

City of Biddeford
City Council
October 17, 2023 6:00 PM Council Chambers & Zoom

Please click the link below to join the webinar:
<https://biddeford.zoom.us/j/92452972339?pwd=WHBQc1I5cTVNTExlbnhLdklnQ3V2UT09>

Webinar ID: 924 5297 2339
Passcode: 121259
Or One tap mobile :
+16469313860,,92452972339# US
+13017158592,,92452972339# US (Washington DC)
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+1 646 931 3860 US
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
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+1 312 626 6799 US (Chicago)

International numbers available: <https://biddeford.zoom.us/u/ad8EpZm69z>

Status:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Proclamation:**
 - 4.a. Proclamation Domestic Violence Awareness Month
[Domestic Violence Awareness Month -PROCLAMATION](#)
 - 4.b. Proclamation Extra Mile Day
[Extra Mile Day 2023-PROCLAMATION](#)
- 5. Presentation:**
 - 5.a. Presentation Spirit Aerosystems
[Spirit_FMI_Osiris Rex Mission Summary_10-11-2023_City Biddeford](#)
- 6. Appointments:**
 - 6.a. Approval/Appointment Syed Zafar to BOA Review and Zoning Board of Appeals
[Appointment Order -Syed Zafar-Board of Assessment Review - ORDER](#)
[Appointment Order -Syed Zafar-ZBA - ORDER](#)
[Application - Syed Zafar - ZBA.ZBOA-Final](#)
- 7. Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)**
- 8. Consideration of Minutes:**
 - 8.a. Approval/City Council Minutes 10-3-2023
[City Council minutes 10-3-2023](#)

9. Second Reading:

- 9.a. 2023.127) - Approval/Use of City Seal
[20231003 Use of City Seal - ORDER 2nd](#)
[20231003 Use of City Seal - BRIEF](#)
- 9.b. 2023.129) Approval/Housing Trust Fund Ordinance
[20231003 Housing Trust Fund Ordinance - ORDER 2nd](#)
[20231003 Housing Trust Fund Ordinance - BRIEF](#)
[20231003 Housing Trust Fund Ordinance](#)

10. Orders of the Day:

- 10.a. 2023.130) Approval/Elm Street CSO Sewer Crossing
[2023-10-17_Elm Street Sewer Upgrade - Council Order](#)
[2023-10-17_Elm Street Sewer Upgrade - Council Brief](#)
[2023-10-17_Elm Street CSO Sewer Upgrade - Exhibit](#)
[Eastern Excavation Estimate](#)
- 10.b. 2023.131) Approval/Biddeford Housing Authority Funding Request for Adams Point
[20231017 Approval BHA Adams Point Funding Request - ORDER](#)
[20231005 BHA Adams Point Affordable Housing Funding Request - LETTER](#)
- 10.c. 2023.132) Approval/Blanket Letter of Approval Beano/Bingo and Game of Chance applications
[10-17-2023 Blanket Letter of Approval-Gaming Licenses-ORDER](#)
[10-17-2023 Blanket Letter of Approval-Gaming Licenses-LETTER](#)
- 10.d. 2023.133) Approval/CIP Vehicles
[20231017 2023.133 Approval FY24 CIP Vehicle Recommendation - ORDER](#)
[20231017 FY24 CIP Vehicle Recommendations - LIST](#)

11. Public Addressing the Council..(5 minute limit per speaker)

12. City Manager Report

13. Other Business

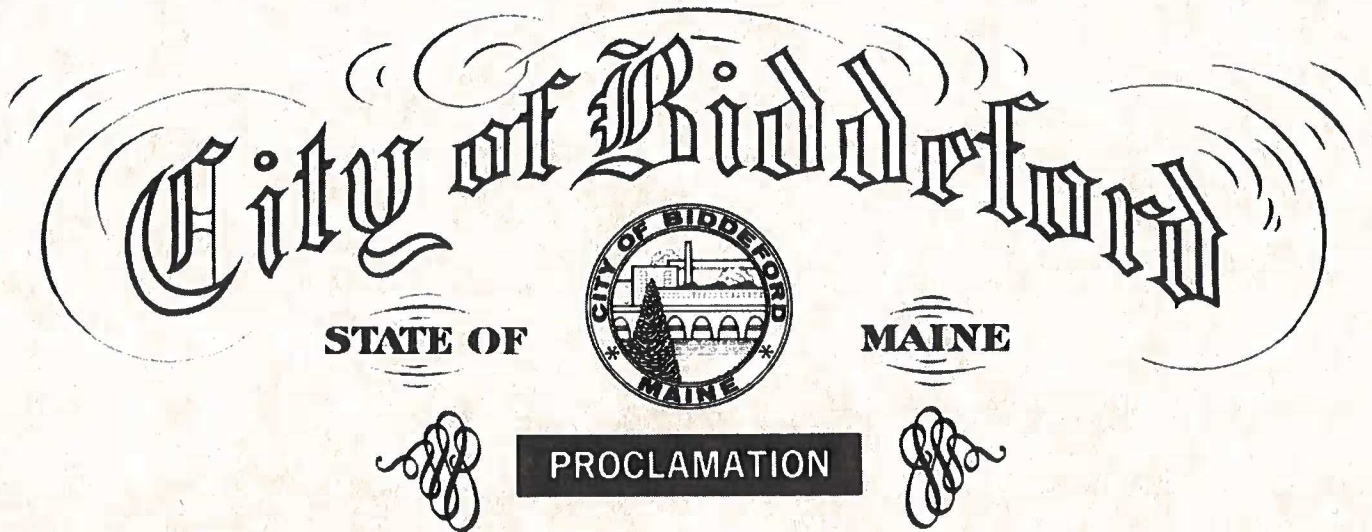
14. Council President Addressing the Council

15. Mayor Addressing the Council

Executive Session

Executive Session 1 MRSA 405 (6) (a) Personnel Matters

16. Adjourn



Whereas

Domestic violence and intimate partner violence are serious and pervasive crimes that affect women, men and children of all races, ages, genders and income levels in communities across the United State every year; and

WHEREAS, domestic violence and intimate partner violence involve a pattern of behavior used to establish power and control over another person through fear and intimidation, often include physical violence or the threat of use of violence, when one person believes they are entitled to control another; and

WHEREAS, Domestic violence can have life-long consequences for victims emotionally, spiritually, and physically; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for both victims as well as all the organizations and individuals who provide critical advocacy, services and assistance to them; and

WHEREAS, ending domestic violence requires unwavering commitment by law enforcement, public health officials, community leaders and community members; and

NOW THEREFORE, I, Alan Casavant, Mayor of the City of Biddeford, do hereby proclaim the month of October as Domestic Violence Awareness Month and urge our citizens to stand together to stop the cycle of domestic violence in our community.

