

City of Biddeford
City Council
November 08, 2018 6:00 PM Council Chambers

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
 - 3.a. 2018.129) Approval/Year 5 - 2017 Consolidated Annual Performance and Evaluation Report (CAPER)
 - 3.b. 2018.130) Authorization/Enactment of Moratorium on Medical Marijuana Caregiver Retail Stores, Testing Facilities and Manufacturing/Growing Facilities
- 4. Game of Chance Beano/Bingo - Applications**
 - 4.a. Beano/Bingo Application: St. Louis Alumni Association, Inc.
[11-08-2019 St Louis Alumni Beano-Bingo App.pdf](#)
- 5. Proclamation:**
 - 5.a. Small Business Saturday - November 24, 2018
[11-08-2018 Proc-Small Business Saturday-PDF.pdf](#)
- 6. Presentation:**
 - 6.a. CIP Presentation
- 7. Consideration of Minutes:**
 - 7.a. October 16, 2018 Council Meeting Minutes
[10-16-2018 Council Meeting Minutes.docx](#)
- 8. Second Reading:**
 - 8.a. 2018.123) Amendment/Land Development Regulations/Art. V-Establishment of Zones, Table B-Dimensional Requirements/Utility Setbacks in Industrial Zones
[10-16-2018 Utility Setbacks in Industrial Zones-ORDER.docx](#)
[10-16-2018 Utility Setbacks Proposal-MEMO.pdf](#)
- 9. Orders of the Day:**
 - 9.a. 2018.126) Authorization/Waiver of Building, Electrical & Plumbing Permits Fees/Center of Technology House Building Project
[11-08-2018 Waiver of Fees-COT-House Building Project.docx](#)
 - 9.b. 2018.127) Setting of Date for Community Meeting to Discuss Parking Management Plan
[11-08-2018 Scheduling of Community Mtg-Parking Plan Discussion.doc](#)
 - 9.c. 2018.128) Authorization/FY19 Budget Amendments/Parking Management Plan
[11-08-18 Budget Amendment - Parking Enforcement-Final.pdf](#)
 - 9.d. 2018.129) Approval/Year 5 - 2017 Consolidation Annual Performance and Evaluation Report (CAPER)
[11-08-2018 CAPER Approval and Recommendation.doc](#)
 - 9.e. 2018.130) Authorization/Enactment of Moratorium on Medical Marijuana Caregiver Retail Stores, Testing Facilities and Manufacturing/Growing Facilities

[11-08-2018 Medical Marijuana Moratorium.docx](#)

10. Appointments:

10.a. Amy Clearwater...Tri City Transit

[11-08-2018 Appt- Clearwater-Tri City Transit.docx](#)

10.b Amy Clearwater...Downtown Committee

[11-08-2018 Appt-Clearwater-Downtown Committee.docx](#)

10.c. Leonhard Brenner...Downtown Development Commission

[11-08-2018 Appt-Brenner-DDC.docx](#)

[11-08-2018 Appt Applicaiton-Brenner-DDC.pdf](#)

10.d Saco River Corridor....Don Furman - Voting Member and Sean Tarpey - Alternate Member

[11-08-2018 Appt-Furman-Tarpey - Saco River Corridor.docx](#)

[11-08-2018 Appt-Saco River Corridor-Tarpey-Furman.pdf](#)

11. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)

12. City Manager Report

13. Other Business

14. Council President Addressing the Council

15. Mayor Addressing the Council

16. Adjourn

FOR OFFICE USE ONLY

Check # _____

Amount \$ _____



Beano/Bingo Registration

MGCU - 5000

****The application and fees must be received at least ten business days before the Beano/Bingo may begin****

Beano/Bingo: \$5.00/Special Per Game Registration; \$12/Week; \$36/Month; \$400/Year

Make check payable to Treasurer, State of Maine

Return the completed and signed application to:
Department of Public Safety
Gambling Control Unit
Central Maine Commerce Center
87 State House Station
45 Commerce Drive, Suite 3
Augusta, Maine 04333-0087
(207) 626-3900 – Office
(207) 287-4356 – Fax

1. Organization Name: St. Louis Alumni Association, Inc

Organization Number: 1082 Federal Tax ID # (EIN): 010343396

Business Address: 649 Elm St.

Biddeford ME 04005

Mailing Address: P.O. Box 493 Biddeford ME Phone: 207-282-2285
04005

2. Current Officers:

Pres. John Thibault 146 West Grand Ave Old Orchard Beach ME 937-2194 5/19
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES

V-Pres Chuck Sherman 5/20
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES

Treas Donald Couture 5 Greenfield Ln Biddeford ME 040 5/20
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES

Council Roger Norman 18 Edgewater Ln Saco ME 04072 604-6638 5/19
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES

3. Location where Beano/Bingo is to be conducted:

St. Louis Alumni Hall 649 Elm St Biddeford ME 04005
BUILDING ADDRESS CITY/ZIP

4. Person responsible for operation of Beano/Bingo:

* Dennis McDonald H- 207-282-6635 C- 207-229-3093
NAME DAYTIME PHONE & EVENING PHONE

Dennis McDonald
Name & Address where registration will be sent: P.O. Box 493 Biddeford ME 04005

