

City of Biddeford

City Council

November 04, 2021 6:00 PM Council Chambers and via Zoom

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/93974278973?pwd=dm5xWm5ac0dFbEJaT3JmL0NxRW1PZz09>

Passcode: 674320

Or One tap mobile :

US: +13126266799,,93974278973# or +16465588656,,93974278973#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

**US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1
669 900 9128 or +1 253 215 8782**

Webinar ID: 939 7427 8973

International numbers available: <https://biddeford.zoom.us/j/93974278973>

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Consideration of Minutes:**
 - 4.a. October 19, 2021 Council Meeting Minutes
[10-19-2021 Council Meeting Minutes.docx](#)
- 5. Second Reading:**
 - 5.a. 1021.108) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90 - No Parking/Add and Delete on Foss Street; and Sec. 42-92 - Limited Parking/Delete on Foss Street
[10-19-2021 Foss Street-No Parking King to Main St-ORDER.doc](#)
[10-19-2021 Foss Street-No Parking King to Main St-MEMO.docx](#)
[10-19-2021 Foss Street Traffic Assessment-October 2021.pdf](#)
- 6. Orders of the Day:**
 - 6.a. 2021.111) Approval/Transfer of Funds to Police Dept. Asset Forfeiture Account for Substantial Contribution in a Criminal Case
[11-04-2021 Funds Transfer to PD for Criminal Case-ORDER.doc](#)
[11-04-2021 PD Asset Forfeiture Dollars-MEMO.docx](#)
- 7. Appointments:**
 - 7.a. Saco River Corridor Commission...Don Furman, Voting Member
[11-04-2021 SRCC Appt Letter.pdf](#)
[11-04-2021 SRCC Appt Order-Furman.doc](#)
[11-04-2021 SRCC Appt-Furman Application.pdf](#)
 - 7.b. Saco River Corridor Commission...Sean Tarpey, Alternate Member
[11-04-2021 SRCC Appt Letter.pdf](#)
[11-04-2021 SRCC Appt Order-Tarpey.docx](#)
[11-04-2021 SRCC Appt-Tarpey Application.pdf](#)

- 8. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
- 9. City Manager Report**
- 10. Other Business**
- 11. Council President Addressing the Council**
- 12. Mayor Addressing the Council**
- 13. Adjourn**

COUNCIL MEETING

OCTOBER 19, 2021

NOTE: Due to COVID-19, this meeting was held in-person in the Council Chambers, as well as virtually (via ZOOM),

Mayor Casavant called the meeting to order at 6:00 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Ashanti Williams, Amy Clearwater, Michael Ready, Doris Ortiz and Marc Lessard

Stephen St. Cyr and Norman Belanger were excused.

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

The Council observed a moment of silence for former City Councilor Rosemarie Sheltra, who recently passed away.

There were no adjustments to the agenda.

Proclamation: Lung Cancer Awareness Month – November 2021

Mayor Casavant read the proclamation.

Proclamation: Extra Mile Day – November 1, 2021

Mayor Casavant read the proclamation.

Consideration of Minutes: October 7, 2021

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

Vote: Unanimous.

Second Readings:

{For a copy of the ordinance amendments and first readings, see the Council Meeting minutes of October 7, 2021}

2021.101) Amendment/Land Development Regulations/ Art. XIII-Amendments/ Section 3-Contract and Conditional Zoning/Add Adams Street Contract Zone

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: Unanimous.

2021.102) Amendment/Land Development Regulations/Art. VI-Performance Standards/Section 56-Restaurants – Add Mobile Food Vendor Courts in the MSRD-1 and MSRD-3 Zones; and Ch. 22, Businesses/Sec. 22-17 to 22-21.1/ Add Mobile Food Vendor Courts

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: 6/1; Councilor Lessard opposed.

Councilors Emhiser, McCurry, Williams, Clearwater, Ready and Ortiz in favor.

Motion carries.

Orders of the Day:

2021.106

IN BOARD OF CITY COUNCIL..OCTOBER 19, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt the provisions of 5 M.R.S. § 18252-C (PL 2021, Chapter 286) as allowed by MainePERS Rule Chapter 803.

The City of Biddeford agrees:

1) To adopt the provisions of 5 M.R.S. §18252-C as enacted by PL 2021, Chapter 286 as allowed by MainePERS Rule Chapter 803 for its non-participating employees with optional membership who previously declined to participate in MainePERS (“eligible employees”) and to comply with the following requirements:

a. To offer by November 1, 2021 the opportunity to join MainePERS prospectively to all its eligible employees who have been employed for 5 years or more, to advise these employees that this will be their only

opportunity to join, and to provide MainePERS with documentation of each eligible employee’s election; and

b. Beginning in 2022, to annually offer eligible employees who have been employed for less than 5 years, and in 2022 eligible employees who had reached 5 years of employment between November1, 2021 and November1, 2022, the opportunity to join MainePERS on a prospective basis during an open enrollment period from September 1st through November 1st and to provide MainePERS with documentation of each election made by eligible employees under this provision: and

c, To withhold employee contributions for employees who join under this provision after all taxes have been withheld, and to remit them to MainePERS as after-tax contributions.

2) To authorize City Manager, James Bennett to sign the Amended Agreement between the Employer and the Maine Public Employees Retirement System.

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

2021.107 **IN BOARD OF CITY COUNCIL..OCTOBER 19, 2021**
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or deleting to read as follows:

Main Street, even-numbered side, beginning at a point 20 feet west of the perpendicular sight line with the northwest corner of the intersection with Emery Street, thence westerly to Laconia Street, No Parking.

NOTE: The Policy Committee considered this amendment at their October 12, 2021 meeting and voted 3 to 1 to recommend passage by the City Council.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the first reading of the ordinance amendment.
Vote: 5/2; Councilors Clearwater and Williams opposed.
Councilors Emhiser, McCurry, Ready, Ortiz and Lessard in favor.
Motion carries.

Motion by Councilor McCurry, seconded by Councilor Lessard to suspend the rules to allow for an immediate second reading and the passage of the ordinance amendment as an emergency amendment.
Vote: 6/1; Councilor Clearwater opposed.
Councilors Emhiser, McCurry, Williams, Ready, Ortiz and Lessard in favor.
Motion carries.

Motion by Councilor McCurry, seconded by Lessard to grant the second reading of the ordinance amendment.
Vote: 5/2; Councilors Clearwater and Williams opposed.
Councilors Emhiser, McCurry, Ready, Ortiz and Lessard in favor.
Motion carries.

2021.108 **IN BOARD OF CITY COUNCIL..OCTOBER 19, 2021**
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or ~~deleting~~ to read as follows:

Foss Street, odd-numbered side, from King Street to Main Street

~~Foss Street, odd-numbered side, No Parking within three (3) feet of either side of the entrance (within the curb cut) to the Foss Street Public Parking Lot.~~

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-92 Limited Parking**, be amended by adding or ~~deleting~~ to read as follows:

~~Foss Street, odd numbered side, from Main Street to Bacon Street, two (2) hours, Monday through Saturday between the hours of 8:00 a.m. to 5:00 p.m., excluding Holidays.~~

NOTE: The Policy Committee considered this amendment at their October 12, 2021 meeting and voted unanimously to recommend passage by the City Council.

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

Vote: Unanimous.

2021.109 IN BOARD OF CITY COUNCIL..OCTOBER 19, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve a “blanket letter of approval” for the renewals of State Beano/Bingo applications and State Game of Chance applications for all applicable local organizations, to cover the calendar year of 2022.

NOTE: This Blanket Letter of Approval eliminates the need to obtain Councilors’ signatures each time an application is filed with the City Clerk. However, the City Council still needs to consider and approve each application.

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

Vote: Unanimous.

2021.110 IN BOARD OF CITY COUNCIL..OCTOBER 19, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the extension of the City Manager Employment Contract with James Bennett until July 31, 2024.

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

Vote: Councilors McCurry and Ready opposed.

Councilors Emhiser, Williams, Clearwater, Ortiz and Lessard in favor.

Motion carries.

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

There were no public comments.

City Manager Report:

City Manager James Bennett thanked the Council for the affirmative vote on his employment contract extension.

Other Business:

Councilor Clearwater - is happy to have filled out her absentee ballot today!

Councilor Ready – took this opportunity to encourage voters to ask questions about those who are running for office and find out the facts rather than believing all comments made on social media. He also encouraged folks to reach out to the City Council to ask questions.

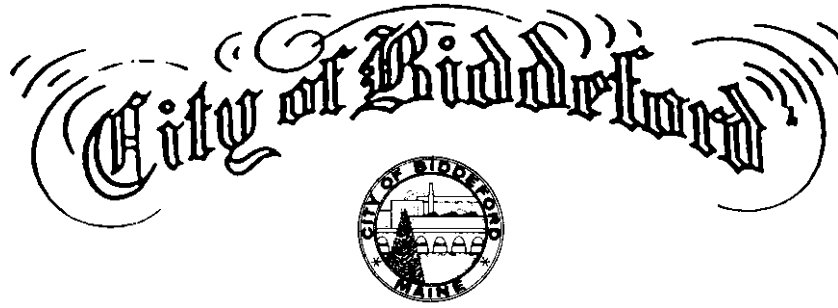
Councilor Lessard - requested that the Public Works Dept. open the Recycling Center on Sunday, November 7th for folks to bring leaves. He is confident that the City can cover the costs of opening for that day.

