James Bennett shared the following:

- 1) Earlier this week, a City Hall employee tested positive for COVID. This employee did not have direct contact with the public. On Wednesday, York County sent in a cleaning service to perform a deep cleaning of City Hall. City Hall was closed for only one day due to the quick response from York County.
- 2) He plans to look into the possibility of establishing additional licensing for marijuana facilities. He believes that State Law allows for municipalities to enact additional local licenses and therefore, stricter guidelines.
- 3) He offered clarification that the Comp Plan has been put on hold due to COVID, and specifically due to the fact that the public engagement piece of the Comp Plan review is extremely important and would be challenging to do in today's virtual meetings climate.

Councilor McCurry asked if Jim can have the information regarding possible additional licensing of marijuana facilities by the next Council Meeting and second reading of the ordinance amendment. He would also like Jim to take a look at the fine schedule and determine if it might make sense to increase the fees.

Councilor Ready asked for an update, at a future date, on the Spectrum contact; and what the process will be moving forward.

Councilor Belanger would like input from Code Enforcement Officer, Roby Fecteau prior to the next Council Meeting on the amendment made on the marijuana ordinance amendment regarding the 500-foot spacing between marijuana facilities. He would like to know from Roby if this is, indeed, appropriate spacing, or if it should be increased.

Councilor McCurry brought up the fact that Mr. Rhames, in his comments during Public Addressing the Council, is correct that the Biddeford Middle School should be looked at a possible venue for public meetings in the pandemic climate. Jim cautioned that even though the space may be big enough, we are still limited to 50 people within a public space. That said, he will reach out to the Superintendent of Schools to see what the possibility is of using BMS; although, the School Dept. has been strict on allowing "outside" folks into their buildings.

Councilor Clearwater hopes that the City is reaching out to other communities to see how they are handling publicizing and broadcasting their public meetings. Other communities may be able to offer ideas for improving our current system.

Other Business:

Councilor Lessard: asked that an update on the availability of the COVID vaccine be given at the beginning of each Council Meeting for the time being. He noted that this is the most asked question he gets these days.

Motion by Councilor Clearwater, seconded by Councilor Belanger to suspend the rules to extend the meeting past 9:00 p.m.

Vote: 5/4 – motion carries.

Councilor Clearwater - recognized the City Staff who all show up for work every day and take risks to continue the operations of our City.

Council President Addressing the Council: Councilor McCurry echoed Councilor Clearwater's sentiments regarding City Staff.

- He is proud that this Council can have thoughtful debate and can disagree with each other civilly.
- He wished everyone a Happy New Year and is hoping for a much better 2021!
- He would like to see the City figure out a way to give better notice to citizens when a major change is being proposed – like the zoning amendments on tonight's agenda. He would also like to see the City's committees keep minutes of their meetings and get those posted.

Mayor Addressing the Council: Mayor Casavant encouraged everyone to check out the article that declared Biddeford as one of the coolest cities in the U.S.

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

Vote: Unanimous.

Time: 9:14 p.m.

Attest by: _____

Carmen J. Morris, City Clerk