E-Mail Address: STLOUISALUMNIBINGO@gmail.com

5. Circle the days of the week you expect to operate: Mon Tue Wed Thu Fri Sat Sun

6. What time do the doors open? 4 PM What time does the game start? 6 PM

7. Dates – Please specify weeks (Monday through Sunday) or full months.

January Through December (12 months)

8. Does the organization own all the equipment used in operating this amusement? Yes ☒ No ☐

If "NO", please explain the circumstances under which the equipment was acquired:

9. Has any current officer of this organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine? Yes ☐ No ☒

If "YES" give the person's name, address, and date and place of conviction or date and location of pending charge:

10. If the applicant is a Fair Association, attach a list of the names and home addresses of the persons operating or assisting in the registered activity. **Please write your organization name and number on the list.**

11. The following consent must be completed by the municipal officers of the city or town where the Beano/Bingo will take place unless a separate "Blanket Letter of Approval" is filed with the Gambling Control Unit.

☐ Check here if you have previously filed a "Blanket Letter of Approval" with us, which is still valid

☒ Check here if you have attached a "Blanket Letter of Approval".

Municipal Consent to Register

The undersigned being municipal officers of the City/Town of _____ hereby certify that we consent to the application for registration by _____ to

operate Beano/Bingo in accordance with the provisions of 17 M.R.S.A. Chapter 13-A and in accordance with the Rules and Regulations promulgated by the State of Maine, Department of Public Safety, Gambling Control Unit governing the operating of Beano/Bingo.

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

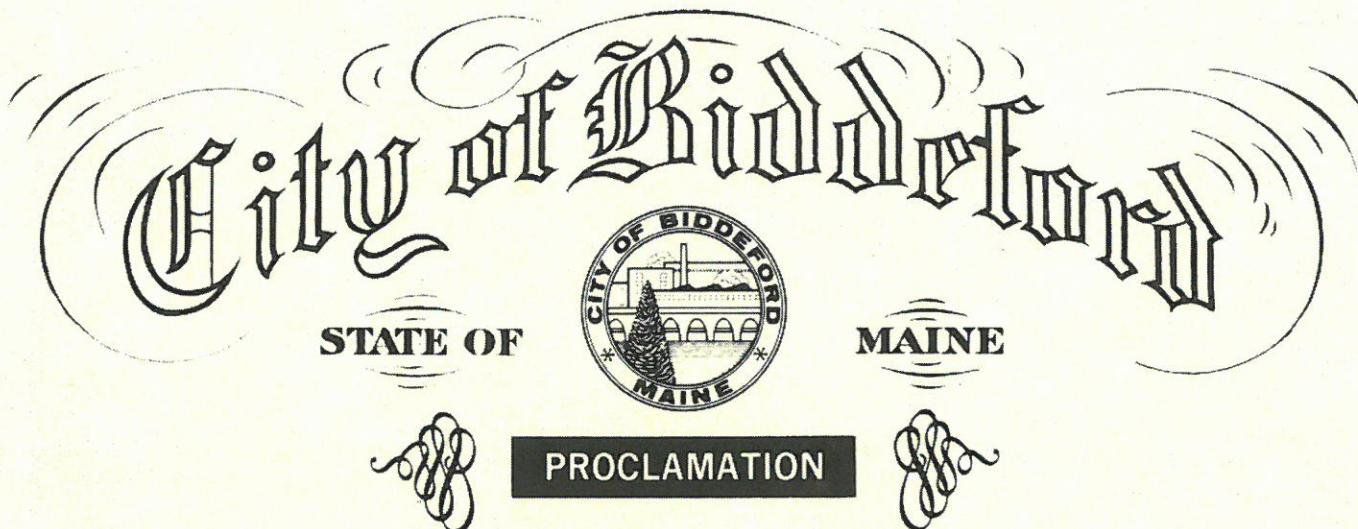
This approval is valid until: _____
(Date)

12. The applicant agrees to obey Federal, State of Maine laws, rules and regulations governing Beano promulgated by the Department of Public Safety, Gambling Control Unit. The applicant warrants the truth of the foregoing statements on penalty of perjury. Age 18 or older: Yes ☐ No ☐

Signed: Dennis McDonald

Print Name: Dennis McDonald Title: Chairman

Date: 10/23/18



Whereas the government of Biddeford, Maine celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 28.8 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, and are responsible for 63 percent of net new jobs created over the past 20 years; and

WHEREAS, small businesses employ 48 percent of the employees in the private sector in the United States; and

WHEREAS, on average, 33 percent of consumers' holiday shopping will be done at small, independently-owned retailers and restaurants; and

WHEREAS, 91 percent of all consumers believe that supporting small, independently-owned restaurants and bars is important; and 76 percent of all consumers plan to go to one or more small businesses as part of their holiday shopping; and

WHEREAS, Biddeford supports our local businesses that create jobs, boost our local economy and preserve our neighborhoods; and

WHEREAS, advocacy groups, as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW THEREFORE, I, Alan Casavant, Mayor of the City of Biddeford, Maine, do hereby proclaim November 24, 2018 as **SMALL BUSINESS SATURDAY** and urge residents of Biddeford to support small businesses and merchants on Small Business Saturday and throughout the year.

*In Witness Whereof, We, the undersigned have herewith
affixed our signatures this 8th day of Nov. 2018*

Carmen J. Mon
City Clerk



Mayor

**COUNCIL MEETING
OCTOBER 16, 2018**

Mayor Casavant called the meeting to order at 6:30 p.m.

