

**COUNCIL MEETING
JANUARY 2, 2018**

Mayor Casavant called the meeting to order at 6:33 p.m.

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Victoria Foley, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

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

Adjustment to the Agenda:

- Add to Ad Hoc Community Center Committee Appointments: Patricia Boston

Game of Chance & Beano/Bingo Applications: **Rochambeau Club**

Motion by Councilor McCurry, seconded by Councilor St. Cyr to recommend issuance of the Game of Chance and Beano/Bingo permits to Rochambeau Club.

Vote: Unanimous.

Game of Chance Application: **Heart of Biddeford (for WinterFest 2018)**

Motion by Councilor Foley, seconded by Councilor McCurry to recommend the issuance of the Game of Chance permit to Heart of Biddeford.

Vote: Unanimous.

Consideration of Minutes: **December 12, 2017**

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

Vote: Unanimous.

Orders of the Day:

2018.1 **IN BOARD OF CITY COUNCIL..JANUARY 2, 2018**

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

Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone the following parcels from B-2 to R-2:

8 Union Street (Tax Map 34, Lot 135) and 283 Elm Street (Tax Map 34, Lot 136).



Note: Following a duly noticed Public Hearing the Planning Board recommended that this approval be adopted by a 4-0 vote.

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

Vote: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Foley to suspend the rules to allow for an immediate second reading and pass the ordinance amendment as an emergency so that it goes into effect immediately in order for the nuns to move there in a timely manner.

Vote: Unanimous.

Motion by Councilor Belanger, seconded by Councilor St. Cyr to grant the second reading of the ordinance amendment.

Vote: Unanimous.

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

Part III (Land Development Regulations), Article V (Establishment of Zones), Table B
(Dimensional Requirements):

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Height	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W	Side	Rear	Stories	Feet
R-2, single-family	10,000 4,500	N/A	N/A	N/A	75 45	N/A	N/A	40 25	25 15	10 5	10 5	3	35
R-2,	7,500	N/A	N/A	N/A	100	N/A	N/A	40	25	10	10	3	35
R-2,	5,000	N/A	N/A	N/A	100	N/A	N/A	40	25	10	10	3	35
R-2, all	10,000	N/A	N/A	N/A	100	N/A	N/A	40	25	10	10	3	35

Motion by Councilor Belanger, seconded by Councilor Foley to grant the first reading of the ordinance amendment.
Vote: Unanimous.

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

Part III (Land Development Regulations), Article II (Definitions) as follows:

ESSENTIAL SERVICES - Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories;. In a Shoreland Zone Essential Services~~but~~ shall not include service drops, buildings which are necessary for the furnishing of essential services,-telecommunications facilities; or small wind energy systems. Essential services shall be exempt from the dimensional requirements in Article V, Section 6A and Article V, Section 7.

WATER SUPPLY SYSTEM - The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer, including those buildings necessary to support the water supply system.

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

	Article VI Section ¹	W-3
Educational, institutional public uses		
Essential Services	27	<u>C</u>

Add “Water Supply System” as a Conditional Use (C) in all zones.

Part III (Land Development Regulations), Article VI (Performance Standards), Section 27
(Essential Services):

Section 27. Essential services and Water Supply Systems.

A. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

- B.

Essential services shall require a conditional use permit from the Planning Board except that municipal essential services and essential services that are otherwise subject to review under subdivision review, site plan review, or shoreland zoning shall not require a conditional use permit.
- C.

(Reserved)^[9]
- D.

Essential services and water supply systems structures and facilities shall be sited and developed in accordance with the provisions stated in this ordinance.
- E.

All conditional use permit applications for essential services and water supply systems shall include an assessment of potential environmental and health impacts to abutting properties as a result from noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes as applicable, unless a waiver is requested by the applicant and granted by the Planning Board.

Note: Following a duly noticed Public Hearing the Planning Board recommended that this approval be adopted by a 4-0 vote.

Motion by Councilor McCurry, seconded by Councilor Swanton to grant the first reading of the ordinance amendment.
Vote: Unanimous.

2018.4

IN BOARD OF CITY COUNCIL..JANUARY 2, 2018

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

Part III (Land Development Regulations), Article XIII (Amendments), Section 3 (Contract and conditional zoning):

~~Contract Zone No. 2: Mike Eon Associates (Map 2, portion of Lot 42). (Not implemented)~~

~~Contract Zone No. 3: High School Associates (Map 34, Lot 228). (Not implemented)~~

~~Contract Zone No. 5: Coastal Savings Bank (Map 27, Lot 95-1). (Not implemented)~~

Note: Following a duly noticed Public Hearing the Planning Board recommended that this approval be adopted by a 4-0 vote.

Motion by Councilor McCurry, seconded by Councilor Belanger to grant the first reading of the ordinance amendment.
Vote: Unanimous.