*In Witness Whereof, We, the undersigned have herewith
affixed our signatures this 17 day of October 20 23*

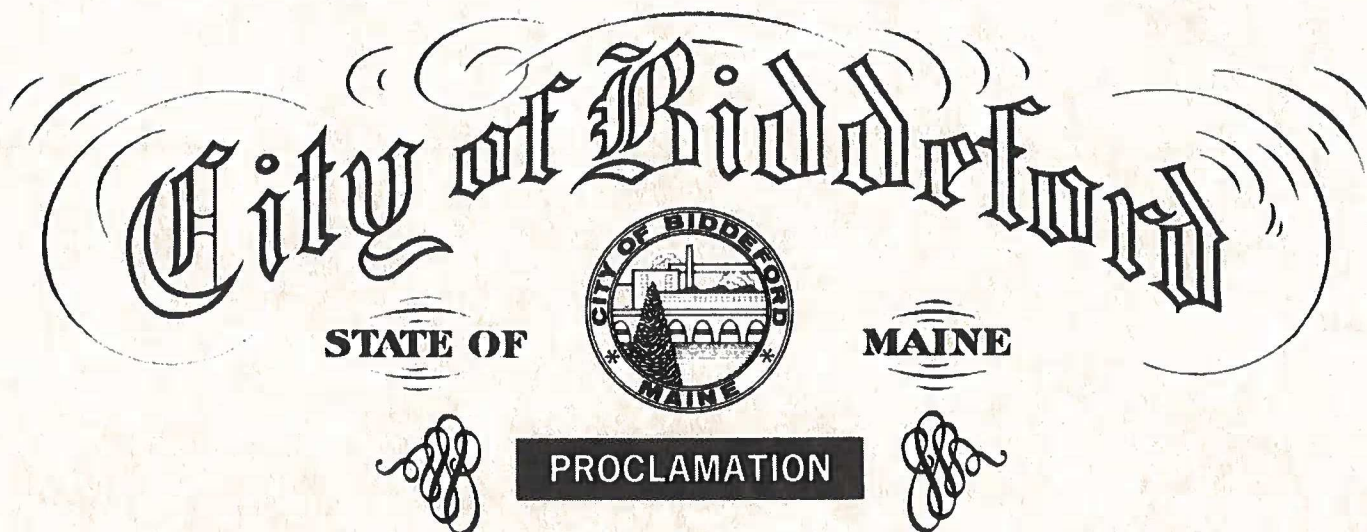
A handwritten signature in black ink, appearing to be "R. H. A.", written over a horizontal line.

City Clerk



A handwritten signature in black ink, appearing to be "Alan Casavant", written over a horizontal line.

Mayor



Whereas

Biddeford, Maine is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively "go the extra mile" in personal effort, volunteerism, and service; and

WHEREAS, Biddeford, Maine is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Biddeford, Maine is a community which chooses to shine a light on and celebrate individuals and organizations within its community who "go the extra mile" in order to make a difference and lift up fellow members of their community; and

WHEREAS, Biddeford, Maine acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support "Extra Mile Day" on November 1, 2023.

NOW THEREFORE, I, Mayor Alan Casavant of Biddeford, Maine do hereby proclaim November 1, 2023 to be Extra Mile Day. I urge each individual in the community to take time on this day to not only "go the extra mile" in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

*In Witness Whereof, We, the undersigned have herewith
affixed our signatures this 17th day of October 20 23*

A handwritten signature in black ink, appearing to be "R. A. Casavant", written over a horizontal line.

City Clerk



Mayor

A high-speed aircraft, likely a hypersonic vehicle, is shown in flight against a backdrop of Earth's horizon and a bright sun. The aircraft is sleek and white with orange-tinted leading edges. The sun is positioned behind the aircraft, creating a strong lens flare and illuminating the scene. The Earth's horizon is visible as a curved line with a blue and orange glow from the sun.

Overview Osiris_ReX

September 24, 2023

SPEED | SCALE | AFFORDABILITY | PERFORMANCE



SPIRIT
AEROSYSTEMS®

▶▶▶ spiritaero.com

Osiris-Rex Mission Summary Slide



Launch Sept 2016



Travelled to Bennu 2016 - 2018



Sample Retrieval October 20, 2020



Return to Earth Start – May 10, 2021



Return to Earth – Sept 24, 2023
Travelling 27,650 MPH



“Mission Accomplished”

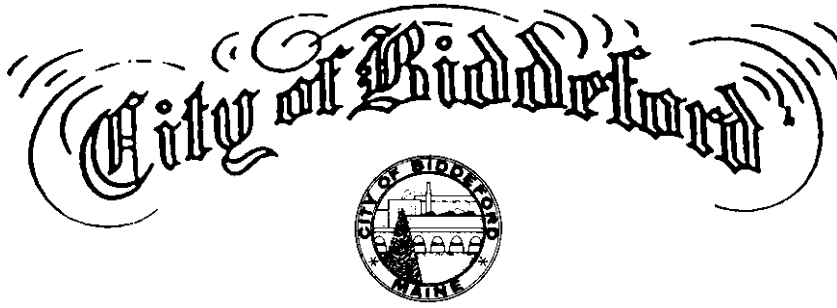
- FMI began building the Heat Shield in 2012, completed in 2016 to support 2016 Launch
- Surface of the Heat Shield at Re-Entry, Travelling 27,650 MPH = 5000 Deg F approximately.
- Inside the Capsule (3” away from Heat Shield) 85 Deg F.

FMI Osiris-ReX Heat Shield Fabrication Team



Osiris-ReX Mission Support Team!

- David Kimball
- Heath Silva
- Andrew Dawley
- Dana Hutchins
- Steve Violette
- Mark Lippold



2023.135

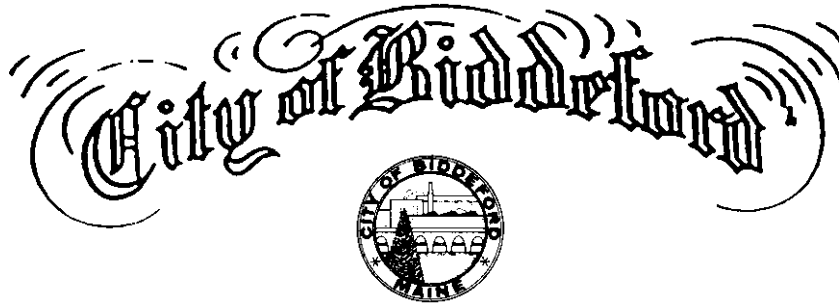
IN BOARD OF CITY COUNCIL...OCTOBER 17, 2023

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

Syed Zafar
Ward 5

to the *Board of Assessment Review* for a term to expire December 31, 2027.