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

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

Adjustments to the Agenda:

- Remove Order 2018.125 – Authorization/Master Plan Agreement for Development of 3 Lincoln Street (with possible Executive Session)
- Add Executive Session: 1 MRSA 405(6)(E)..Consultation with City Attorney

Recognition: Biddeford Citizen and Long-Time Volunteer Charles Butler, Jr.

Mayor Casavant recognized and applauded Charles Butler, Jr. for all his tireless efforts in preserving and sharing Biddeford's vast and rich history through his volunteerism with the Biddeford Historical Society over the past 50 years. Mayor Casavant presented Mr. Butler with a key to the City.

Proclamation: Extra Mile Day

Mayor Casavant read the Proclamation and declared November 1, 2018 as Extra Mile Day in Biddeford, encouraging folks to volunteer in the community, as well as to acknowledge those who give selflessly of themselves in their efforts and commitment to local organizations and their families.

Presentation: Dirigo Brewing & Biddeford Career Firefighters Donation to Fire Relief Fund

Biddeford Firefighter Paul Froman explained that the Biddeford Career Firefighters teamed up with Dirigo Brewing for a special fundraiser to benefit the Fire Relief Fund, which is administered through the City's General Assistance Office. A check for \$3,090.00 was presented to the City.

Public Hearing: Liquor License – Banded Brewing Company

The Chair opened the Public Hearing at 6:47 p.m.

There were no public comments.

The Public Hearing was closed at 6:47 p.m.

Consideration of Liquor License: Banded Brewing Company

Motion by Councilor McCurry, seconded by Councilor Quattrone to recommend the issuance of the liquor license to Banded Brewing Company.

Vote: Unanimous.

Consideration of Minutes: October 2, 2018; October 9, 2018

Motion by Councilor Ready, seconded by Councilor McCurry to accept the minutes of the October 2, 2018.

Vote: Unanimous.

Motion by Councilor Ready, seconded by Councilor Belanger to accept the minutes of the October 9, 2018 meeting.

Vote: Unanimous.

Orders of the Day:

2018.123

IN BOARD OF CITY COUNCIL..OCTOBER 16, 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 B (Dimensional Requirements):

City Manager Report:

City Manager, James Bennett had the following items:

- 1) As was discussed at last week's Council Workshop, the City is currently grappling with contamination issues with the recycling collection. Staff has come up with a plan to work with those property owners who are currently "grandfathered" under the waste collection/recycling ordinance. Once these property owners have agreed to work with the City, only those properties will be monitored for a couple of weeks to see if the contamination issue at least gets better.
- 2) In the contest for a \$150,000 preservation grant from American Express for Historic Preservation, Biddeford has slipped into 4th place. Folks are encouraged to go online and cast their five votes a day until October 26th.
- 3) He offered clarification on what seems to be a misconception about the 65% of parking lot spaces being put up for parking permits. He noted that if there is an opportunity to sell more than 65% of parking spaces, the City will do so.

Other Business:

Councilor Lessard: would like to have a Council Workshop (or some kind of meeting) prior to the start of the next budget season to discuss what the Council feels is acceptable for a possible tax increase, as well as to give clear direction to the administration on where the Council would like to focus.

Councilor McCurry: noted that the Finance Committee did discuss a Rate Stabilization Policy at their meeting early this evening. Once the policy is finalized, it will be brought forward to the full Council for consideration.

Councilor McCurry asked about the use and access of the amphitheater on the RiverWalk. Currently it seems that it's only accessible to the North Dam Mill tenants, when originally, the intention was that the amphitheater would be accessible to all of the public.

Council President Addressing the Council: Councilor McCurry thanked all those who were involved in the planning and organizing of last week's Employee & Volunteer Banquet. He also congratulated all the award winners from that evening.

In regards to the recently approved parking management plan (mostly for the downtown), he would like to see more public outreach and more public input.

Mayor Addressing the Council: Mayor Casavant shared that he attended the Maine Makers Fair over the weekend and was truly impressed with all the different vendors who were there. He congratulated Engine for organizing such a great event in Biddeford.

Mayor Casavant announced that this coming Saturday, October 20th, Heart of Biddeford is hosting an "It's Our Time Open House." Events planned include:

- Tours of the clock tower, free but pre-reg required. Register [here](#)
- Backstage Tours of City Theater, free but pre-registration is required.
- Biddeford Historical Society Presentation: History of the City Hall Building, with BHS curator Catherine Glynn (no pre-reg required), 4 p.m. in City Council Chambers (2nd floor City Hall)
- Biddeford Historical Society Main Street Architecture and History Tours. Meet at City Square, corner of Main Street and Adams Street. (no pre-reg required), 3:30, 4, and 4:30.
- Upper Main Street Scavenger Hunt. Get all the Scavenger Hunt Info [here](#)

Executive Session:

➤ **1 MRSA 405(6)(D)...Labor Contract Negotiations (DPW)**

Motion by Councilor Belanger, seconded by Councilor Swanton to move into Executive Session. Vote: 8/1; Councilor McCurry opposed.

Councilors Swanton, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor. Motion carries. Time: 7:19 p.m.

Motion by Councilor McCurry, seconded by Councilor Ready to move out of Executive Session.
Vote: Unanimous. Time: 7:45 p.m.

