

City of Biddeford

City Council

June 17, 2025 at 6:00 PM

City Hall Council Chambers & Zoom

1. Roll Call

Council President LaFountain - present

Councilor Lessard - present at 6:41 pm

Councilor Ortiz - present

Councilor Emhiser - present

Councilor Whiting - present

Councilor Beaupre - excused

Councilor Gross - present

Councilor Belanger - present

Councilor Doughty - present

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

An item from the Finance meeting will be added after 10.b Order 2025.87

4. Proclamation

4.a Juneteenth - Proclamation

Mayor Grohman read the proclamation

5. Appointments

5.a 2025.74 Approval/ Mayoral Appointments to Committees- Citizen

Motion: Councilor Emhiser

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

5.b 2025.82 Approval City Manager Appointment

Motion: Councilor Emhiser

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

6. Presentation

6.a Diversity, Equity and Inclusion Committee Update

Committee Chair Flo Leighton shared a presentation on the Committee's progress.

6.b FY23 Audit by RKO

Officials from RKO shared key points of the FY23 audit.

7. Public Addressing the Council

One citizen commented on promoting downtown issues including requesting a shuttle bus.

One citizen reminded everyone of the shuttle bus that runs every 20 minutes.

8. Consideration of Minutes

8.a Council Minutes 6-3-25

Motion: Councilor Belanger

Second: Councilor Emhiser

Councilor LaFountain pointed out that on item 11.a order 2025.72 the second was Councilor LaFountain.

Vote: Unanimous in favor.

Motion passed.

9. Second Reading

9.a 2025.51 Approval Sewer Operations FY26

Motion: Councilor Emhiser

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

10. Orders of the Day

10.a 2025.75 Approval Agreement Between the City of Biddeford and The International Association of Firefighters, Local 3107

Motion: Councilor Emhiser

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

10.b 2025.77 Approval PW Rec Bus

Motion: Councilor Emhiser

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

Item added:

2025.87 Approval Recreation Cheering Program Mats

Motion: Councilor LaFountain

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

10.c Remove from Table 2025.72 Approval Amend Marble Block JDA

Motion: Councilor Belanger

Second: Councilor LaFountain

Vote – 7 yeas – Councilors Belanger, Ortiz, Gross, Doughty, Whiting, Emhiser and LaFountain.

1 nay – Councilor Lessard.

Motion to remove from Table passed.

A representative of Marble Block gave an update on the construction of the bowling and apartments.

Councilor Lessard – motion to go into Executive Session 1 MRS 405 (6) c Real Estate Matters at 7:07 pm

Second: Councilor LaFountain

Vote: Unanimous in favor.

Motion passed.

Councilor Belanger - motion to come out of Executive Session at 7:42 pm

Second: Councilor Ortiz

Vote: Unanimous in favor.

Motion passed.

Councilor Belanger – motion to amend the First Amendment to the Marble Block JDA; Section 1 c; change the completion date from October 30, 2025 to August 1, 2025.

Second: Councilor Emhiser

Vote: 4 yeas – Councilors Belanger, Ortiz, Doughty and Emhiser

4 nays – Councilors LaFountain, Gross, Whiting and Lessard.

Mayor Grohman voted yea.

Amendment passed.

Councilor Lessard proposed an amendment requiring that the affordable housing unit be eligible only to a resident of Biddeford.

Second: Councilor LaFountain

City Solicitor Harry Center questioned whether or not it would be enforceable.

Councilor Lessard withdrew the motion to amend.

Councilor LaFountain withdrew the second.

Councilor LaFountain motion to amend - Article I, Section 1 is hereby amended to add a new subsection (e), which shall read in its entirety as follows:

“In the event that the property or a controlling interest in Marble Block Development, LLC is sold or transferred to any entity other than Marble Block Development, LLC, the credit enhancement established under this Agreement shall immediately terminate and shall not transfer to the new owner or controlling entity unless approved by a majority vote of the Biddeford City Council.”