Councilor Lessard then shared that he has served with many Councils over the past decade or so, and he thanked the out-going Councilors on this Council for their time and dedication to the City during their tenure; and he thanked Mayor Casavant for his service and for seeking another term.

Council President Addressing the Council: Councilor McCurry encouraged the citizens to get out and vote at the November 2nd Election. He reiterated what Councilor Ready said about not believing everything that is on social media, and he urged folks to reach out to him for clarification on candidates and issues.

Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.
Vote: Unanimous. Time: 6:23 p.m.

Attest by:_____ **Carmen J. Morris, City Clerk**



2021.108 IN BOARD OF CITY COUNCIL..OCTOBER 19, 2021

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or ~~deleting~~ to read as follows:

Foss Street, odd-numbered side, from King Street to Main Street

~~*Foss Street, odd numbered side, No Parking within three (3) feet of either side of the entrance (within the curb cut) to the Foss Street Public Parking Lot.*~~

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-92 Limited Parking**, be amended by adding or ~~deleting~~ to read as follows:

~~*Foss Street, odd numbered side, from Main Street to Bacon Street, two (2) hours, Monday through Saturday between the hours of 8:00 a.m. to 5:00 p.m., excluding Holidays.*~~

NOTE: The Policy Committee considered this amendment at their October 12, 2021 meeting and voted unanimously to recommend passage by the City Council.

October 19, 2021

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

Vote: Unanimous.



City Council

Meeting Date: October 19, 2021
Meeting Time: 6:00 p.m.
Agenda Item No: 2021.108
Item Description: Foss Street – No Parking
Submitted by: Roger P. Beaupre, Chief

Supporting Information/Documentation:

Traffic Analysis for Foss Street

Key Terms:

[List key terms with definitions if introducing new topics. "N/A" if not applicable]

Executive Summary:

Foss Street is currently 2 hour parking between Bacon Street and Main Street. You will note in the accompanying Traffic Analysis, the width of Foss Street is 26.5 feet in width, which does not meet the City's existing Standards for allowing parking on one side of the street. Although there is no center line markings, the lane widths are insufficient to accommodate two way traffic and parking on one side. Applying the eleven (11) foot per travel lane Standard, twenty nine and one half feet (29.5) are need to allow parking on one side. The Standard lane width for this Street is set at twelve (12) feet, which would require thirty one and one half (31.5) feet of curb to curb width.

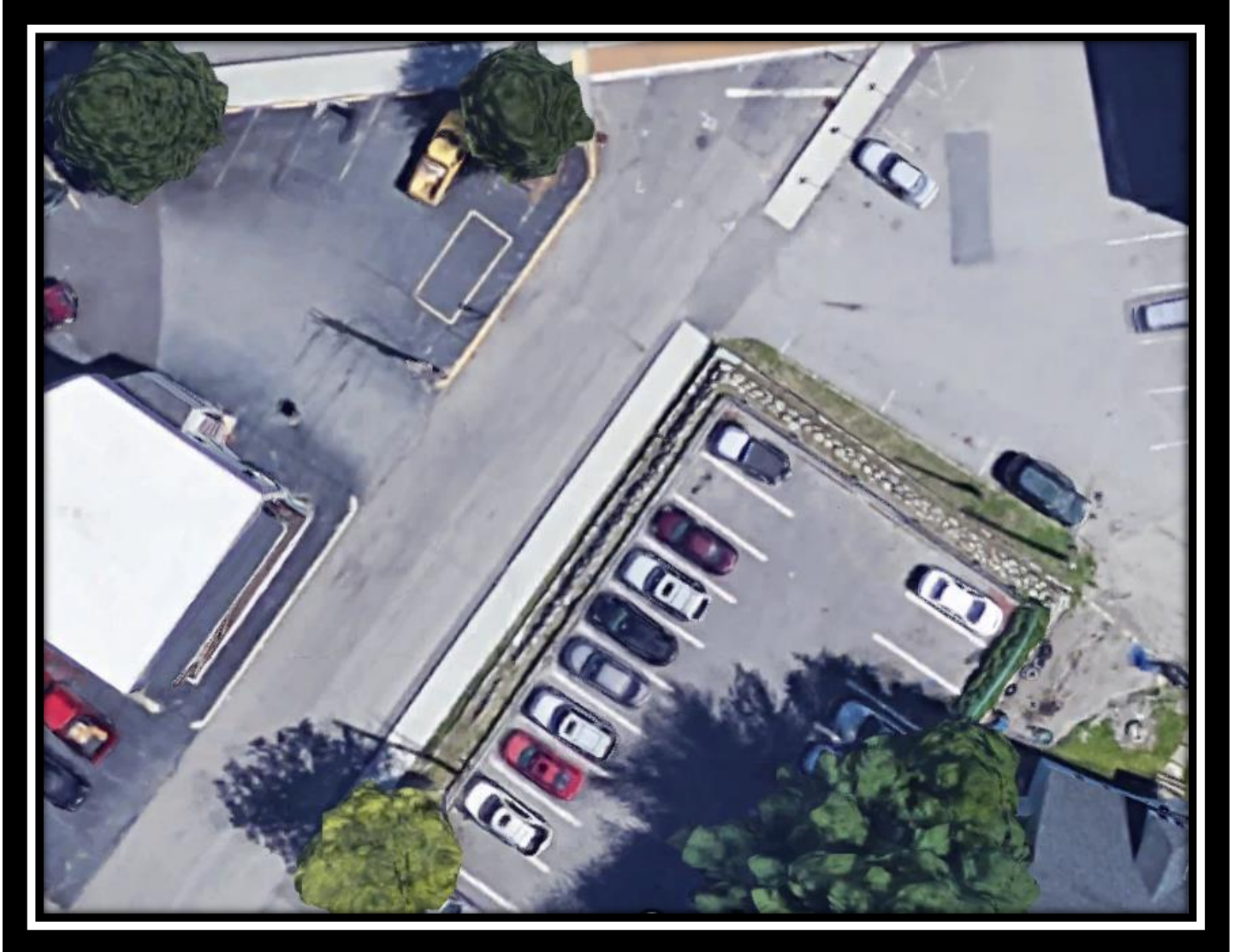
Detailed Review:

Attached Traffic Analysis provides appropriate analysis.

Funding Source:

City Budget

Staff Recommendation:



Foss Street Traffic and Parking Study

08/23/2021

Corporal Matthew D. Baldwin

Eldeford Police Dept.

39 Alfred Street

Eldeford, Maine

OVERVIEW

Upon request, a study was conducted of lower Foss Street to assess on-street parking and potential travel issues. The study was completed in the areas between 5 Foss Street and 25 Foss Street to include the exit of the Foss Street Public Parking lot, now noted as **Lot P4305**, controlled by Premium Parking. The area of Foss Street between Bacon Street and Main Street is approximately 390 feet long. Foss Street is a non-posted 25 mph zone. On-street parking for this portion of Foss Street was introduced a few years ago and had originally been posted as **No** on-street parking.

This area was analyzed to note ease of travel by exiting and traveling motorists and how parking along the east side of this roadway influences that travel. It has been reported that while vehicles are parked on the east sides of the street, it is difficult for motorists exiting **Lot P4305** to see safely in both directions. It has also been suggested that parking along the easterly side of Foss Street does not allow for enough travel area for north and southbound traffic to safely pass at the same time.

The asphalt through this portion of Foss Street remains in good condition. The street has an elevated grade of approximately 5 to 10 degrees in a southerly direction. Foss Street has approximately 175 feet of distance from the easterly entrance of **Lot P4305** to the intersection of Main Street. The available parking along the east side of Foss Street, north of the entrance is approximately 84 total feet. This equates to roughly four 20-foot parking spots. At this time, parking is restricted to the east side of the street only. South of **Lot P4305** there is approximately 108 feet of allowable on-street parking, or roughly five parking spots.

The average width of Foss Street is approximately 26.5 feet (see image P-6 for specific distances). This distance does not include the sidewalks positioned on both sides of the street.

There are only a few entrances on the east side of Foss Street where on-street parking is affected and or restricted. Dizzy Birds restaurant, located at 65 Main Street has a Foss Street entrance approximately 34 feet from Main Street. **Lot P4305** has its entrance, and further south is the private driveway at 25 Foss Street.

Other than traffic flow, the entrances on the west side of Foss Street would not affect parking. Grady's Television has an entrance on the west side of Foss Street, approximately 65 feet from the intersection of Main Street. Continuing south, there is another rear employee parking entrance for 'The Donut Shop' and then two large garage entrances for C&R Enterprises, Inc. There is additionally an entrance to the rear of Pop's tavern on the west side of Foss Street near the Bacon Street intersection.

The total analysis includes the observation of traffic movement, parking utilization, sight distances, photographs and measurements of the Foss Street area. This was completed in order to assess and identify any existing safety deficiencies that could negatively affect or impact this portion of Foss Street.