2018. IN BOARD OF CITY COUNCIL..OCTOBER 16, 2018

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute the proposed Public Works Department Non-Supervisory Union Contract substantially in the form presented to the City.

Motion by Councilor Belanger, seconded by Councilor Ready to grant the order.
Vote: 6/3; Councilors McCurry, St. Cyr and Lessard opposed.
Councilors Swanton, Quattrone, Clearwater, Belanger, Ready and Seaver in favor.
Motion carries.

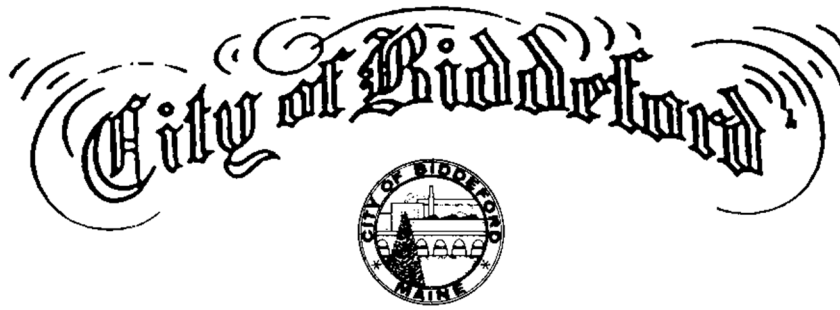
Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.
Vote: 2/7; Councilors McCurry and Lessard in favor.
Councilors Swanton, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Seaver opposed.
Motion to adjourn fails.

Motion by Councilor Clearwater, seconded by Councilor Belanger to move back into Executive Session, per 1 MRSA 405(6)(E)...Consultation with City Attorney.
Vote: 7/2; Councilors McCurry and Lessard opposed.
Councilors Swanton, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Seaver in favor.
Motion carries. Time: 7:57 p.m.

Motion by Councilor McCurry, seconded by Councilor Seaver to move out of Executive Session.
Vote: Unanimous. Time: 8:25 p.m.

Motion by Councilor McCurry, seconded by Councilor Seaver to adjourn.
Vote: Unanimous. time: 8:25 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



2018.123

IN BOARD OF CITY COUNCIL..OCTOBER 16, 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 B (Dimensional Requirements):

Zoning District	Minimum Setback, Feet**			
	From Major R.O.W.	From Other R.O.W	Side	Rear
I-1 O	40 <u>S</u>	30 <u>S</u>	25 E, <u>S</u>	25 E, <u>S</u>
I-2 O	40 <u>S</u>	30 <u>S</u>	25 E, <u>S</u>	25 E, <u>S</u>
I-3 O	40 <u>S</u>	30 <u>S</u>	25 E, <u>S</u>	25 E, <u>S</u>

NOTES for Table B:

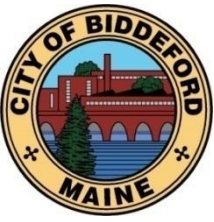
- E. All buildings and structures shall be set back at least 50 feet from any zone in which residential dwellings are an allowed use, except as otherwise provided in this Table.
- S. The Building Inspector may allow a lessening of setback requirements, to no less than ten (10) feet, for utility buildings and structures to facilitate utility infrastructure improvements. Any such buildings or structures built under this provision shall be removed when no longer used for such necessary utility infrastructure.

NOTE: The Planning Board held a duly noticed Public Hearing on this item on October 3, 2018 and voted 4-0 to recommend this amendment be approved by the City Council.

October 16, 2018

Motion by Councilor Ready, seconded by Councilor Lessard to grant the first reading of the ordinance amendment.

Vote: Unanimous.



CITY OF BIDDEFORD PLANNING DEPARTMENT

Greg D. Tansley, A.I.C.P.
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115

Greg.Tansley@biddefordmaine.org

MEMORANDUM

TO: Mayor Casavant
Council President McCurry & Members of City Council
J. Bennett, City Manager

CC: M. Eddy, Planning and Development Director

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, appearing to read "Greg Tansley", is written over the "FROM:" line.

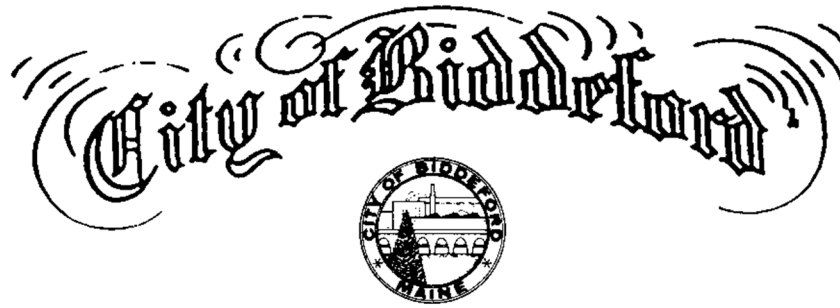
DATE: October 9, 2018

RE: A proposed amendment to allow the Building Inspector to approve decreased setbacks of down to 10 feet for utility buildings and structures construction in Industrial Zones.

Attached is a proposal that has come about through discussions with FMI (Fiber Materials, Inc.) at 5 Morin Street in the Biddeford Industrial Park. FMI needs to make electrical upgrades on their site, and according to FMI representatives, they cannot locate the necessary buildings/structures to comply with the front setbacks from Morin Street.