Attest by: _____
Robin Patterson, City Clerk



2023.134 **IN BOARD OF CITY COUNCIL...OCTOBER 17, 2023**
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

Syed Zafar
Ward 5

to the *Zoning Board of Appeals* for a term to expire December 31, 2025.

Attest by: _____
Robin Patterson, City Clerk

Committee, Board, and Commission Application Form

Application

Name Syed Zafar

Ward 4

Need to find your Ward?

[Click here to find your Ward on a map or a list of streets.](#)

(Section Break)

Which City Committee, Board or Commission do you request to be appointed to? Biddeford Housing Authority, Board of Assessment Review, Diversity, Equity and Inclusion Committee, Economic Improvement Commission, Zoning Board of Appeals

If other, please list below. Field not completed.

Why are you interested in serving the City of Biddeford? I am deeply interested in serving the City of Biddeford, and I am particularly enthusiastic about the opportunity to contribute to the community's future.

City revitalization is pivotal to Biddeford's continued growth and prosperity. It's not just about making physical improvements; it's about creating an environment where businesses can thrive, residents can enjoy an enhanced quality of life, and the city can attract new opportunities. By investing in the revitalization of Biddeford, we not only preserve its rich history but also secure its future as a vibrant and dynamic place to live and work.

A prime example of the positive impact of city revitalization can be seen in the economic growth that Biddeford has experienced. Over the years, strategic investments in the downtown area and waterfront have attracted businesses, tourists, and residents alike. This, in turn, has led to increased economic activity, job opportunities, and a stronger local economy. I am excited about the prospect of contributing to this ongoing revitalization process and being a part of the team that furthers Biddeford's economic success.

My background in healthcare, business, and organizational leadership equips me with a holistic perspective on addressing public health issues, fostering community well-being, and promoting social equity—all of which are crucial elements in the city's growth and vitality. With a PharmD, MPH, and MBA, I bring a unique skill set that will enable me to analyze complex data, make informed decisions,

and collaborate effectively with diverse stakeholders—qualities essential for a Zoning Board of Appeals and Board of Assessment Review member.

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve. My extensive background and experience uniquely qualify me to contribute effectively to the City of Biddeford as a member of both the Zoning Board of Appeals and the Board of Assessment Review. I bring a diverse skill set and a deep commitment to public health, equity, diversity, and inclusion, which will be valuable to both of these committees.

First and foremost, my educational background sets a solid foundation to contribute to the Zoning Board of Appeals and the Board of Assessment Review in a positive manner. I hold a PharmD, MPH, and MBA, which collectively equip me with a comprehensive approach to addressing public health issues, a critical aspect of land-use and assessment decisions. My passion for public health is not just a career choice but a way of life, reflecting my unwavering commitment to creating healthier communities, promoting access to healthcare, and advocating for social equity.

Moreover, my professional experience in a senior leadership role at a global biopharmaceutical company has honed my business acumen and analytical abilities. These skills are essential for members of the Zoning Board of Appeals and the Board of Assessment Review, enabling me to effectively analyze complex data, make informed decisions, and collaborate with various stakeholders. These qualities are crucial for navigating the multifaceted challenges related to zoning and assessment decisions.

I have held leadership positions such as Chief Operating Officer for a global nonprofit and managed successful businesses throughout my career. These roles have instilled in me the ability to thrive under pressure, manage competing priorities, and drive positive change. Importantly, I have always maintained a commitment to ensuring that the process of change is not only practical but also enjoyable for those involved. My track record of leading with integrity and innovation underscores my dedication to contributing positively to Biddeford's land-use planning and assessment processes.

Having a personal and professional stake in the City of Biddeford amplifies my enthusiasm for serving on both the Zoning Board of Appeals and the Board of Assessment Review. Biddeford holds a special place in my heart as a town that has provided me with stability, happiness, and meaningful connections. It is a town with vast potential, and I am deeply committed to its continued prosperity.

In conclusion, my background in healthcare, business, and organizational leadership, combined with my passion for public health and dedication to Biddeford's growth and prosperity, position me as a strong candidate for both the Zoning Board of Appeals and the Board of Assessment Review roles. I am eager to leverage my qualifications, experience, and unwavering commitment to serve my dear town. Thank

you for considering my application, and I look forward to discussing how my skills and experiences align with the goals of these committees in greater detail.

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates). I am honored to apply for the position of Biddeford Zoning Board of Appeals and Board of Assessment Review member, and I am excited to share my extensive experience serving on various public Boards, Commissions, and Committees to underscore my commitment to these esteemed roles.

Throughout my career, I have consistently demonstrated my dedication to public service and passion for improving communities. My journey in serving on public boards and committees began when I served as the Chief Operating Officer (2016) for a global nonprofit organization. In this capacity, I had the privilege of leading a diverse team and managing complex projects that aimed to address critical global issues. This experience instilled a deep appreciation for collaborative decision-making, an essential skill for a member of the Zoning Board of Appeals and the Board of Assessment Review.

Within the biopharmaceutical industry, I have actively participated in various committees, most notably in the grant and equity department (2021), where I contributed to developing and implementing initiatives to promote equity, diversity, and inclusion. This work was pivotal in fostering a more equitable and accessible environment within the industry, aligning with my commitment to these values. Additionally, I served on a diversity committee (2022) focused on amplifying the voices of minority students across the country, providing them with opportunities for learning and education. These experiences honed my ability to champion inclusivity and social equity, qualities I am eager to bring to the Zoning Board of Appeals and the Board of Assessment Review.

In my academic years, I held leadership roles and served on boards such as the International Society for Pharmaceutical Engineering (2017). These experiences allowed me to develop crucial skills in strategic planning, effective communication, and consensus-building – skills that are directly transferable to the responsibilities of a member of the Zoning Board of Appeals and the Board of Assessment Review.

City of Biddeford
City Council
October 03, 2023 6:00 PM Council Chambers & Zoom

Please click the link below to join the webinar:

Status:

1. Roll Call - all present

Chairman Belanger
Councilor Lessard
Councilor Ortiz
Councilor Emhiser
Councilor Whiting
Councilor Grohman
Councilor Mills
Councilor Schlaver
Councilor LaFountain

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

Mayor Casavant spoke about the history and importance of Indigenous Peoples Day after the Proclamation.

4. Proclamations

- 4.a. Proclamation Ostomy Awareness Day
[20231003 Ostomy Day-PROCLAMATION](#)
Mayor Casavant read the proclamation

5. Presentation:

- 5.a. Presentation City Mural Art by Erica Sedler
[Esedler Murals](#)

6. Appointments:

- 6.a. 2023.122 Approval/Appointment Preston Bowden to Wastewater Management Commission
[Preston Bowden-Wastewater Management Commission- ORDER](#)
[20231003 Preston Bowden Application](#)

Motion: Councilor Belanger
Second: Councilor Whiting
Vote: Unanimous in favor.
Motion passed.

7. Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)

Delilah Poupore, Director of Heart of Biddeford spoke about recent successful events and the positive impact on the City.

8. Consideration of Minutes:

- 8.a. Approval/Council Minutes 9-19-23
[City Council minutes 9-19-23](#)

Motion: Councilor Belanger

Second: Councilor Mills

Vote: Unanimous in favor.

Minutes approved.

9. Second Reading:

- 9.a. 2023.106 Amendment/Sec 46-5 City Parks, Beaches, and Athletic Fields, add 315 Main Street
[20230905 Amendment - Sec. 46-5 City, Parks, Beaches, and Athletic Fields - Add 315 Main St - ORDER 2nd](#)
[20230905 Amendment - Sec. 46-5 City, Parks, Beaches, and Athletic Fields - Add 315 Main St - BRIEF](#)
[20230808 Biddeford Adopt-a-Park Comittee Request - 315 Main as Formal Park - REFERENCE](#)
[20230905 315 Main Street - MAP](#)

Motion: Councilor Mills

Second: Councilor Lessard

Vote: Unanimous in favor

Motion passed.

10. Orders of the Day:

- 10.a. 2023.123 Approval/Bid - Source Well- Remote Construction Compactor
[20231003 Purchase of Bomag Compactor - Order](#)
[20231003 Purchase of Bomag Compactor - Council BRIEF](#)
[20231003 Purchase of Bomag Compactor - Sourcewell PRICING](#)

Motion: Councilor Belanger

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

- 10.b 2023.124 Approval/Fire Department Phase 2 Roof contract
[20231003 Approval Phase 2 Fire Dept Roof Repair - ORDER](#)
[20231003 Approval Phase 2 Fire Dept Roof Repair - Council BRIEF](#)
[20231003 Approval Phase 2 Fire Dept Roof Repair - Triumph QUOTE](#)
[20231003 Approval Phase 2 Fire Dept Roof Repair - Viking QUOTE](#)

Motion: Councilor Whiting

Second: Councilor Grohman

Vote: Unanimous in favor.
Motion passed.

- 10.c. 2023.125 Approval/Police Department Pursuit Vehicles
[20231003 Purchase of Police Department Pursuit Vehicles - ORDER](#)
[20231003 Purchase of Police Department Pursuit Vehicles - Council BRIEF](#)
[20231003 Purchase of Police Department Pursuit Vehicles - QUOTES](#)

Motion: Councilor Emhiser
Second: Councilor Belanger
Vote: Unanimous in favor.
Motion passed.

- 10.d 2023.126 Approval/Cancellation of November 7, 2023 City Council Meeting
[20231003 Approval - Cancellation of November 7, 2023 City Council Meeting - ORDER](#)
[20231003 Approval - Cancellation of November 7, 2023 City Council Meeting - BRIEF](#)

Motion: Councilor Belanger
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

- 10.e. 2023.127 Approval/Use of City Seal
[20231003 Use of City Seal - ORDER](#)
[20231003 Use of City Seal - BRIEF](#)

Motion: Councilor Belanger
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

- 10.f. 2023.128 Approval/One Diamond Development LLC and City of Biddeford Joint Development Agreement Amendments
[20231003 One Diamond Project JDA Amendments - ORDER](#)
[20231003 One Diamond Project JDA Amendments - BRIEF](#)
[20231003 2021 One Diamond Development JDA, Executed - REFERENCE](#)
[20231003 One Diamond Phasing Plan - MAP](#)
[20231003 One Diamond Development Full Buildout Rendering - ATTACHMENT 2](#)
[20231003 One Diamond Development Joint Development Agreement--Redline-JDA](#)
[20231003 Diamond Match 2018 Concept Plan Amended - ATTACHMENT 1](#)

Motion: Councilor Belanger
Second: Councilor Lessard

Economic Development Director Greg Mitchell reviewed the major changes to the JDA, it proposes to increase the acreage from 13.3 to 18.2 acres and the units from 340 to 478. The plans and timelines for each phase were reviewed.

Several Councilors had questions regarding what needed to be complete at the end of each phase and language to define substantial progress. There were concerns with the length of time allowed to complete the phases, including the permitting process.

Councilor Belanger— motion to amend Article II, Time of Performance to state Construction of the Project shall be substantially completed “*within five (5) years of the adoption of this amended agreement*”

Second: Councilor Lessard

Vote on the Amendment — 5 yeas — Councilors Belanger, Lessard, LaFountain, Emhiser, and Schlaver. 4 nays — Councilors Ortiz, Grohman, Mills and Whiting. Amendment passed.

Vote on the Order as Amended — Unanimous in favor.

Motion passed.

- 10.g 2023.129 Approval/Housing Trust Fund Ordinance
[20231003 Housing Trust Fund Ordinance - ORDER](#)
[20231003 Housing Trust Fund Ordinance - BRIEF](#)
[20231003 Housing Trust Fund Ordinance](#)

Motion: Councilor Mills

Second: Councilor Whiting

Councilor Lessard - would like to have a maximum that could be used from the fund for one entity.

Greg Mitchell explained that this is just to establish the fund, the Council would establish the annual procedures in the future, create a plan to review the fund balance each year, and set priorities which would lead to proposals

Councilor LaFountain – this was unanimous in Policy. It requires every allocation to come back to Council and they can establish further guidelines in the future. He supports it as written.

Councilor Schlaver – does not want to set limits, some projects may require matching funds. The annual review process by Council will be enough.

Councilor Mills – agrees with the annual review process and signal for RFPs.

Councilor Grohman – this includes key recommendations by the Affordable Housing Task Force. Would not want to put limits on the RFPs, this can be a significant tool for affordable housing.

Councilor Belanger – motion to amend the following:
Sec. 38 -5, no. 4 change Subsection 6a to 38 -2a.
Sec 38 – 6, no. 1, change Section 6a to Section 38.1
Sec 38.7, change numbers 6,7,8 to 1,2,3

Second: Councilor Lessard
Vote on the amendment – Unanimous in favor.
Amendment passed.

Vote on the Order as amended – Unanimous in favor.
Motion passed.

11. Public Addressing the Council..(5 minute limit per speaker) - none

12. City Manager Report - none

13. Other Business

Councilor LaFountain commented that playgrounds are still of interest.

14. Council President Addressing the Council

Council President Belanger did not address the Council

15. Mayor Addressing the Council

Mayor Casavant thanked Councilor Grohman for his grilling at the community softball game.