PARKING AND TRAFFIC ANALYSIS:

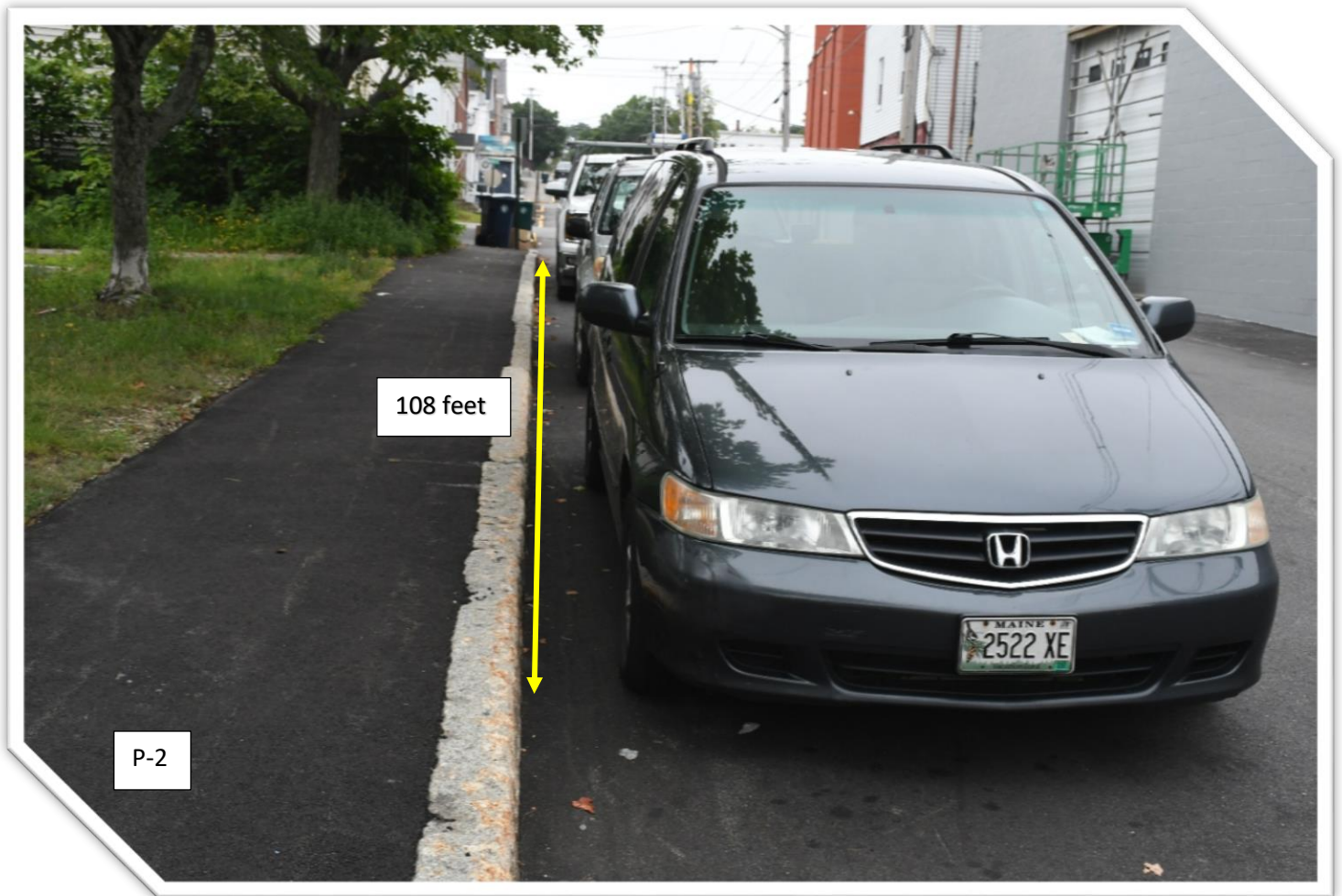
AVAILABLE ON-STREET PARKING

The Foss Street parking and traffic analysis involved the monitoring of traffic movement, parking practices, and other environmental issues that may have effects on the area. As mentioned above, other than **Lot P4305**, this portion of Foss Street effects the businesses of 'Grady's Television', 'Dizzy Bird's Chicken' and the employee parking area of the 'The Donut Shop'.

At this time, there are no individually marked or designated parallel parking spots on the east side of Foss Street. The 84 feet of legal parking, north of the **P4305** entrance, could allow for four (4) average 20-foot parking spots. See image P-1 below



The on-street parking south of the entrance of **Lot P4305** allows for approximately 108 feet of on-street parking. The available parking starts 20 feet from the south entrance of **Lot P4305** and extends and ends at the driveway between 23 and 25 Foss Street. The 108 available feet allows for approximately five (5) 20-foot additional parking spots, totaling nine (9) legal on-street parking spots if at full capacity. See image P-2.



STREET / LANE WIDTH

Foss Street averages approximately 26.5 feet in width when traveling north of the **P4305** entrance and 26 feet when south of the entrance. Squared off granite curbing limits any additional option to yield a vehicle further off either side of the roadway. This width additionally does not take into account the issues with snow and snowbanks during the winter months that will arguably narrow the street further.

Interpreting the various City Ordinances outlining the necessary safe and recommended travel width for individual lane use was complicated. Newer roads appear to require a 13 foot width. Another table suggests a 12 foot width on urban streets for both arterial and collector streets. (See attachment 62 below)

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES									
62 Attachment 1									
City of Biddeford									
Table A									
Minimum Roadway Construction Standards									
[Ord. of 12-4-1991, § 20-91; Ord. No. 2003.16, 2-4-2003]									
Road Classification	Local Arterial Streets		Local Collector Streets			Major Residential Streets		Minor Residential Streets	
Subcategories	Urban	Nonurban	Industrial	Urban	Nonurban	Urban	Nonurban	Urban	Nonurban
Right-of-way width (feet)	60	50	50	50	50	50	50	50	50
Travel lane width (feet)	12	11	12	12	11	12	11	11	10
Shoulder width (feet)	5	3 gravel	4	4	3 gravel	3	2 gravel	3 gravel	2 gravel
Sidewalk width (See Section 62-110, Sidewalks, for requirements) (feet)	5	5	5	5	5	5	5	5	5
Additional travel lane width (when required) (feet)	11	11	11	11	11	11	11	11	11
Parking lane width (parallel parking) when required (feet)	8	8	8	8	8	8	8	8	8
Bike lane, where applicable (feet)	3	3	3	3	3	3	3	3	3
Subsurface/surface drainage	Subsurface	Surface	Subsurface	Subsurface	Surface	Subsurface	Surface	Subsurface	Surface
Roadway crown (inches per foot)	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4
Center-line radius (feet)	250	250	250	250	200	150	150	150	150
Curb and pavement radius at intersections (feet)	30	30	30	30	30	30	30	30	30
Tangent between curves of reverse	150	150	150	150	100	100	50	50	50

Below, the ordinance mentions the minimum width of a 10 foot travel lane with no curbing. Regardless, the **minimum** width referred to in the City Ordinance, when referring to any travel lane width was at least 10 feet. This is additionally reflected in most State and Federal DOT standards as well. Most State DOT standards operate at an 11 foot minimum width.

Also highlighted below in section .2 is the provision for parallel parking, which is set at a minimum requirement of 7.5 feet.

Biddeford City Ordinance: [Sec. 62-109 Roadway features.](#)

[Ord. of 12-4-1991, § 20-79; Ord. No. 2003.16, 2-4-2003]

1. *Travel lanes: Lane width for City streets shall not be less than those values shown in Section*

62-126, Table A. *The shoulders must be a minimum of two feet on each side. If a curb or berm is installed, the travel lane shall be a minimum of 13 feet in width.*

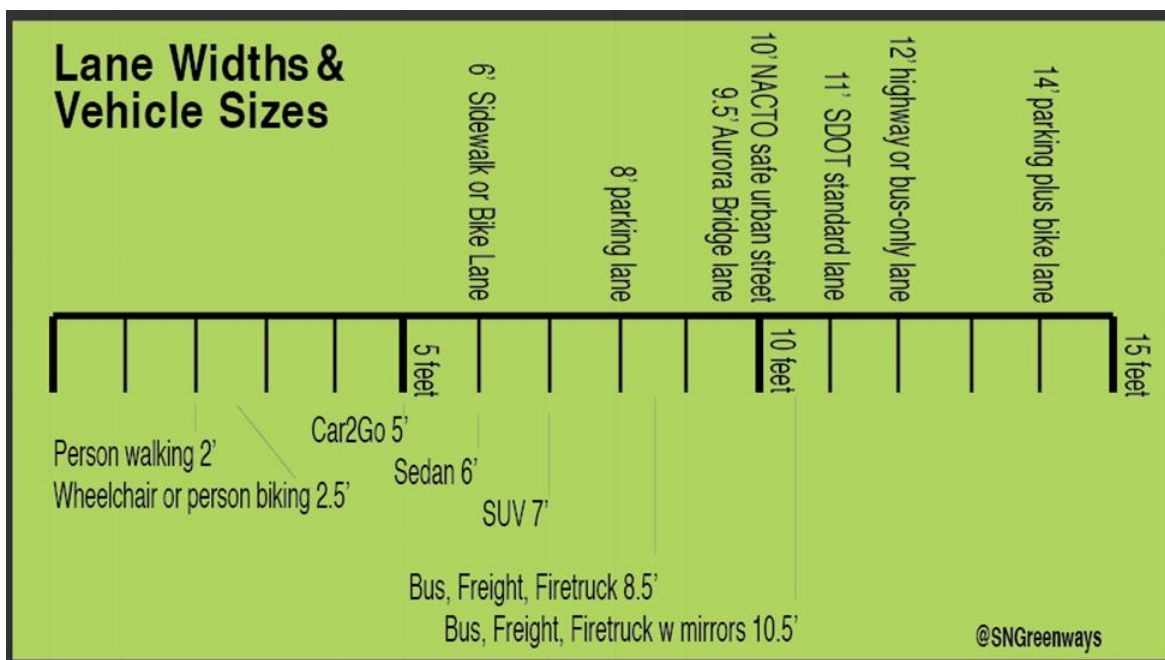
For minor residential streets in the RF Zone, the travel lane width shall be a minimum of 10 feet with two-foot gravel shoulders at each side and no curbing. If curbing is technically necessary, as determined by the engineer, for a RF Zone minor residential street, then the street must comply with the City street standards previously stated.