Through those discussions City Staff have developed the attached language that would provide for exceptions to the setbacks for utility buildings and structures in the Industrial Parks. Such a reduction could be approved by the Code Enforcement Office for such installations, similar to the exceptions allowed for disability compliance structures.

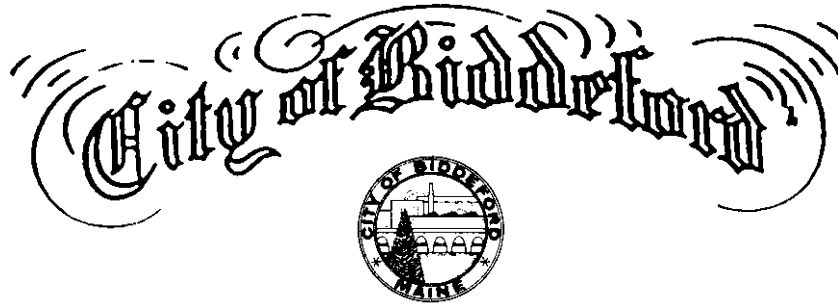
On October 3, 2018 the Planning Board held a duly noticed Public Hearing on the proposal. At that meeting no members of the Public spoke against the proposal. **Following the Public Hearing the Planning Board voted 4-0 to recommend this amendment be approved by the City Council.**



2018.126

IN BOARD OF CITY COUNCIL..NOVEMBER 8, 2018

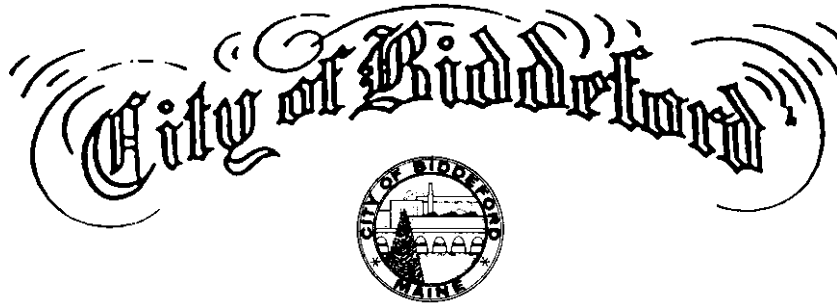
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the waiver of all building, electrical and plumbing permits fees for the Center of Technology House Building Project.



2018.127

IN BOARD OF CITY COUNCIL...NOVEMBER 8, 2018

BE IT ORDERED, that the City Council of the City of Biddeford does hereby set a date, time and location for a ***Community Meeting*** to be scheduled to have public discussion of the City's Parking Management Plan.



2018.128 IN BOARD OF CITY COUNCIL..NOVEMBER 8, 2018

BE IT ORDERED, that the City Council does hereby approve the following budget amendments:

➤ **General Fund**

- o Decrease revenue 24113-40316 – Parking Fines Revenue by \$28,469
- o Decrease Expense 21146-60105 – FT Employee Wages by \$27,648
- o Decrease Expense 21179-60201 – FICA taxes by \$ 2,115
- o Decrease Expense 21179-60217 – RHS by \$ 520
- o Decrease Expense 21179-60211 – Health Insurance by \$10,483
- o Decrease Expense 21179-60202 – MEPERS by \$ 2,765
- o Decrease Expense 21162-60507 – Parking Lot Signs by \$ 1,375
- o Decrease Expense 21162-60462 – Lot Painting by \$ 3,080
- o Decrease Expense 21162-60105 – Labor/Mowing/Sweeping by \$ 3,410
- o Decrease Expense 21162-60111 – Labor/Winter Maint./OT by \$15,100
- o Decrease Expense 21162-60313 – Contract Svcs (Snow) \$ 2,500

Revenue Total: -\$28,469

Expense Total: -\$68,996

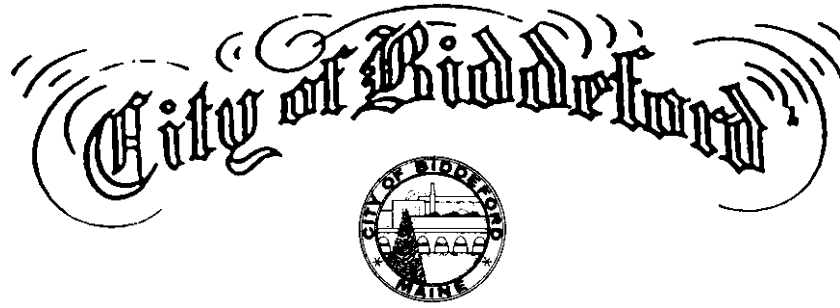
➤ **Parking Fund**

- o Increase revenue 31235-40316 – Parking Fines Revenue by \$28,470
- o Increase revenue 31235-TBD – Permit Revenue by \$49,380
- o Increase revenue 31235-40639 – Parking Lot Rentals \$38,400
- o Increase Expense 31235-60105 – FT Employee Wages by \$43,105
- o Increase Expense 31235-60201 – FICA taxes by \$ 3,300
- o Increase Expense 31235-60217 – RHS by \$ 520
- o Increase Expense 31235-60211 – Health Insurance by \$10,485
- o Increase Expense 31235-60202 – MEPERS by \$ 2,765
- o Increase Expense 31235-60310 - Contract Svcs (Snow) \$ 2,500
- o Increase Expense 31235-60454 – Ground Improvement by \$28,465
- o Increase Expense 31235-TBD – Sinking Fund \$ 5,800