Second: Councilor Lessard

Vote on the amendment: 3 yeas- Councilors Lessard, Gross and LaFountain.

5 nays – Councilors Belanger, Ortiz, Doughty, Whiting and Emhiser.

Amendment failed.

Councilor LaFountain motion to amend - Article I, Section 1 is hereby amended to add a new subsection (e), which shall read in its entirety as follows:

“For each calendar year during the credit enhancement term, the Developer shall submit an annual public benefit report to the City Council. The report shall include: (i) the current number and occupancy status of all commercial and residential units, (ii) the monthly rent prices for all residential units, (iii) the status of the bowling alley operations, including any changes to public access or pricing, and (iv) a description of any additional community benefits provided by the Developer during the reporting period.”

Second: Councilor Lessard

Vote on the amendment: 5 yeas – Councilors LaFountain, Lessard, Ortiz, Whiting and Gross.

3 nays – Councilors Belanger, Doughty, and Emhiser.

Amendment passed.

Vote on the order as amended: 4 yeas – Councilors Ortiz, Belanger, Doughty and Emhiser.

4 nays – Councilors Lessard, Gross, Whiting and LaFountain.

Mayor Grohman voted yea.

Motion passed.

10.d Remove from Table 2025.69 WDC 3 Lincoln Site (Pearl St) Development Agreement

Motion: Councilor Emhiser

Second: Councilor Belanger

Vote: 6 yeas – Councilors Belanger, Ortiz, Gross, Doughty, Whiting and Emhiser.

2 nays – Councilors Lessard and LaFountain.

Motion to remove from Table passed.

One citizen spoke in favor of the item.

One citizen asked for language to be added that if the project doesn't go through the land will return to the city.

Westbrook Development and 3 Lincoln LLC gave a presentation and provided updates from the previous meeting.

Councilors had questions regarding the 3 lots, the construction phases, the parking and amended language.

Councilor Belanger – motion to extend the meeting past 9:00 pm.

Second: Councilor Doughty

Vote: 6 yeas – Councilors Ortiz, Belanger, Gross, Doughty, Emhiser and LaFountain

2 nays – Councilors Lessard and Whiting.

Motion passed.

Public Comment – one citizen made comments about the lot and VRAP concerns.

Councilor Belanger – motion to approve the purchase and sale agreement subject to terms more acceptable to the city solicitor and the developer's counsel.

Second: Councilor Lessard.

Vote on the amendment – Unanimous in favor.

Motion passed.

Councilor Lessard – motion to Table

No second.

Motion failed.

Councilor Whiting – motion to call the vote.

Second: Councilor Lessard.

Vote on the motion to call the vote: Unanimous in favor.

Motion passed.

Vote on the order as amended:

5 yeas – Councilors Ortiz, Belanger, Doughty, Whiting and Emhiser

3 nays – Councilors Lessard, Gross and LaFountain.

Motion passed.

*10.e Remove from Table 2025.70 Approval 2nd Amendment to Master Plan Development
Agreement 3 Lincoln LLC (Pearl St)*

Motion: Councilor Belanger

Second: Councilor Emhiser

Vote to remove from Table:

5 yeas – Councilors Ortiz, Belanger, Gross, Doughty and Emhiser

3 nays – Councilors LaFountain, Whiting and Lessard.

Motion passed.

Councilor LaFountain had questions on whether all of the proof of performance requirements have been met. There was also a discussion of deadlines and penalties.

Councilor Lessard – motion to Table

Second: Councilor Whiting

Vote: 4 yeas – Councilors Lessard, Gross, Whiting and LaFountain.

4 nays – Councilors Ortiz, Belanger, Doughty and Emhiser.

Mayor Grohman voted nay.

Motion failed.