2. *Parking lanes: When provision is made for parallel parking along the side of any street, the parking lane shall be at least 7 1/2 feet (2.3 m) in width.*

As stated before, this portion of Foss Street averages 26.5 feet at its widest portions and never exceeds the width of 27 feet.

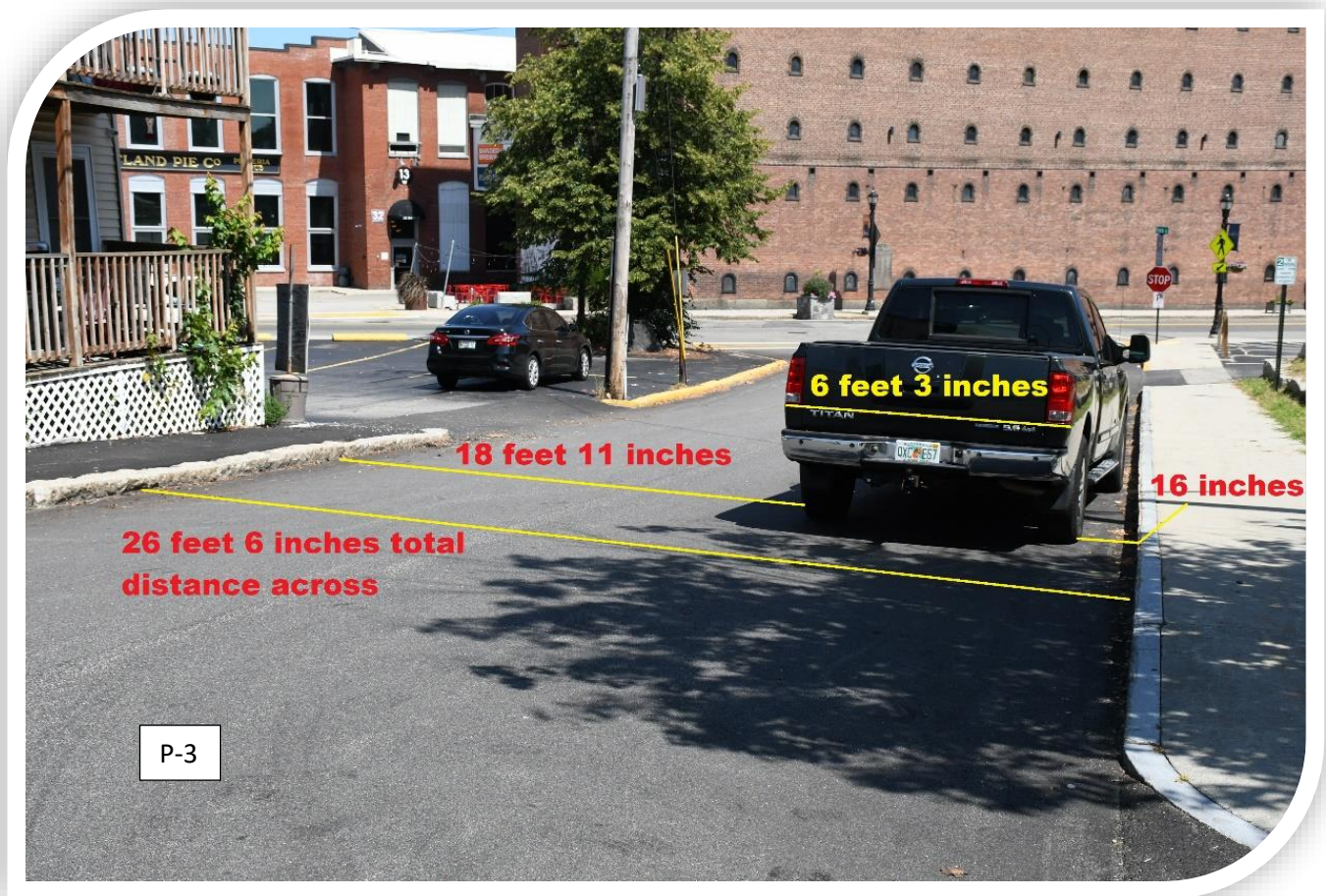
When using the 26.5 foot width and after subtracting the 7.5-foot minimum threshold for parallel parking, it equals a 19 feet width. 19 feet divided by two equals only 9.5 feet for each individual north and south bound travel lane through that area.

This travel width does not take into account that the average vehicle traveling on the roads today is between 6 and 7.5 feet in width. Commercial vehicles are 8.5 feet in width and Fire and Rescue apparatus can be as wide as 9.5 feet in width and 10.5 if you include the mirrors.



An average full sized truck (6.5 to 7.5 feet wide) parked 1 foot off of the curb will be 7.5 to 8.5 feet into the roadway, thus shrinking the adjacent travel lanes to only 9 feet each, a full foot below the minimum standard set by ordinance and a full 4 feet less set by the ordinance for new construction.

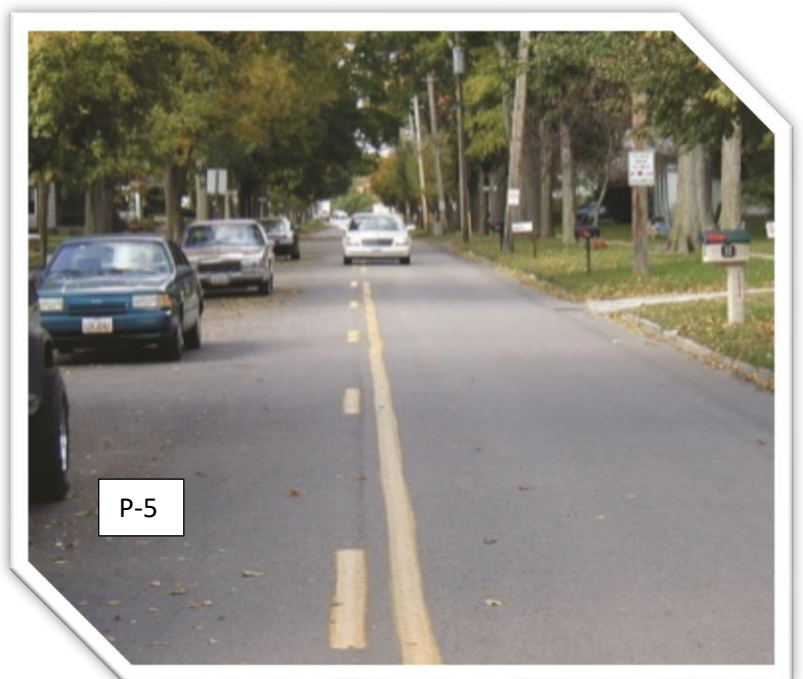
The photo below, (image P-3) shows a Nissan Titan pick-up parked on Foss Street just north of the entrance of **Lot P4305**. The truck measures approximately 6 feet 3 inches wide and the truck is parked 16 inches from the curb. The remaining total travel way is approximately 18 feet 11 inches or approximately 9.5 feet of available travel for each adjacent lane.



In the next photo below, (image P-4) it shows the Biddeford Police Crime Van parked on Foss Street in the same location. This truck measures approximately 6 feet 8 inches wide (without the mirrors) and the truck is parked only 4 inches from the curb. This leaves approximately 19 feet 6 inches of available travel in the adjacent lanes (9.75 feet per lane).



Another lane-width consideration is that there is currently no centerline or double centerline painted on Foss Street. The addition of a line (or lines) down the center of the street, assuming that the travel way would remain “to one side” of the painted line, would shrink the travel way even further. A common longitudinal painted roadway stripe is 4 inches wide. Two parallel longitudinal (double) stripes would equal an additional 1 foot of roadway space. See image P-5 for a reference of potential paint stripe width.



The image below, (P-6) notes the widths of Foss Street along the stretch of the current legal on-street parking. As seen, no distances exceed 27.5 feet, which would allow for a 7.5-foot parking spot and 2 additional 10 foot travel ways.



Biddeford City Ordinance: Sec. 42-7 General parking prohibitions.