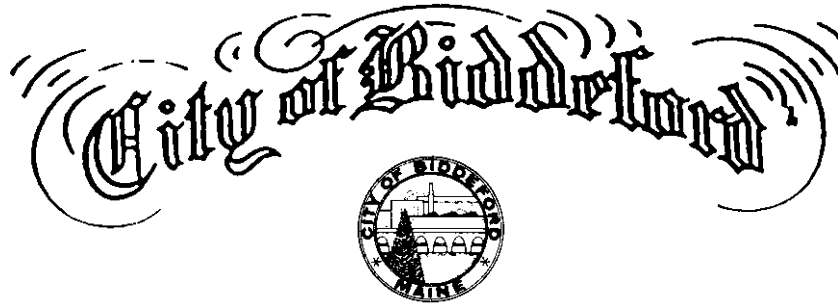
▪ Total Increase in revenue \$116,250

▪ Total Increase in expense \$ 96,940

This amendment is to move the parking enforcement officer to the Parking Fund starting November 1, 2018 and budgeting for one part-time enforcement officer. The movement of the Parking Fines starting November 1 to the Parking Fund. The Lofts current rental



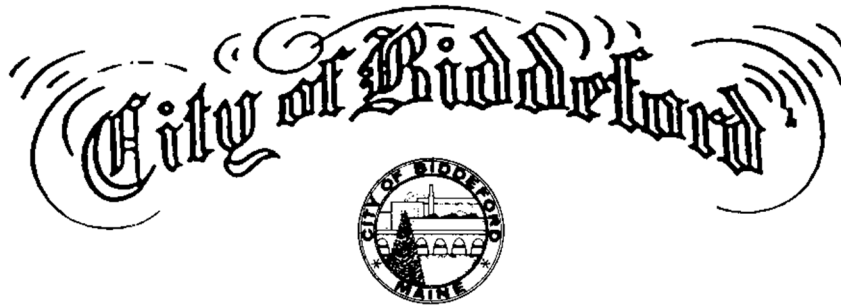
amount for the parking lot has been posted to the Parking Fund. The anticipated revenue now appears as a budget item. The new accounts for Permit Revenue (long-term and hourly) are created in accordance with recent order 2018.97 - Adoption of Fees for Municipal Parking Lots.



2018.129

IN BOARD OF CITY COUNCIL..NOVEMBER 8, 2018

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve and recommend the submittal of the Year 5 – 2017 Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development.



2018.130

IN BOARD OF CITY COUNCIL..NOVEMBER 8, 2018

**MORATORIUM ORDINANCE ON MEDICAL MARIJUANA CAREGIVER
RETAIL STORES, TESTING FACILITIES, AND
MANUFACTURING/GROWING FACILITIES**

WHEREAS, the Maine Medical Use of Marijuana Act (the "Act"), codified in the Maine Revised Statutes in Title 22, Chapter 558-C, authorizes registered caregivers to possess, cultivate, and transfer medical marijuana to qualifying patients, as those terms are defined by 22 M.R.S. §2422; and

WHEREAS, on July 9, 2018 the Maine Legislature enacted as emergency legislation PL 2017, c. 447 (LD 239), An Act to Amend the Maine Medical Marijuana Law, which expressly recognizes municipal home rule authority to regulate registered caregiver operations; and

WHEREAS, on July 9, 2018, the Maine Legislature also enacted PL 2017, c. 452 (LD 1539), An Act to Amend Maine's Medical Marijuana Law ("LD 1539"); and

WHEREAS, LD 1539 includes express authorization for registered caregivers to
1) operate retail stores for the sale of harvested medical marijuana to qualifying patients,
2) conduct marijuana testing for research and development purposes, and 3)
manufacture/grow marijuana products and marijuana concentrates for distribution to
patients; and

WHEREAS, the unregulated location and operation of medical marijuana retail stores, testing facilities, and manufacturing/growing facilities within the City of Biddeford (the "City") raises legitimate and substantial questions about the impact of such activities on the City, including questions as to compatibility with existing land uses and developments in the City; the sufficiency of municipal infrastructure to accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products; and

WHEREAS, as a result of the foregoing issues, the location and operation of medical marijuana retail stores, testing facilities, and manufacturing/growing facilities within the City have potentially serious implications for the health, safety and welfare of the City and its residents; and

WHEREAS, existing ordinances are insufficient to prevent serious public harm that could result from the unregulated development of medical marijuana retail stores, testing facilities, and manufacturing/growing facilities; and

WHEREAS, the City needs time to understand the impact of the amendments to the Act on the City's existing rules and ordinances regarding, among other things, zoning, land use, and fire and life safety requirements; and

WHEREAS, in the judgment of the Biddeford City Council, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S. §4356 requiring immediate legislative action; and