2018.5

IN BOARD OF CITY COUNCIL..JANUARY 2, 2018

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

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

	Article VI Section ¹	B-2
Residential uses		
Cluster development*	18	€

Note: Following a duly noticed Public Hearing the Planning Board recommended that this approval be adopted by a 4-0 vote.

Motion by Councilor Belanger, seconded by Councilor Ready to grant the first reading of the ordinance amendment.
Vote: Unanimous.

2018.6

IN BOARD OF CITY COUNCIL..JANUARY 2, 2018

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article III Parking, Stopping and Standing, **Section 42-59 Snow emergency parking ban** be amended by adding the following:

The following provisions shall apply during snow emergencies as declared by the director of public works:

- (1) When the director of public works deems it necessary to allow for the safe and efficient removal of snow and ice from the public ways within the city, the director may declare that a snow emergency exists. The director of public works will announce the snow emergency by notifying the local radio and television media, and request that they make periodic announcements of the parking ban. The director will state in his notice, that during the hours of the emergency, parking of motor vehicles is prohibited on any way or municipal parking lot within the jurisdiction of the city, except that the municipal parking lots at the Community Center (Myrtle Street side only), Foss Street,-Washington Street, Clifford Park, the Gas House and the Water Street parking lot are open for parking during the period of the emergency.
- (2) A vehicle parked in violation of the declared snow emergency shall be towed at the owner’s expense.
- (3) Vehicles parked in the Foss Street and Washington Street, Clifford Park, Community Center, Gas house and Water Street municipal parking lots as authorized by this section must be removed prior to 7:00 a.m. on the day of the end of the snow emergency, and these municipal parking lots may not be used until they have been cleared of snow.

Motion by Councilor McCurry, seconded by Councilor Foley to grant the first reading of the ordinance amendment.
Vote: Unanimous.

2018.7 **IN BOARD OF CITY COUNCIL..JANUARY 2, 2018**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the expenditure of CDBG funds by the City Manager in the amount not to exceed \$48,000 for the development of design specifications Main Street sidewalk improvements from Adams to Elm Street. The CDBG funds will be used for engineering and design specifications (\$36,000), Surveying (\$6,000), and for Printing, advertising, bidding services, etc. (\$6,000). The Manager is authorized to seek RFQ for such services consistent with CDBG procurement services and reserves the right negotiate the final contract, in the best interests of the City and the CDBG program.

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

2018.8 **IN BOARD OF CITY COUNCIL..JANUARY 2, 2018**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the City Manager to sign a purchase and sale agreement to exchange 57 Pike Street for 49 Center Street, release the current right of way, and reserve approximately seven fee to Dan Adams.

Motion by Councilor Foley, seconded by Councilor Belanger to grant the order.
Vote: Unanimous.

2018.9 **IN BOARD OF CITY COUNCIL..JANUARY 2, 2018**
RESOLUTION AUTHORIZING THE CITY TO JOIN A LAWSUIT
AGAINST OPIATE DRUG COMPANIES

WHEREAS, the City Council of Biddeford, Maine, has learned to its sorrow over the last several years exactly how devastated many of its residents have become because of addictions to painkillers manufactured by drug companies; and

WHEREAS, officers working for the Biddeford Police Department, Fire Department and several other City Departments are required to respond every day to problems that arise because of addiction to painkillers; and

WHEREAS, to treat and abate the opioid epidemic, the City has needed to shift resources that could have otherwise been used for various improvements and the general betterment of the City;

WHEREAS, employees who manage social services work with many people who suffer from drug addiction to painkillers and who struggle to care for themselves; and

WHEREAS, approximately 80 percent of people who use heroin have been prescribed opiates in the past; and

WHEREAS, in 2016, 376 people died in the State of Maine from drug overdoses, and 123 of those deaths were caused by pharmaceutical opioids; and

WHEREAS, the ease with which these drugs have been obtained, as a result of drug companies’ campaign to make them readily prescribed for common aches and pains, has led many people to become addicted; and

WHEREAS, opiate drug companies have enjoyed enormous profits with the sales of opiate drugs, promoting them relentlessly among physicians and paying doctors to promote these drugs at conferences, while failing repeatedly to successfully tailor the drugs to make abuse impossible;

NOW, THEREFORE, BE IT RESOLVED, that the Biddeford City Council and Mayor hereby authorize the City Manager to engage the services of Napoli Shkolnik, PLLC and Trafton, Matzen, Belleau & Frenette, LLP on behalf of the City of Biddeford with respect to prosecution of any legal claims against manufacturers and distributors of opioids arising out of the manufacturers’ and distributors’ fraudulent and negligent marketing and distribution of opioids.

Motion by Councilor Swanton, seconded by Councilor McCurry to grant the Resolution.