[Ord. of 12-15-1998(2)]

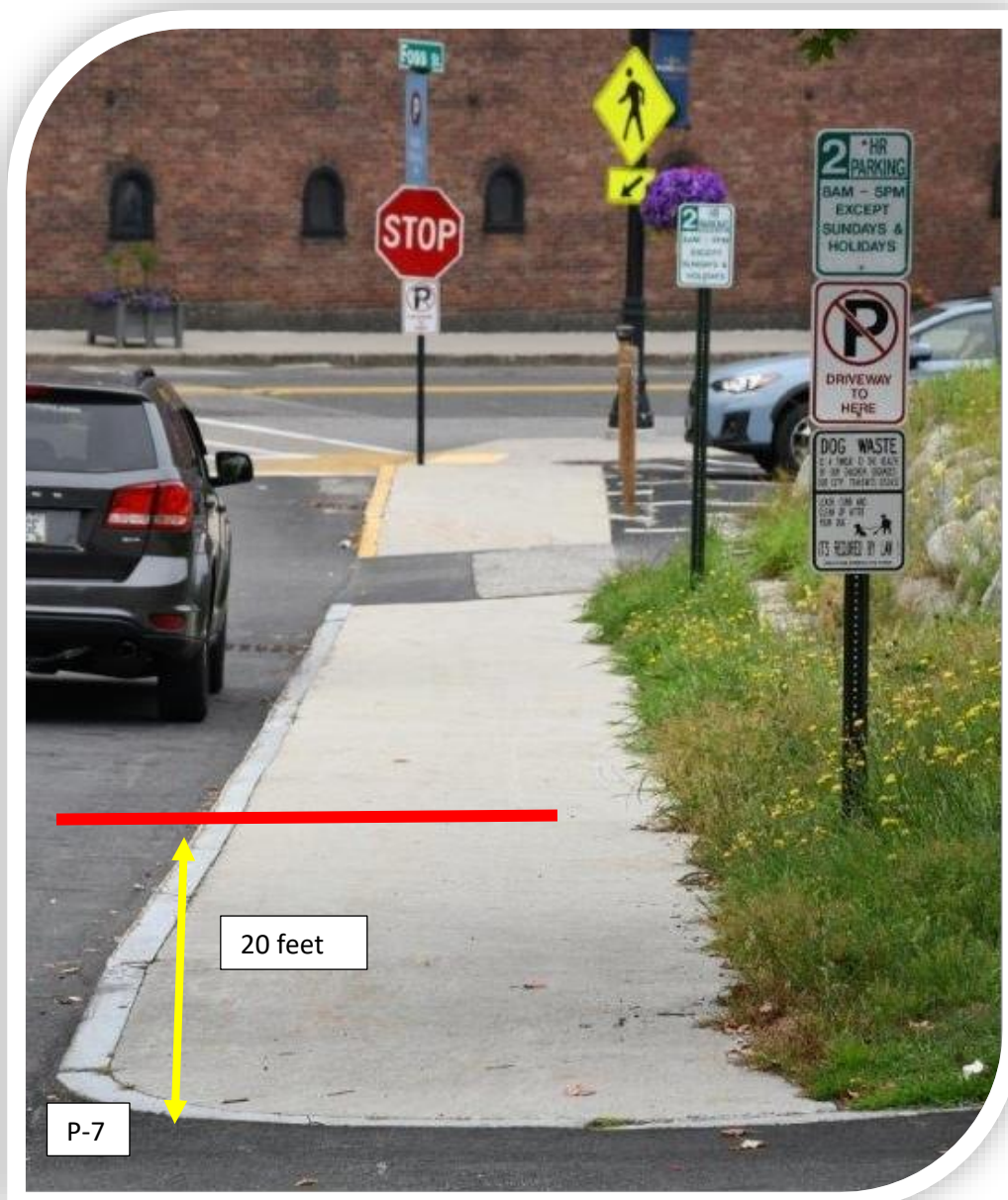
Except in cases of emergency, no vehicle shall be parked at any of the following places:

1. At white, black or other colored lines, as designated on curb.
2. Within 10 feet of a hydrant or fireplug.
3. Within 20 feet of a crosswalk. [Amended 9-15-2015 by Ord. No. 2015.59]
4. Within 20 feet of an intersection of streets.
5. In front of a private driveway.
6. Upon a sidewalk or other pedestrian way.

As mentioned earlier, the lower east portion of Foss Street from Bacon Street to Main Street has only 3 driveways or entrances affecting where on-street parking is currently allowed. The most northerly entrance is the entrance to Dizzy Birds. The 2nd entrance is to **Lot P4305**. The 3rd is a private driveway between 23 and 25 Foss Street.

North of the Dizzy Bird entrance is a painted yellow curb due to it being within 20 feet of the intersection. South of that entrance are no restrictions. The non-restricted portion is included in the 84 feet of total available on-street parking. To note further restrictions, there are signs on either side of **Lot P4305** that restrict parking within 20 feet of either side of the entrance.

The image below (P-7) depicts the parking and signage north of the **Lot P4305**.



South of the 25 Foss Street private driveway is a painted yellow curb due to one fire-hydrant and its proximity to the Bacon Street intersection. North of the driveway are no further restrictions. This area starts the 108 feet of available on-street parking along this portion of Foss Street. (See image P-8 below)



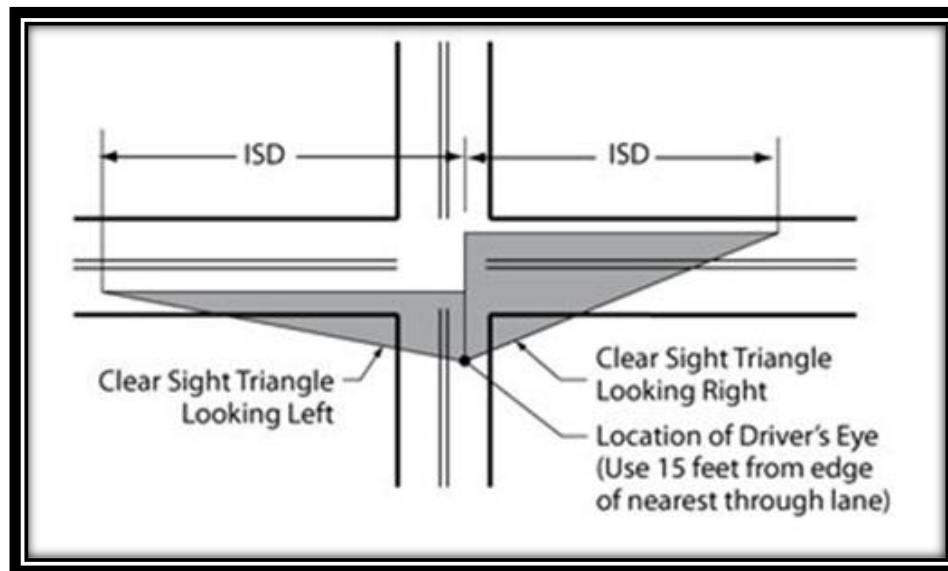
SIGHT DISTANCES

Insufficient sight distance can be a contributing factor in intersection traffic crashes. Intersection sight distance is the distance a motorist can see approaching vehicles before their line of sight is blocked by an obstruction near the intersection. The driver of a vehicle approaching or departing from a stopped position at an intersection should have an unobstructed view of the intersection, including any traffic control devices, and sufficient lengths along the intersecting roadway to permit the driver to anticipate and avoid potential collisions. Examples of obstructions can include trees, parked vehicles, utility poles, or buildings. In addition, the horizontal and vertical alignment of the roadway approaching the intersection can reduce the sight triangle of vehicles navigating the intersection.

It is important for approaching motorists on the major road to see side intersection vehicles, and for motorists exiting on to a travel way to see approaching vehicles before entering onto the road. Poor sight distance can lead to rear-end crashes on the approaches and to angle crashes within the intersection because motorists may be unable to see and react to approaching vehicles.

The area needed for provision of this unobstructed view is called the Clear Sight Triangle (see Figure 1).

Figure 1. Sight Distance Triangles for 4-Leg Stop-controlled Intersections



The Intersection Sight Distance (ISD) is measured along the major road beginning at a point that coincides with the location of the minor road vehicle. Table 3 provides the recommended values for ISD, based on the following assumptions:

- Stop control of the minor road approaches;
- Using driver eye and object heights associated with passenger cars;
- Both minor and major roads are considered at level grade;
- Considers a left-turn from the minor road as the worst-case scenario (i.e., requiring the most sight distance); and
- The major road is an undivided, two-way, two-lane roadway with no turn lanes.

Speed (mph) * Distance (ft.)	Stopping Sight Distance (ft.)	Design Intersection Sight
25	155	280
30	200	335
35	250	390
40	305	445
45	360	500
50	425	555
55	495	610
60	570	665
65	645	720

Source: A Policy on Geometric Design of Highway and Streets, 5th Edition, American Association of State Highway and Transportation Officials (AASHTO), 2004.

[Biddeford City Ordinance Sec. 62-114 Sight distance.](#)

[Ord. No. 2003.16, 2-4-2003]

Sight distance is the length of approaching roadway, which is visible to the driver.