Councilor LaFountain – motion to amend add Final Completion and Occupancy Deadlines by Lot 3 Component, with Financial Penalties: Add the Following Paragraph After the Current Section 8 Language:

“The Developer shall complete construction and obtain Certificates of Occupancy for each component of Lot 3 as follows:

- Lot 3A Townhomes: no later than September 30, 2026*
- Lot 3A Residential (multifamily): no later than December 31, 2027*

- *Lot 3B Residential (multifamily): no later than March 30, 2027*
- *Lot 3C Commercial: no later than December 31, 2027*

Failure to meet any of these deadlines shall result in a financial penalty of one hundred dollars (\$100) per day, per building, commencing on the first day following each missed deadline, until a Certificate of Occupancy is issued for that building."

Second: Councilor Lessard.

Vote on the amendment: 4 yeas – Councilors Lessard, Gross, Whiting and LaFountain.

4 nays – Councilors Ortiz, Belanger, Doughty and Emhiser.

Mayor Grohman voted nay.

Motion failed.

Councilor LaFountain – motion to amend : *Elimination of Right of First Refusal on Lot 1B - Strike Language (from Section 7 of the Proposed Second Amendment):*
Strike in full:

"7. Lot 1B Right of First Refusal.

(a) The City shall be obligated....

(b) The Parties agree...."

Second: Councilor Lessard

Vote: 3 yeas – Councilors Lessard, Whiting and LaFountain

5 nays – Councilors Ortiz, Belanger, Gross, Doughty and Emhiser.

Motion failed.

Councilor LaFountain – motion to amend Section 8: Timing - Advance the Construction Commencement Deadline to June 17, 2026

Revised Language (included in Amendment 1 above):

"...construction shall commence no later than June 17, 2026."

Second: Councilor Lessard

Vote: 5 yeas- Councilors Lessard, LaFountain, Gross, Doughty and Whiting.

3 nays Councilors Ortiz, Belanger, and Emhiser.

Motion passed.

Councilor LaFountain – motion to amend Conditional Retention of Lot 1A with Mandatory Updated Concept Plan Approval - New Language to Add :

Section 13: Conditional Conveyance and Approval Requirement for Lot 1A

Lot 1A shall remain within the scope of this Agreement for the purpose of facilitating integrated development, remediation coordination, or infrastructure connections with adjacent parcels.

However, the Developer shall not proceed with any development on Lot 1A until an updated Site Concept Plan for that parcel is presented to and explicitly approved by the City Council no later than June 17, 2027.

If the Developer fails to obtain such approval by that date, the City shall retain the right, but not the obligation, to repurchase Lot 1A for one dollar (\$1.00) by providing written notice to the Developer within thirty (30) days following June 17, 2027. Upon exercise of this right, title to Lot 1A shall revert to the City, free and clear of encumbrances related to this Agreement.

The Developer shall agree to make no substantial alterations, encumbrances, or conveyances of Lot 1A during this period without Council approval.

Second: Councilor Lessard

Vote: 4 yeas – Councilors Lessard, Gross, Whiting and LaFountain.

4 nays – Councilors Ortiz, Belanger, Doughty and Emhiser.

Mayor Grohman voted nay.

Motion failed.

Councilor LaFountain – motion to amend to strike language from Master Development Plan section 3.2.4. regarding smart infrastructure.

Second: Councilor Lessard.

Councilor Belanger suggested adding all the amendments in the new proposal.

Council LaFountain will amend his proposed amendment to include all the amendments in the new proposal.

The original second by Council Lessard did not agree to the change.

Vote on the amendment:

1 yeas – Councilor Lessard

7 nays – Councilors Ortiz, Belanger, Gross, Doughty, Whiting, Emhiser and LaFountain.

Motion failed.

Councilor Belanger – motion to amend the Master Development Plan to include all the proposed WDC amendments in a new section 5B as presented to the Council tonight eliminating the smart infrastructure and the river walk requirements and change section B to E.

Second: Councilor Whiting.

Vote: 7 yeas - Councilors Ortiz, Belanger, Gross, Doughty, Whiting, Emhiser and LaFountain.