WHEREAS, a temporary prohibition on medical marijuana retail stores, testing facilities, and manufacturing/growing facilities is therefore appropriate in order to determine what regulations, if any, are necessary within the City as a result of the amendments to the Act:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Biddeford, that the following emergency moratorium on medical marijuana caregiver retail stores, testing facilities, and manufacturing/growing facilities be, and hereby is, enacted, and, this Moratorium Ordinance shall take effect, once enacted by the City Council, in accordance with the provisions of the City Charter and Code of Ordinances (the “implementation date”). The moratorium shall remain in effect for one hundred and eighty (180) days from the date of the implementation of this Ordinance, unless extended, repealed, or modified by the City Council, for the express purpose of drafting an amendment or amendments to the City’s current Code of Ordinances to protect the public from health and safety risks including, but not limited to, compatibility of medical marijuana caregiver retail stores, testing facilities, and manufacturing/growing facilities with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of medical marijuana caregiver retail stores, testing facilities, and manufacturing/growing facilities are defined as follows:

Marijuana extraction means the process of extracting marijuana concentrate from harvested marijuana using water, lipids, gases, solvents or other chemicals or chemical processes.

Manufacturing/growing means the production, drying, blending, infusing, compounding or other preparation of marijuana and marijuana products, including the preparation of food, drink, or similar products from marijuana or marijuana products. Manufacturing includes, but is not limited to, marijuana extraction or preparation by means of chemical synthesis.

Medical marijuana manufacturing/growing facility means a facility used for cultivating, processing, and/or storing medical marijuana by one or more medical marijuana caregiver(s) at a location that is not the medical marijuana caregiver's primary year-round residence or his or her patient's primary year-round residence.

Medical marijuana retail store means an establishment having the attributes of a typical retail establishment, such as, but not limited to, signage, regular business hours, accessibility to the public, regular sales to more than five individual qualifying patients in any one week, and sales directly to the consumer of the product. This includes, but is not limited to, an establishment meeting the definition of a retail establishment in Part III (Land Development Regulations), Article II (Definitions) that is used by a registered caregiver to offer harvested medical marijuana or marijuana products for sale to qualifying patients.

Medical marijuana testing facility means an establishment that tests marijuana produced by a registered caregiver. Medical marijuana testing facility does not include a single registered caregiver who solely tests the marijuana legally grown by that care giver for distribution to that caregiver's own patients.

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed medical marijuana caregiver retail stores, testing facilities, and manufacturing/growing facilities for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other City official or board prior to the implementation date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate medical marijuana caregiver retail stores, testing facilities, and manufacturing/growing facilities within the City on or after the implementation date of this Ordinance without complying with whatever ordinance amendment or amendments the City Council may enact as a result of this Moratorium Ordinance; and

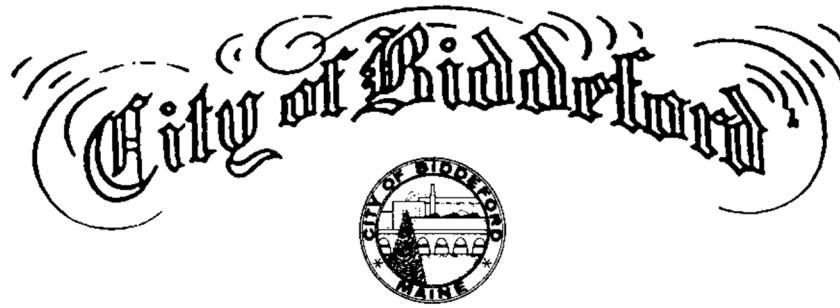
BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to medical marijuana caregiver retail stores, testing facilities, and manufacturing/growing facilities; and

BE IT FURTHER ORDAINED, that those provisions of the City's current Code of Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if medical marijuana caregiver retail stores, testing facilities, and manufacturing/growing facilities are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the City shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

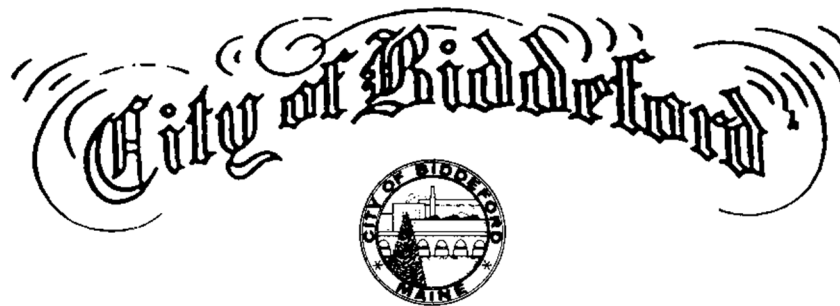
BE IT FURTHER ORDERED, that this moratorium is hereby enacted as an emergency, pursuant to Article III, Section 8 of the City of Biddeford City charter, to make it effective November 5, 2018 in order to protect the public safety and welfare of the City of Biddeford.



IN BOARD OF CITY COUNCIL...NOVEMBER 8, 2018
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Amy Clearwater
136 Alfred Street

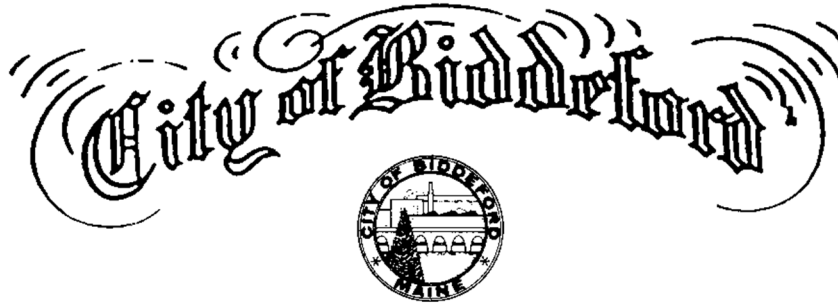
to the Tri City Transit, (replacing Victoria Foley), for a term to expire in December 2019.