Stopping sight distance is the sum of the distance traveled during driver perception/reaction time (2 1/2 seconds) and the distance traveled while braking to a stop. The measurement is from the driver's eye 3 1/2 feet above the pavement to a six-inch height of object.

Table 62-114-1 lists the design guidelines for stopping sight distances at various speeds. The Table is based on 10 feet of sight distance for every mile per hour. In no case shall the minimum sight distances be less than the MDOT Highway Design Guide requirements.

Table 62-114-1

Stopping Sight Distance

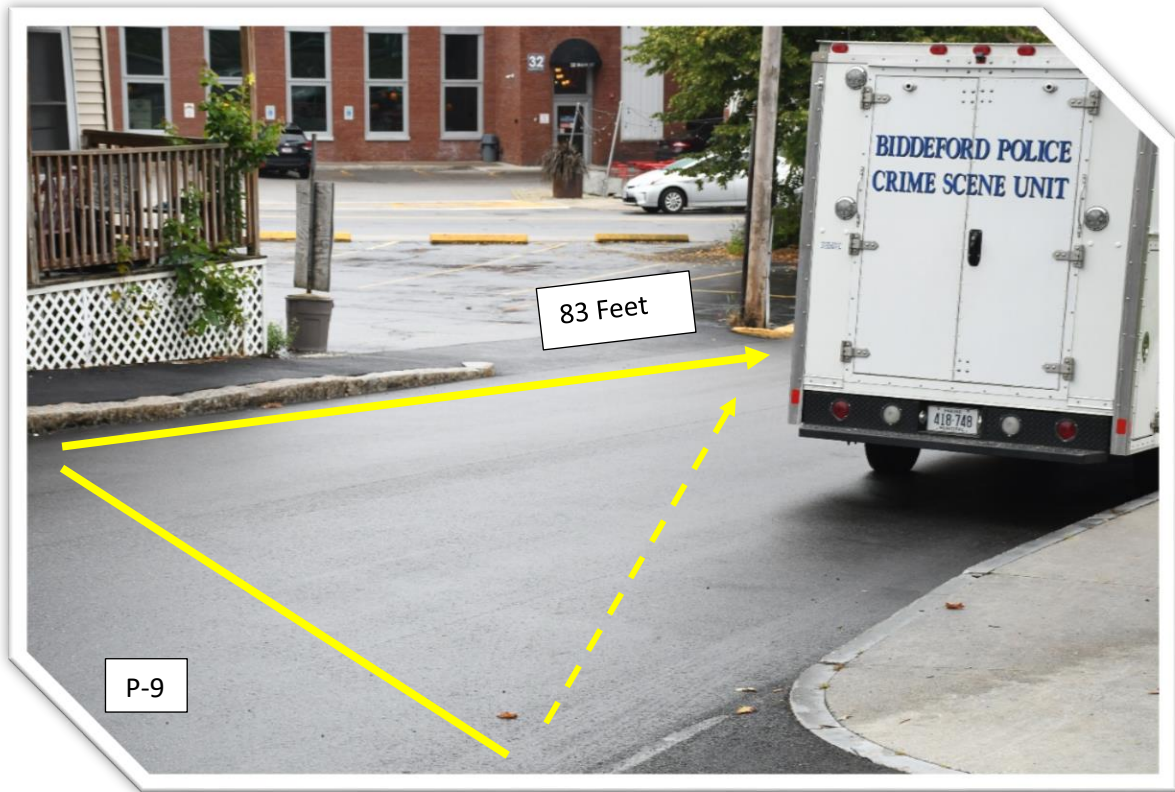
Design Speed (miles per hour)	Sight Distance (feet)
15	150
25	250
30	300
35	350
40	400
45	450
50	500
55	550

Intersections at grade sight distance: Any intersection street or road shall be so designed in profile and grading to provide minimum sight distances measured in each direction. The height of eye of the driver is 3 1/2 feet and the height of object (an approaching car) is 4 1/4 feet. This section is based on Chapter 8 of the Maine DOT Highway Design Guide. Refer to the most recent version of this manual for sight distance requirements for various intersections.

When reviewing the Line of Sight distances for exiting **Lot P4305**, I first examined the northbound portion of on-street parking.

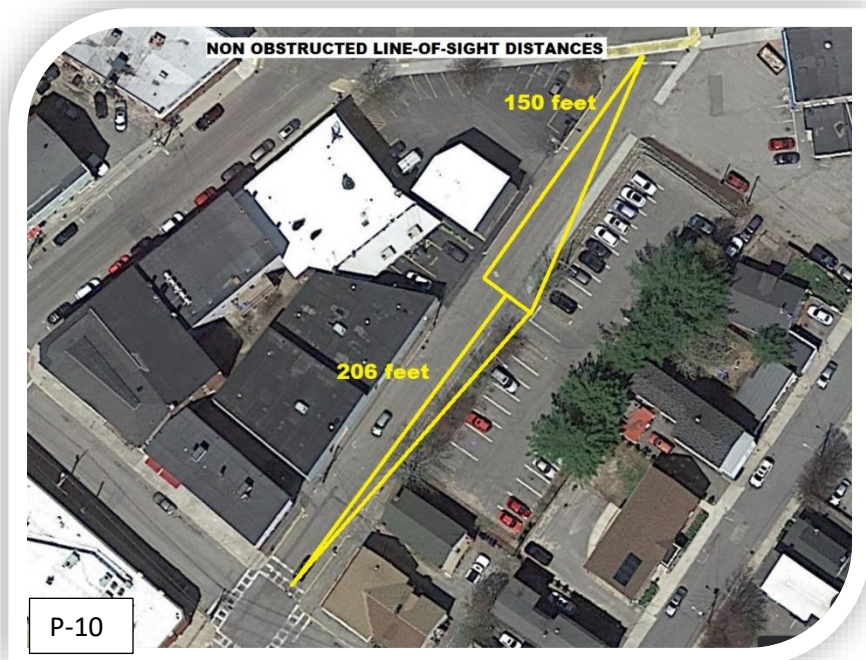
The image below (P-9) displays the Biddeford Police Department Crime-Van legally parked on Foss Street just north of the **P4305** entrance. The photograph is taken from the perspective of a motorist exiting **Lot P4305** and preparing to turn (in either direction).

If the operator is looking northbound towards Main Street, the line of site projects roughly to the northern edge of Grady's rear parking lot entrance. It should be added that this perspective is well within the recommended 15 feet to the nearest "through lane" as displayed above in Figure 1. It is however a more realistic position of an exiting motorist. This line of sight distance was determined to be approximately 83 feet.



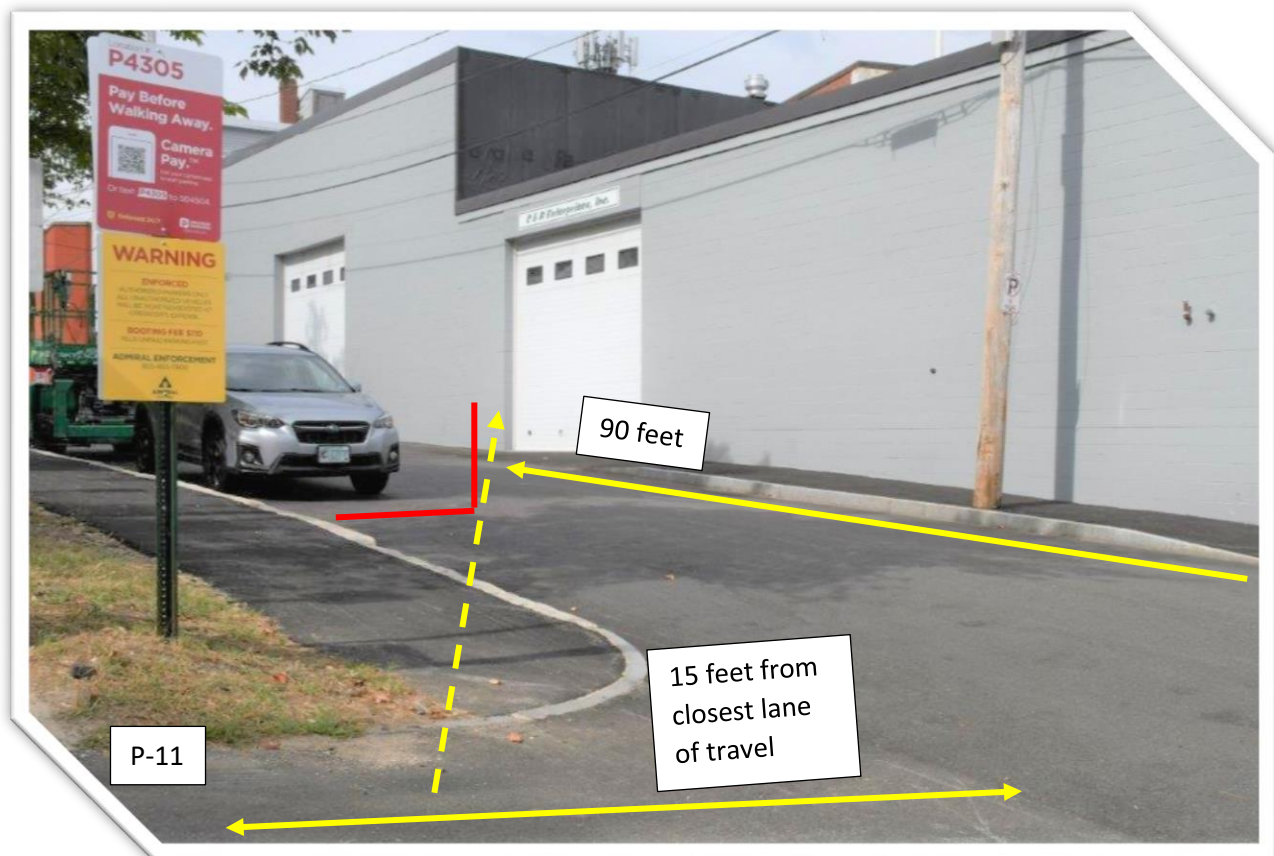
In both of the Line of Sight tables listed above, the recommended line of sight for a 25 mph zone is 280 feet in the State standards and 250 feet in the City of Biddeford standard. For a 15 mph zone, the Biddeford standard recommends 150 feet (50 feet for every 5 mph.)