16. Adjourn

Motion Councilor Belanger at 7:35 pm

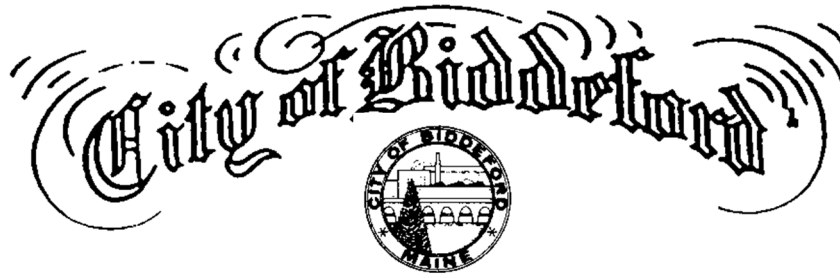
Second: Councilor Lessard

Vote: Unanimous in favor.

Meeting adjourned.

Attested by: _____

Robin Patterson, City Clerk

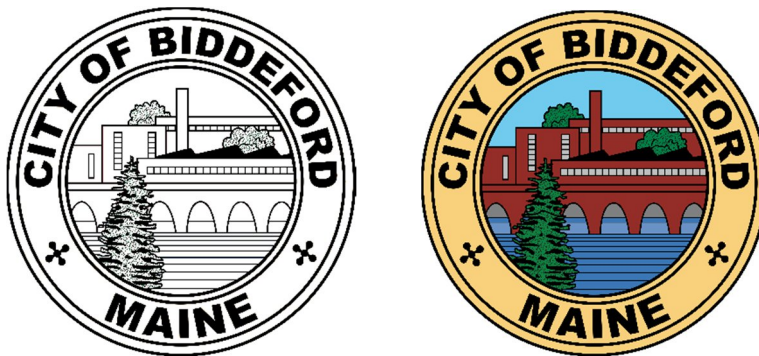


2023.127 **IN BOARD OF CITY COUNCIL... OCTOBER 3, 2023**
BE IT ORDERED, that the City Council amend the Biddeford Code of Ordinances at Part II, Chapter 2 – Administration, Article I – In General, Sec. 2-1 – Seal by [adding](#) or ~~deleting~~ text as follows:

Sec. 2-1 Seal.

[Code 1975, § 2-1]

The design shown in this section shall be the device of the Seal of the City of Biddeford, and the inscription in the margin without the inner circle shall be "City of Biddeford, Maine."



CITY SEAL – BLACK AND WHITE (LEFT), COLOR (RIGHT)

The City Seal is the property of the City of Biddeford and has been established and designated to identify official city facilities, events, sponsorships and publications.

Per State of Maine Title 30-A, C. 101 §2006, "A person may not use or display an imitation, likeness, imprint, representation, facsimile or copy of a seal of a municipality except by written permission of the municipality from the municipal clerk." Under this statute, the City Seal may not be used for purposes of supporting or opposing the nomination or election of a candidate to any City or other public office, or for purposes of supporting or opposing any ballot measure, or for use on any writing distributed for purposes of influencing the action of the electorate or any part thereof, in any election.

If used by an outside organization upon the approval of the municipal clerk or designee, the Seal must remain in entirety with no alternations. Elements may not be isolated and/or used alone or in combination with any other art. The colors of the seal may not be altered without permission from the City.

October 3, 2023

Motion: Councilor Belanger

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

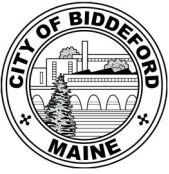
October 17, 2023

Motion:

Second:

Vote:

Attest by: _____
Robin Patterson, City Clerk



City Council

Meeting Date: October 3, 2023

Meeting Time: 6:00 p.m.

Agenda Item No: 10.e.

Item Description: Amendment/Sec 2-1 City Seal

Submitted by: Danica Lamontagne, Assistant to the City Manager

Supporting Information/Documentation:

Order 2023.127

Key Terms:

N/A

Executive Summary:

Staff recommends that the City adopt a policy outlining the appropriate use of the City Seal and update the Code of Ordinances to reflect the design of the City Seal that is currently in use.

Detailed Review:

It recently came to staff's attention that the City does not have guidelines outlining the appropriate use of the City Seal. City Seals are intended to be used to identify official sources of municipal information. Policies governing their use are common in many communities around the country to prevent or provide recourse for situations where the seal is used to misrepresent information as being endorsed or distributed by the City.

Upon further research while crafting language for a new proposed policy, it was discovered that there is an existing State law that prohibits unauthorized use of municipal seals. Title 30-A, C. 101 §2006 reads: *A person may not use or display an imitation, likeness, imprint, representation, facsimile or copy of a seal of a municipality except by written permission of the municipality from the municipal clerk. A municipality may file an action in Superior Court applying for an order to enjoin a person from using or displaying the municipal seal in violation of this section. A violation of this section is a Class E crime.*

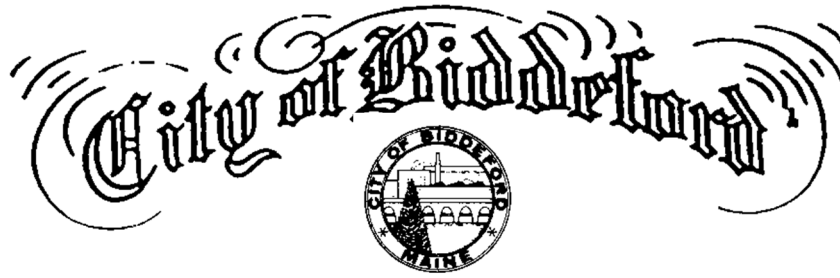
Regardless of whether the proposed language is adopted, the City will still be covered by this statute. However, including a reference to the State statute in our Code of Ordinances affirms our commitment to preventing the Seal's unauthorized use and allow local enforcement of violations. The proposed language also sets standards for the use of the City Seal in situations when it is authorized to be used by other entities.

In the process of reviewing this Ordinance, it was found that the City Seal in the Code of Ordinances was never updated when the current Seal was put into use in 2015. These changes would officially adopt the design that we currently use on our documents and in our branding.

The Policy Committee reviewed the proposed amendment on September 25, 2023 and moved to submit it to the City Council for consideration and adoption.

Staff Recommendation:

Add the proposed language clarifying the design and use of the City Seal to the Code of Ordinances.



2023.129 **IN BOARD OF CITY COUNCIL... OCTOBER 3, 2023**
BE IT ORDERED, that the Code of Ordinances, Part II, Chapter 38 be amended by ~~deleting~~ or adding text as refernced in the accompanying draft ordinance.

October 3, 2023

Motion: Councilor Mills
Second: Councilor Lessard

Councilor Belanger – motion to amend the following:
Sec. 38 -5, no. 4 change Subsection 6a to 38 -2a.
Sec 38 – 6, no. 1, change Section 6a to Section 38.1
Sec 38.7, change numbers 6,7,8 to 1,2,3

Second: Councilor Lessard
Vote on the amendment – Unanimous in favor.
Amendment passed.