IN BOARD OF CITY COUNCIL...NOVEMBER 8, 2018
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Amy Clearwater
136 Alfred Street

to the *Downtown Committee* as the Downtown Development Commission representative.



IN BOARD OF CITY COUNCIL...NOVEMBER 8, 2018
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Leonhard Brenner
36 Old Pool Road
Ward 1

to the *Downtown Development Commission*, for a term to expire in December 2021.

CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 5-30-2018

Name: Leonhard Brenner

Street Address: 36 Old Pool Rd

Mailing Address:
(if different)

Phone Number(s): 857 284 3218

Email Address: lenbrenner@gmail.com

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|---|--|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Housing Authority | ☐ • Planning Board |
| ☐ • Biddeford Police Advisory Committee | ☐ • Policy Committee |
| ☐ • Board of Assessment Review | ☐ • Project Canopy Committee |
| ☐ • Cable T.V. Committee | ☐ • Recreation Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Solid Waste Management Commission |
| ☒ • Downtown Development Commission | ☐ • Wastewater Management Commission |
| ☐ • Economic Improvement Commission | ☐ • Zoning Board of Appeals |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

None

Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

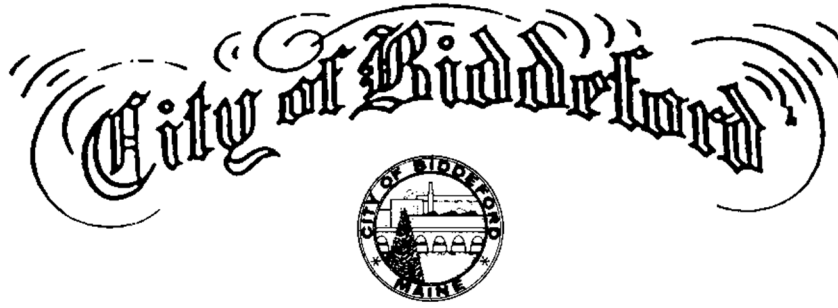
We have a business downtown. I give good advice.

~~I have a~~

Please provide a brief statement describing your interest in serving the City of Biddeford.

I live here and my wife has a small business. I ~~hope~~ hope to provide ~~a~~ a unique perspective that makes this a better town to live in.

Attach any additional information to this application and return it to the City Clerk's Office.

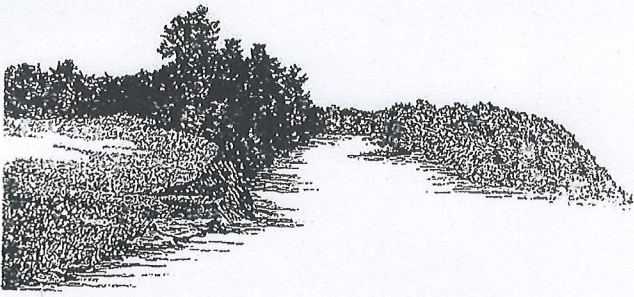


IN BOARD OF CITY COUNCIL...NOVEMBER , 2018
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
re-appoint:

Don Furman
20 Elizabeth Road
Voting Member

Sean Tarpey
110 Cleaves Street
Alternate Member

to the Saco River Corridor Commission for a term to expire in December 2021.



Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

October 10, 2018

Carmen Morris, Clerk
City of Biddeford
P.O. Box 586
Biddeford, ME 04005

Dear Ms. Morris:

It is once again nearing the time for the City of Biddeford to reappoint current members or appoint new members to the Saco River Corridor Commission. Currently, Donald Furman is the primary member and Sean Tarpey is the alternate member.

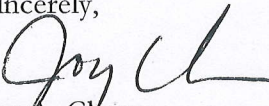
The bylaws of the Saco River Corridor Commission state that membership terms run for a length of three years. The City of Biddeford's Commission memberships are scheduled to expire on November 1, 2018, and will next expire three years later in 2021.

During that time that Mr. Furman and Mr. Tarpey have been Commissioners, they have been a great asset to the Commission and we hope that they will remain as Commissioners with the SRCC for another three year term.

Once the City of Biddeford has made its decision regarding the appointment of members to represent your community on this Commission, please forward a copy of the signed appointment papers to this office. Also, once a person has been appointed, they have 30 days to take any oaths of office required by the town, and to be sworn in by a dedimus justice as required by Title 5 of the M.R.S.A. Section 6. If these requirements are not fulfilled, the appointment by the City will be considered invalid and the appointment process must begin again. I have enclosed appointment paperwork for your convenience.

If you or members of your community have any questions regarding what is entailed with being a member of the Commission, please don't hesitate to contact me at the office. Your time and cooperation is greatly appreciated in this matter.

Sincerely,


Joy A. Chasse
Clerk of the Board

Enclosures

cc: ✓ Donald Furman, Biddeford Commission Member
Sean Tarpey, Biddeford Alternate Member