The total unobstructed sight distance all the way to Main Street is only 150 total feet. The total distance looking southbound towards Bacon Street is only 206



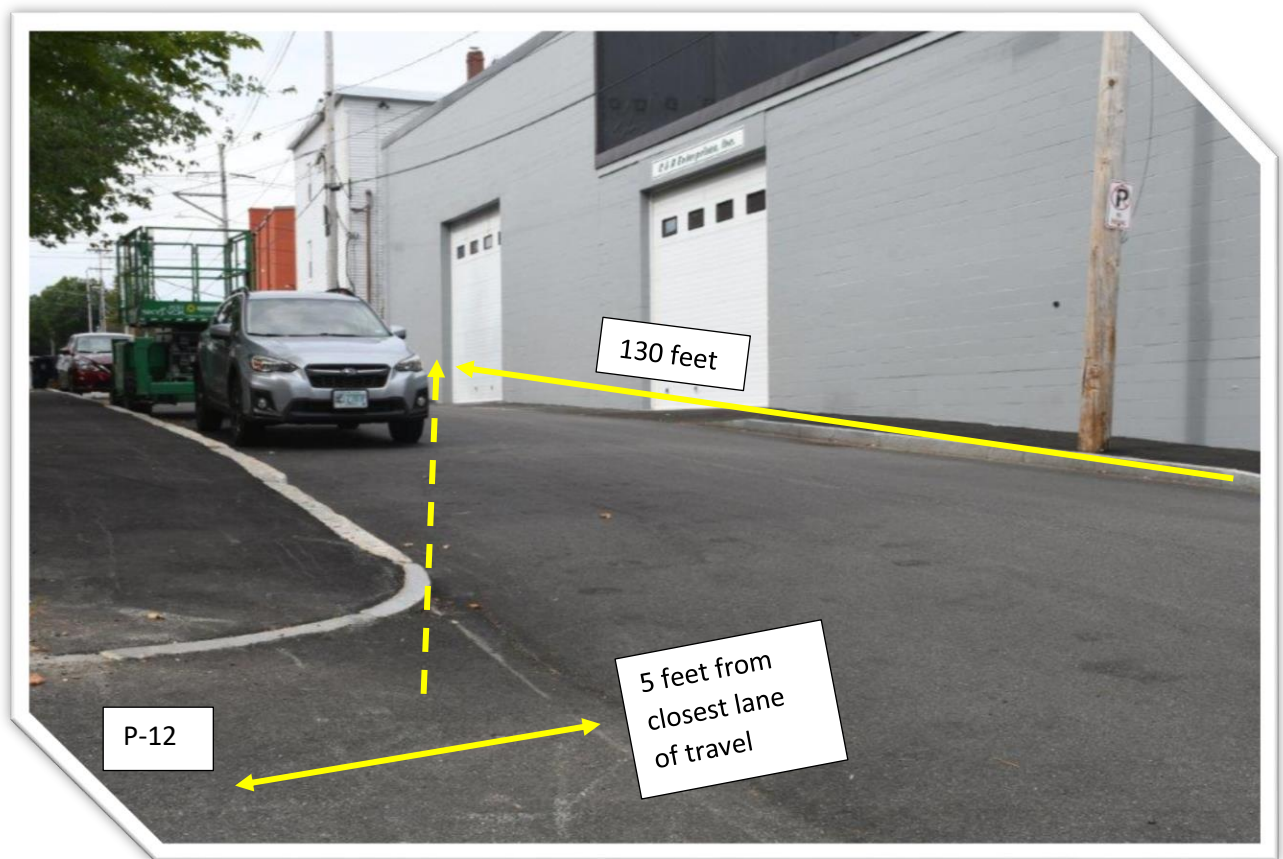
feet. (Image P-10) Both distances are considerably lower than the suggested thresholds.

The images below represent the line of sight for an exiting motorist who is looking southbound towards Bacon Street. The first image, (P-11), represents the view from a motorist who is 15 feet removed from the lane of travel as suggested by Figure 1 above. The silver Subaru sedan parked against the curb on the left is **not** pulled up as far as it could be. This adds some distance to the line of sight. A more realistic line of site would be closer to the south most edge of the 1st garage door owned by C&R Enterprises, Inc., as noted in the image below (P-11). This distance is approximately 90 feet.



If the motorist were to pull closer towards the lane of travel, which is a more likely circumstance, the line of sight would improve. The below image (P-12) represents a motorist's view stopped only 5 feet from the lane of travel. The line of sight now extends to the south edge of the 2nd garage door belonging to C&R Enterprises, Inc.

This line of sight distance is now measured at approximately 130 feet. To summarize, if the operator stops their vehicle 5 feet from the closest lane of travel, and vehicles are parked legally at the closest spots allowed along the Foss Street curbing, the line of site looking northbound would be approximately 83 feet and the line of sight looking southbound would be approximately 130 feet.

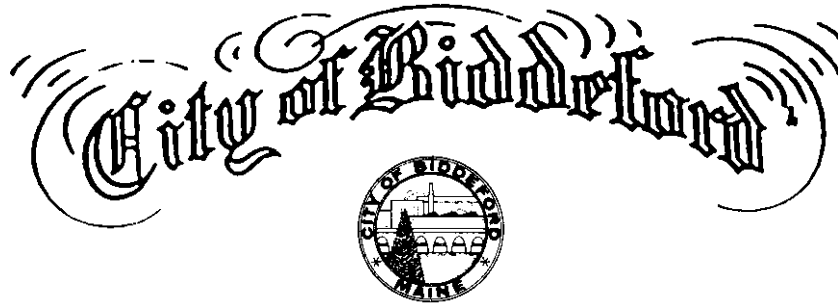


FOSS STREET CRASHES

There were no known or recorded crashes through this short stretch of Foss Street since 2019.

SUMMARY

This concludes the requested study of the on-street parking along Foss Street in the areas between 5 and 25 Foss Street. The study includes the potential effects of travel lane width for this area as it relates to vehicles operating north and south adjacent to on-street parked vehicles. It additionally includes the potential effects of a limited line of sight perception for motorists exiting **Lot P4305**. This author draws no conclusions from the information collected and presented for this study.



2021.111

BOARD OF CITY COUNCIL...NOVEMBER 4, 2021

BE IT ORDERED, that the Biddeford City Council does hereby grant approval pursuant with Title 15 M.R.S.A. §5824(3) & §5822(4)(A) to the transfer of \$3,793.70 in U.S. Currency, or any portion thereof, on the grounds that the City of Biddeford Police Department did make a substantial contribution to the investigation of this or related criminal case. ALFSC-CR-2017-660. These funds shall be transferred to the City of Biddeford, Asset Forfeiture Account 31119-40576.



City Council

Meeting Date: November 4, 2021

Meeting Time: 6:00 p.m.

Agenda Item No: [match agenda item #]

Item Description: ORDER 2021.111

Submitted by: Roger P. Beaupre, Chief of Police

Supporting Information/Documentation:

2021. BOARD OF CITY COUNCIL.....

BE IT ORDERED, that the Biddeford City Council does hereby grant approval pursuant with Title 15 M.R.S.A. §5824(3) & §5822(4)(A) to the transfer of \$3,793.70 in U.S. Currency, or any portion thereof, on the grounds that the City of Biddeford Police Department did make a substantial contribution to the investigation of this or related criminal case. ALFSC-CR-2017-660. These funds shall be transferred to the City of Biddeford, Asset Forfeiture Account 3119-40576.