Vote on the Order as amended – Unanimous in favor.
Motion passed.

October 17, 2023

Motion:
Second:

Vote:

Attest by:_____



City Council Meeting

Meeting Date: October 3, 2023

Meeting Time: 6:00 pm

Agenda Item No: 10.g

Item Description: Housing Trust Fund Ordinance (New) – Amend Code of Ordinances, Part II: Chapter 38 (currently reserved)

Submitted by: David C.M. Galbraith, Acting Planning & Development Director

Supporting Information/Documentation:

Attached are City of Biddeford revised Housing Trust Fund Ordinance with redline revisions following the September 25, 2023 Policy Committee meeting.

Key Terms:

N/A

Executive Summary:

Based upon direction from the Policy Committee, on September 25, 2023, Staff has prepared the attached revised Housing Trust Fund Ordinance, for City Council discussion and passage. The only text amendment being proposed by the Policy Committee, other than formatting, is a modification to Section 38-2.a, which originally included a reference to the draft Inclusionary Zoning (IZ) Ordinance, which has not yet been adopted by the City Council. Therefore, the Policy Committee recommended striking the draft language of this section and modifying the language as being “reserved”. If / when the Inclusionary Zoning (IZ) Ordinance is adopted by the City, it is anticipated that Staff will return to the Council with updated verbiage for this section.

Detailed Review:

The Housing Trust Fund Ordinance is a new Ordinance which is being proposed to be located within the City's Code of Ordinances, Part II: Chapter 38 - Housing Trust Fund which is currently a reserved chapter. As such, this Ordinance does not fall within the Planning Board's land use review authority. As the proposed Ordinance is a new Chapter in the City's Code of Ordinances, the entire document is shown as black underline. Policy Committee amendments are shown as blue underline for text additions, and deleted text is shown in ~~red strikethrough~~.

The proposed Ordinance includes a purpose statement, rules for establishing the Trust Fund, regulations for the management of the Trust Fund, standards for annual reporting and rules for the distribution of the Fund's assets.

It should be noted that City staff is preparing revisions to the City Code of Ordinances to comply with LD2003 including: revisions to the existing City Housing Density Bonus Regulations; Rezoning initiatives to allow for increased residential densities; Frontage Reduction Ordinance and; an Inclusionary Zoning Ordinance and will present them as soon as they are ready for public discussion at

future Planning Board and City Council meetings. The City Council also recently adopted a Back-Lot Ordinance which will also allow for additional residential development.

The proposed Housing Trust Fund Ordinance is another tool Staff is recommending for adoption as it seeks to increase the City's supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City.

Funding Source:

Not applicable.

Staff Recommendation:

At this time Staff is seeking City Council approval of the Housing Trust Fund Ordinance, as written / amended by the Policy Committee.

*** NOTE: The Housing Trust Fund does not require Planning Board review and approval and may be forwarded directly to the City Council for consideration*

Sec. 38-1 Purpose

The purpose of enacting this section is:

- a) To establish a City of Biddeford Housing Trust Fund for the promotion, retention, and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the city.
- b) To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in this article.

Sec. 38-2 Establishment of the Housing Trust Fund

The City Council shall establish a special revenue account under the name “City of Biddeford Housing Trust Fund” (Housing Trust Fund). Deposits into the fund shall include:

- a) * ~~Reserved In-lieu fees collected as defined under Article VI (Performance Standards), Section 40—(Inclusionary Zoning) Subsection 6a.~~
- b) Funds appropriated to be deposited into the fund by vote of the City Council.
- c) Voluntary contributions of money or other liquid assets to the fund.
- d) Any federal, state, or private grant or loan funds provided to the fund.
- e) Interest from fund deposits and investments.
- f) Repayments of loans made from the fund.

Sec. 38-3 Management of the Trust Fund

The City Manager, or his or her designee, shall serve as the manager of the Housing Trust Fund. The responsibilities of the manager, subject to the orders of the City Council, shall include:

- a) Maintaining the financial and other records of the Housing Trust Fund.
- b) Disbursing and collecting Housing Trust Fund monies in accordance with the Housing Trust Fund Annual Plan.
- c) Monitoring the use of monies distributed to successful applicants for Housing Trust Fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

Sec. 38-4 Housing Trust Fund Annual Plan

Each fiscal year, the City Council shall adopt a Housing Trust Fund Annual Plan. The City Manager shall submit to the City Council a recommended Housing Trust Fund Annual Plan, utilizing the revenues of the Housing Trust Fund as well as any other funds the City Manager may propose as appropriate.

Sec. 38-1

Sec. 38-5 The Housing Trust Fund Annual Plan shall include:

1. A description of all programs to be funded in part or in full by the Housing Trust Fund.
2. A description of how funds from the Housing Trust Fund will be distributed among very low-income, low-income and moderate-income households.
3. The amount of funds budgeted for programs funded in part or in full from the Housing Trust Fund.
4. Priority for the expenditure of funds collected pursuant to Subsection 6a shall be given to the creation of new housing stock, through either new construction or conversion of nonresidential buildings to residential use.

Sec. 38-5

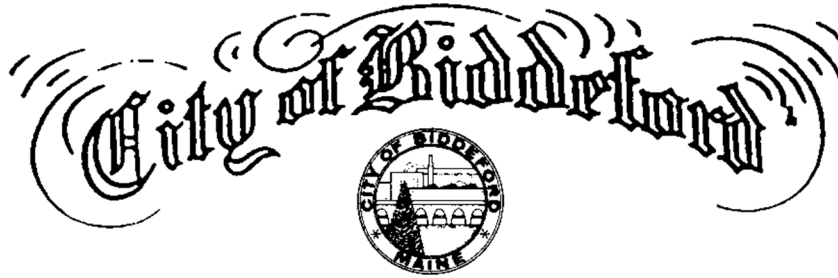
Sec. 38-6 Distribution and use of the Housing Trust Fund's Assets

1. All distribution of principal, interest, or other assets of the Housing Trust Fund shall be made in furtherance of the public purposes set out in Section 6a.
2. During each year, the Housing Trust Fund shall disburse as grants or loans so much of the Housing Trust Fund's assets as the City Council in its discretion has approved in the Housing Trust Fund Annual Plan.
3. Funds shall not be used for City administrative expenses.
4. Funds shall not be used for property operating expenses or supporting services.
5. No grants or loans shall be awarded by the Housing Trust Fund to corporations, partnerships, or individuals who are delinquent at the time of application in the payment of property taxes or other fees to the City of Biddeford, who have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under the fair housing laws of the State of Maine, or who have pending violations of current City electrical, plumbing, building, or housing codes or zoning ordinances.