Motion by Councilor McCurry, seconded by Councilor Ready to amend the Resolution to specify that any money that is awarded as a result of this lawsuit will be put towards maintaining City services that deal with opiate issues.
Vote: 2/7; Councilors Ready and McCurry in favor.
Councilors Swanton, St. Cyr, Quattrone, Foley, Belanger, Seaver and Lessard opposed.
Motion to amend fails.

Vote on Resolution: 7/2; Councilors Seaver and Ready opposed.
Councilors Swanton, McCurry, St. Cyr, Quattrone, Foley, Belanger and Lessard in favor.
Motion carries.

Appointments:

IN BOARD OF CITY COUNCIL...JANUARY 2, 2018

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

**Bob Mills
10 Windsor Lane
Ward 4**

to the *Cable T.V. Committee*, for a term to expire in December 2020.

Motion by Councilor Foley, seconded by Councilor Quattrone to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...JANUARY 2, 2018

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

**Toni Sipka
115 Mile Stretch Road
Ward 1**

to the *Cable T.V. Committee*, for a term to expire in December 2020.

Motion by Councilor McCurry, seconded by Councilor Swanton to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...JANUARY 2, 2018

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

**Julian Schlaver
34 Union Street
Ward 5**

to the *Downtown Development Commission*, for a term to expire in December 2020.

Motion by Councilor Foley, seconded by Councilor McCurry to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...JANUARY 2, 2018

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

**Nathan Bean
39 Union Street
Ward 5**

to the *Policy Committee*, for a term to expire in December 2019.

Motion by Councilor Ready, seconded by Councilor Foley to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...JANUARY 2, 2018

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

**Alan Dutremble
Joseph McKenney
Dominic Deschambault
Victoria Foley
Patricia Boston**

to the *Ad Hoc Community Center Committee*.

Motion by Councilor Swanton, seconded by Councilor McCurry to confirm the appointment.
Vote: Unanimous.

City Manager Report:

City Manager, James Bennett made a couple of comments:

- 1) He thanked those City Employees who worked over the Christmas and New Year’s holiday weekends; especially the efforts during the snowstorm on Christmas Day.
- 2) He informed the Council that City Staff will begin working on the FY19 Budget starting tomorrow.

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

Other Business:

Councilor Lessard: asked that, in light of the predicted blizzard conditions for this coming Thursday, if the Council Workshop scheduled for that night might be rescheduled.

Councilor Lessard would like to see the City take a more proactive approach to dealing with the opiate issue in our community by putting policy into place sooner rather than later.

Councilor Lessard also thanked City Staff who worked the extra hours during the snowstorm on Christmas Day.

Councilor Quattrone: thanked the volunteers who maintained the Christmas lights in the downtown over the past couple months. He truly appreciates all the time and effort that went into keeping the lights lit during the holiday season.

Councilor Swanton: reminded folks that the Planning Board is meeting tomorrow night, January 3rd and will be discussing a new General Development Shoreland Zone for the University of New England along the Saco River which would provide for a 75’ structure setback and alternate Land Uses than are currently available in the Limited Residential Shoreland Zone.

Councilor McCurry asked if this is an item that will eventually be brought to the City Council for consideration, and the answer is yes.

Councilor Foley: in addition to echoing the City Manager’s thanks to City Staff who worked during the holiday weekends, she also especially thanked the Public Works crews for keeping the streets clear so that folks could travel on Christmas Day; as well as for extending the time out for the parking ban.

Councilor Foley reminded folks that WinterFest is coming up next month during the first weekend in February.

Council President Addressing the Council: Councilor McCurry thanked Public Works Director, Guy Casavant for all his dedicated years of service to the City and wished him the best in his retirement.

Councilor McCurry wished everyone a Happy New Year and he looks forward to working towards accomplishing a lot in 2018.

Mayor Addressing the Council: Mayor Casavant noted that a definitive call will be made about this Thursday’s Workshop after weather conditions have been reviewed tomorrow.

Mayor Casavant thanked Councilor Quattrone for recognizing the volunteers who kept the downtown Christmas lights lit during the holiday season; and he extended his own thanks.

Mayor Casavant reiterated Councilor Foley’s reminder that WinterFest is coming fast and he hopes that folks are planning to attend.

Lastly, Mayor Casavant noted the historical memory that Guy Casavant takes with him as he retires from his position with the City; and that the City is fortunate enough to have many other City Staff with some of that same historical memory.

Executive Session: 1 MRSA 405(6)(E)…Consultation with City Solicitor
Motion by Councilor McCurry, seconded by Councilor Foley to move into Executive Session.
Vote: Unanimous. Time: 7:07 p.m.

Motion by Councilor Ready, seconded by Councilor Quattrone to move out of Executive Session.
Vote: Unanimous. Time: 7:50 p.m.

Motion by Councilor Ready, seconded by Councilor Quattrone to adjourn.
Vote: Unanimous. Time: 7:50 p.m.

Attest by: _____
Carmen J. Morris, City Clerk