Key Terms:

N/A

Executive Summary:

BPD is receiving Asset Forfeiture dollars pursuant to 15 M.R.S.A 5824(3) and 5822(4)(A) as outlined Below:

AARON M. FREY
ATTORNEY GENERAL

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES
84 HARLOW ST., 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-1070
FAX: (207) 941-1075

125 PRESIDENT ST., SUITE 26
PORTLAND, MAINE 04103
TEL: (207) 822-0260
FAX: (207) 822-0259

14 AUGUSTA HIGHWAY, SUITE 1
CARROLL, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

October 14, 2021

Biddeford Police Department
Chief Roger P. Beaupre
39 Alfred Street
Biddeford, ME 04005

RE: State of Maine vs. Tremayne McWilliams
York County Unified Criminal Court Doc. No. CR-17-660
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Beaupre:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) In Rem will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) In Rem are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) In Rem to a Department, Agency, County or Municipality based upon the "substantial contribution" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) In Rem or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or

[Provide executive summary of issue/item. Minimum requirement - Introductory statement

and bullet points]

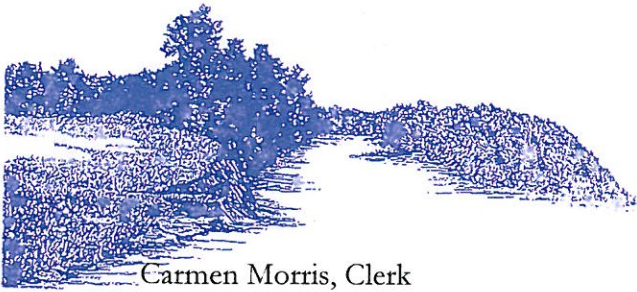
Detailed Review:

Funding Source:

Assets are transferred to the city.

Staff Recommendation:

Accept funds as has been practice.



Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

October 19, 2020

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, Don Furman and Sean Tarpey are the appointed Commissioners for Biddeford. Mr. Furman has been a member of the Commission for 13 years and has attend 25 of the last 35 Commission meetings since his last reappointment. Mr. Furman is also the 2nd Vice Chairperson on the Executive Committee, a member of the Finance Committee and of the Rules Committee. Mr. Tarpey has been a member of the Commission for 8 years and has attended 30 of the last 35 Commission meetings since his last reappointment. Mr. Tarpey is also an active member of the Rules Committee.

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, 2021, and will next expire three years later on November 1, 2024.

Please note that appointments and reappointments should be completed and dated after November 1, 2021, or they will expire on November 1, 2021. Once a person has been appointed, they have 30 days to take their oath 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. Please forward appointment forms via email or fax to me immediately to allow time to obtain the necessary Dedimus Justice Oath from the Secretary of State's Office. If all requirements are not fulfilled in the allotted 30 days, the appointment by the city will be considered invalid and the appointment process must begin again. Please review the appointment paperwork that has been emailed to you with detailed instructions.

If you or members of your community have any questions regarding what being a member of the Commission entails, please do not hesitate to contact Dalyn Houser or myself at the office. If you have any questions regarding the appointment or reappointment process please contact me. Your time and cooperation are greatly appreciated.

Sincerely,

Keisha Garnett
Saco River Corridor Commission
Administrative Assistant
Clerk of the Board

Enclosures

cc: Don Furman, Biddeford Commission Member
Sean Tarpey, Biddeford Commission Alternate

CERTIFICATE OF APPOINTMENT
(Title 30-A, M.R.S.A. §2602)

CITY COUNCIL’S OFFICE

MUNICIPALITY OF BIDDEFORD

.....

November 4 A.D. 2021

TO: Don Furman of 20 Elizabeth Road, Biddeford in the County of YORK and State of Maine. There being a vacancy in the position of the Saco River Corridor Commission, the Council of the Municipality of BIDDEFORD does, in accordance with the provisions of the laws of the State of Maine, hereby appoint you as a Saco River Corridor Commission Member within and for the Municipality of BIDDEFORD, such appointment to be effective until NOVEMBER 1, 2024.

Given under our hands this 4th day of November 2021

.....}	<i>Council</i>
.....}	<i>of</i>
.....}	<u>Biddeford</u>

STATE OF MAINE

County of York, ss.

November __, 2021

Personally appeared the above named Don Furman

Who has been duly appointed by the Council as a Saco River Corridor Commission Member for said Municipality, and took the oath necessary to qualify him to discharge said duties for the term specified above according to law. Before me,

Municipal Clerk/Notary Public/Dedimus Justice

CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: October 19, 2021

Name: Don Furman

Street Address: 20 Elizabeth Road
Biddeford, Maine 04005

Mailing Address:
(if different) _____

Phone Number(s): 2076040937

Email Address: don@fgd-law.com

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

XX SACO RIVER CORRIDOR COMMISSION _ COMMISSIONER FOR CITY OF BIDDEFORD

- | | |
|--|--|
| ☐ • 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)

This application is for re-appointment as Commissioner for the City of Biddeford to the Saco River Corridor Commission (I did not see that appointment box in the prior question listed). I believe my current term expires November 1, 2021 although I have been advised that I may continue to serve the City in that capacity at the November meeting of the Commission occurring on the last Wednesday of November.

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

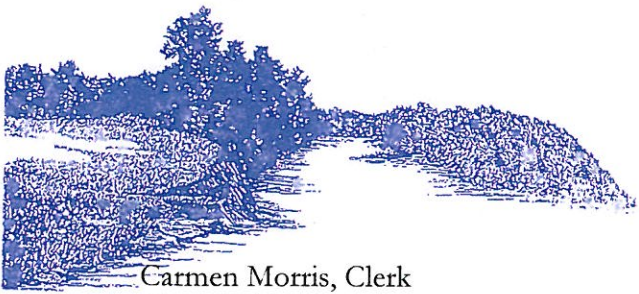
I have been a member of the Saco River Corridor Commission representing the City for at least a decade and serve on the executive committee and finance committee as well. Current I am the 2nd Vice Chair. I also chair the Zoning Board of Appeals for the City.

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

I have a long history of serving the City in a volunteer capacity and feel very fortunate that the City and its elected representatives have permitted me to do so. My interest in serving has not waned over the many years of service.

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

10/19/21 Don Furman



Saco River Corridor Commission

"Communities Working Together To Protect Our Rivers"

October 19, 2020

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, Don Furman and Sean Tarpey are the appointed Commissioners for Biddeford. Mr. Furman has been a member of the Commission for 13 years and has attend 25 of the last 35 Commission meetings since his last reappointment. Mr. Furman is also the 2nd Vice Chairperson on the Executive Committee, a member of the Finance Committee and of the Rules Committee. Mr. Tarpey has been a member of the Commission for 8 years and has attended 30 of the last 35 Commission meetings since his last reappointment. Mr. Tarpey is also an active member of the Rules Committee.

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, 2021, and will next expire three years later on November 1, 2024.

Please note that appointments and reappointments should be completed and dated after November 1, 2021, or they will expire on November 1, 2021. Once a person has been appointed, they have 30 days to take their oath 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. Please forward appointment forms via email or fax to me immediately to allow time to obtain the necessary Dedimus Justice Oath from the Secretary of State's Office. If all requirements are not fulfilled in the allotted 30 days, the appointment by the city will be considered invalid and the appointment process must begin again. Please review the appointment paperwork that has been emailed to you with detailed instructions.

If you or members of your community have any questions regarding what being a member of the Commission entails, please do not hesitate to contact Dalyn Houser or myself at the office. If you have any questions regarding the appointment or reappointment process please contact me. Your time and cooperation are greatly appreciated.

Sincerely,

Keisha Garnett
Saco River Corridor Commission
Administrative Assistant
Clerk of the Board

Enclosures

cc: Don Furman, Biddeford Commission Member
Sean Tarpey, Biddeford Commission Alternate

CERTIFICATE OF APPOINTMENT
(Title 30-A, M.R.S.A. §2602)

CITY COUNCIL’S OFFICE

MUNICIPALITY OF BIDDEFORD

.....

November 4 A.D. 2021

TO: Sean Tarpey of 110 Cleaves Street, Biddeford in the County of YORK and State of Maine. There being a vacancy in the position of the Saco River Corridor Commission, the Council of the Municipality of BIDDEFORD does, in accordance with the provisions of the laws of the State of Maine, hereby appoint you as a Saco River Corridor Commission Alternate within and for the Municipality of BIDDEFORD, such appointment to be effective until NOVEMBER 1, 2024.

Given under our hands this 4th day of November 2021

.....}	<i>Council</i>
.....}	<i>of</i>
.....}	<u>Biddeford</u>

STATE OF MAINE

County of York, ss.

November __, 2021

Personally appeared the above named Sean Tarpey

Who has been duly appointed by the Council as a Saco River Corridor Commission Alternate for said Municipality, and took the oath necessary to qualify him to discharge said duties for the term specified above according to law. Before me,

Municipal Clerk/Notary Public/Dedimus Justice

CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 19 October 2021

Name: Sean Tarpey

Street Address: 110 Cleaves St
Biddeford, ME 04005

**Mailing Address:
(if different)**

Phone Number(s): 207-282-0408

Email Address: Sean@Rumerys.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)

Served as alternate on Saco River Corridor Commission through November 2021 and with to be re-appointed to another term.

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

Manager at Saco Bay Marine (Rumery's Boat Yard) since 1998.

Serve as a commissioner of the City's Wastewater Management Commission

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

My residence and workplace is located near the City's Wastewater treatment facility and I'm very interested in the quality of the water that flows through the City. The Saco River is an important natural resource that needs to be thoughtfully protected. I appreciate the careful work of the staff of the Water Street treatment plant, and I'm interested in doing my part to protect the quality of our local waters.

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