1 nay – Councilor Lessard.

Motion passed.

Vote on the order as amended: 5 yeas – Councilors Ortiz, Belanger, Doughty, Whiting and Emhiser.

3 nays – Councilors Lessard, Gross and LaFountain.

Motion passed.

10.f 2025.79 Approval Forest Green Development Agreement and TIF for Sewer Contribution

Motion: Councilor Belanger

Second: Councilor Ortiz

Public Works Director Jeff Demers spoke about sewer capacity issues on Barra Road.

City Planner David Galbraith explained the details of the agreement.

Councilor Belanger pointed out a typo on the JDA 1 b should say FG not FD.

Councilor LaFountain – motion to amend ARTICLE I – COMMITMENTS to add a new Section 3: *"3. Contingency and Termination*

"For the avoidance of doubt, if FG (Forest Green) does not receive affordable housing funding from the Maine State Housing Authority in either 2025 or 2026, this Agreement shall automatically terminate on December 31, 2026, unless extended by mutual agreement of both parties and by a majority vote of the Biddeford City Council."

Second: Councilor Belanger

Vote on the amendment: no vote taken

Council discussed funding sources.

Councilor LaFountain – motion to amend ARTICLE I – COMMITMENTS, Section 2(a), by adding the following sentence at the end:

"The Credit Enhancement Agreement shall not transfer to any future owner, successor, or assignee without prior approval by a majority vote of the Biddeford City Council."

Second: Councilor Lessard

Vote on the amendment:

7 yeas – Councilors Lessard, Ortiz, Belanger, Doughty, Whiting, Emhiser and LaFountain.

1 nay – Councilor Gross.

Motion passed.

Councilor LaFountain – motion to amend - ARTICLE I – COMMITMENTS, Section 2(a), to read as follows (new language in bold):

*a) The establishment of a 30-year Credit Enhancement Agreement with a 75% annual reimbursement to FG, **shall be capped at a maximum cumulative reimbursement of \$1,200,000.***

Second: Councilor Lessard

Vote: 1 yea – Councilor Whiting

7 nays – Councilors Lessard, Ortiz, Belanger, Gross, Doughty, Emhiser and LaFountain.

Motion failed.

Vote on the order as amended: Unanimous in favor.

Motion passed.

10.g 2025.83 Approval of Main St Pump Station Upgrades

Councilor Whiting – motion to Table

Second: Councilor LaFountain

Vote: Unanimous in favor.

Item is Tabled.

10.h 2025.80 Approval Zack Taylor Proposed CZ#25 66 Andrews Road

Motion: Councilor Belanger

Second: Councilor LaFountain

Vote: Unanimous in favor.

Motion passed.

10.i 2025.84 Approval Allocation No. 1 of FY26 Capital Improvement Funds

Motion: Councilor LaFountain

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

10.j 2025.85 Approval Capital Paving (CIP) Carry Forward Funds FY25 to FY26

Motion: Councilor Belanger

Second: Councilor LaFountain

Vote: Unanimous in favor.

Motion passed.

10.k 2025.78 Approval/ PW Wastewater Service Vehicle

Motion: Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

10.1 2025.86 Approval Authorization to Accept Grant Award 3-23-0009-021-2025 -Biddeford Airport

Motion: Councilor Emhiser

Second: Councilor Belanger

Vote: 6 yeas – Councilors Lessard, Belanger, Doughty, Whiting, Emhiser, and LaFountain.

2 nays – Councilors Ortiz and Gross.

Motion passed.

11. Public Addressing the Council

none

12. City Manager Report

none

13. Committee Updates by Council

none

14. Other Business

none

15. Council President Addressing the Council

none

16. Mayor Addressing the Council

None

17. Adjourn

Motion at 12:30 am on Wednesday June 18, 2025.

Second: Councilor Lessard

Vote: Unanimous in favor.

Meeting adjourned.