Sec. 38-6

Sec. 38.7 Term of Affordability

6. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of an affordable rental or cooperative unit, the City of Biddeford shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of 30 years.
7. Whenever funds from the Housing Trust Fund are used for the acquisition, construction, or substantial rehabilitation of ownership housing, the City of Biddeford shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining an equitable balance between the interests of the owner and the interests of the City of Biddeford.
8. The affordability restriction requirements described in this subsection shall run with the land and the City of Biddeford shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the York County Registry of Deeds.



2023.130

IN BOARD OF CITY COUNCIL...OCTOBER 17TH, 2023

BE IT ORDERED, that the City Manager or his designee be authorized to hire Eastern Excavation on a 'Time & Materials' basis not to exceed \$95,841 to install a new 30" sewer main across Elm Street and to install a Tideflex Backwater Valve at the existing Elm Street CSO Structure.

Funding for this project will be as follows:

- \$95,841 From the CSO Bond Account

NOTE: The Finance Committee will review this item at their October 17th, 2022 meeting.

Attest by: _____
Robin Patterson, City Clerk



City Council

Meeting Date: October 17th, 2023
Meeting Time: 6:00 PM

Agenda Item No: 2023.130
Item Description: Elm Street CSO Sewer Upgrade

Submitted by: Jeff Demers (Public Works Director)
Craig Chekan, PE (City Engineer)

Supporting Information/Documentation:

1. Plan Exhibit
2. Eastern Excavation Estimate sheet

Executive Summary:

There is an existing 15" chokepoint in the City's sewer main adjacent to the Elm Street CSO location; see attached exhibit.

In conjunction with the adjacent residential developments on Upper Falls Road and Diamond Street, Staff recommends removing this existing sewer chokepoint to reduce combined sewer overflows into the Saco River and abide by DEP's CSO mandate.

Detailed Review:

In two weeks, Eastern Excavation will be installing a new 8" sewer lateral across Elm Street for the Phase 2 Upper Falls Road Development (as required during the Planning Board review process).

Since the work is directly parallel, Staff recommends hiring Eastern Excavation to remove the City's known 15" chokepoint and increase the system's available sewer capacity in this area via a 30" pipe (prior to the full-buildout of the adjacent Upper Falls Road and Diamond Street residential developments).

The existing 15" chokepoint is due to a 16" water line crossing, which will require a vertical offset and has already been coordinated with the Maine Water Company (MWC).

Lastly, during large storm high-tide events – water from the Saco River has recently been seen backflowing into the City's sewer CSO structure. Staff recommends adding a Tideflex Backwater Valve at the existing CSO structure to avoid clean river water entering the sewer infrastructure and being treated at the wastewater treatment plant. The City is installing a similar device at Horrigan's Court as part of the pump station upgrade project.

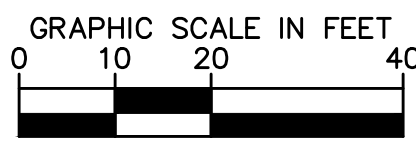
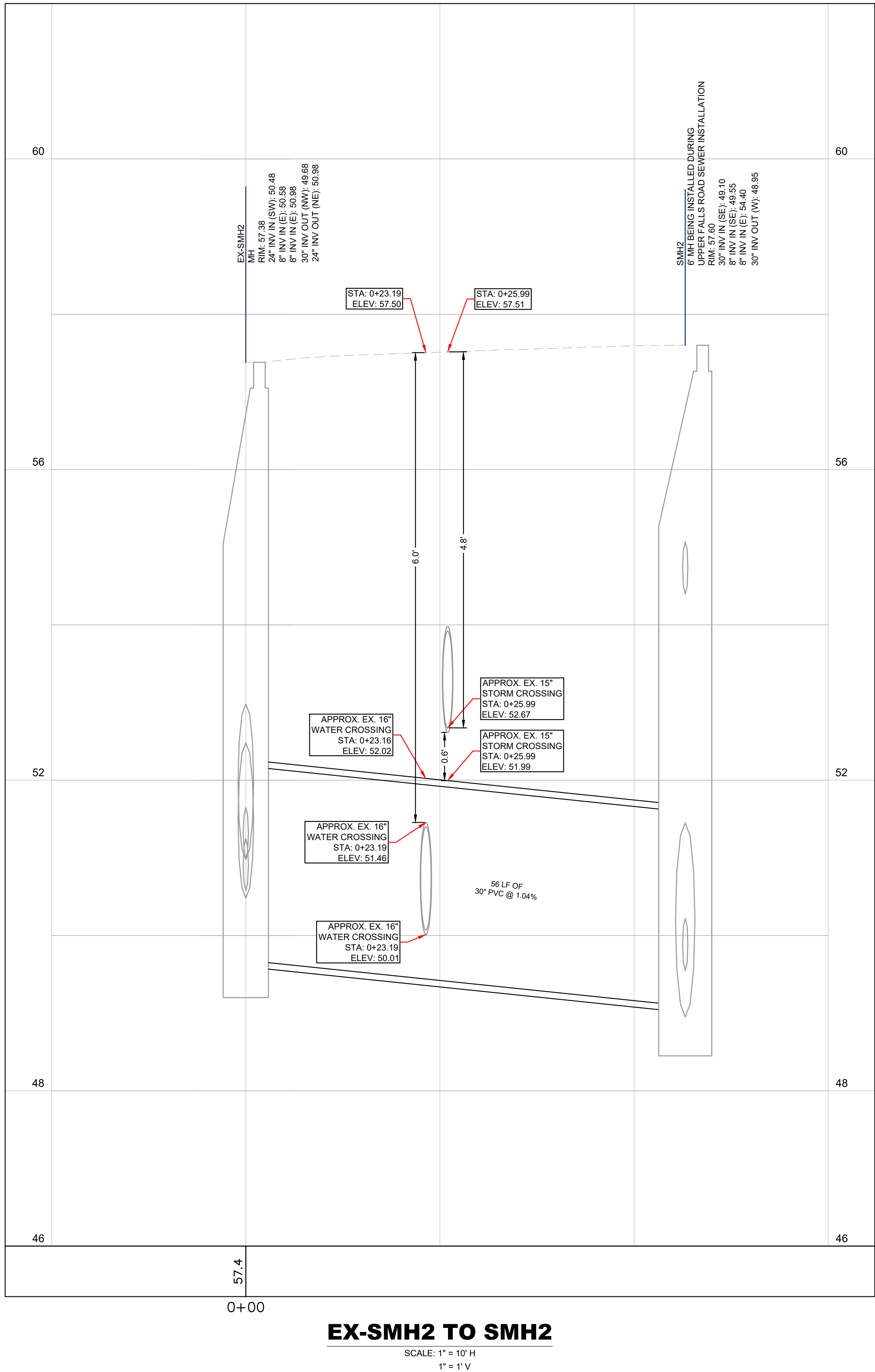
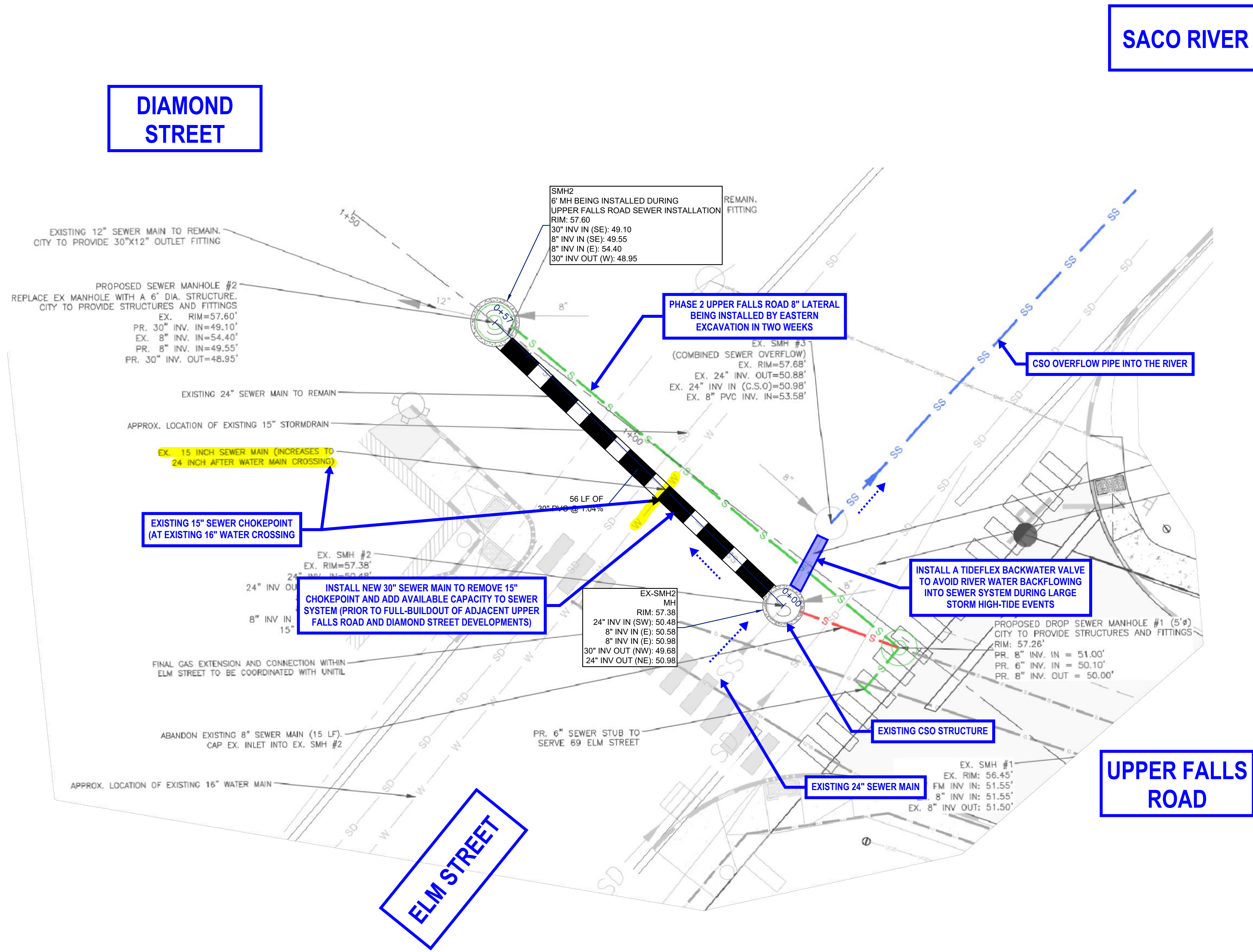
Staff Recommendation:

Staff recommends hiring Eastern Excavation on a 'Time & Materials' basis not to exceed \$95,841 to install a new 30" sewer main across Elm Street and to install a Tideflex Backwater Valve at the existing Elm Street CSO structure.

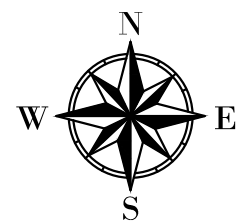
Funding Source:

CSO Bond account with an estimated balance of 4,500,300.00

Plotted By: Chekan, Craig Sheet Set: ELM STREET SEWER UPGRADE Layout: UTILITY PLAN June 20, 2023 08:04:23am X:\Task Director\2021-016_Gooch Street Redevelopment_Upper Falls Road\CAD\Sheets\C-100 - Utility Plan - Gooch.dwg



UTILITY PLAN
SCALE: 1" = 10'



- NOTES:**
- HORIZONTAL DATUM: NAD83 MAINE STATE PLANE, WEST, US FOOT (ME83-WF)
 - VERTICAL DATUM: NAVD88
 - RIM ELEVATIONS SHOWN REFER TO THE SURFACE/FLOWLINE (BOTTOM OF CURB/GRATE). CONTRACTOR TO CALCULATE NECESSARY STRUCTURE ELEVATIONS BASED ON THIS LOCATION.

ELM STREET SEWER UPGRADE PREPARED FOR CITY OF BIDDEFORD	MAINE BIDDEFORD	UTILITY PLAN									
		SHEET NUMBER C-100									
		DRAWING INFO									
		DATE 06/20/2023									
		SCALE AS SHOWN									
		DESIGNED BY CRC									
		DRAWN BY									
		CHECKED BY									
		—									
		PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MAINE. LICENSE NO. 100									

EASTERN EXCAVATION INC

October 11, 2023

City Of Biddeford
Jeff Demers
250 Main Street
Biddeford, ME 04005

RE: Elm St. Sewer Upgrade

Dear Jeff,

Eastern Excavation Inc., proposes pricing for sewer work on behalf of the above referenced project per drawings by the City of Biddeford, dated June 20, 2023.

Scope of work includes:

Saw cutting and removal of pavement, Traffic control, Installation of two sewer manholes, Installation of 60' +/- of 30" sdr 35 pipe, Build and install 16" watermain offset, Provide all backfill material and pavement. Provide cone, barrels, road plate and trenchboxes.

Total Sum NotTo Exceed \$95,841.00

Exclusion:

Unsuitable materials below sub-grade, ledge, pipe, Manholes, Bypass pumping

Hourly Rates:

40,000 LB excavator	\$195.00
18,000 LB excavator	\$175.00
Triaxel Dump truck	\$115.00
2.5 YD Loader	\$175.00
10,000 LB Roller	\$120.00
Forward Reverse com.	\$200.00 per day
Paver	\$250.00
5 Ton Roller	\$125.00
Trench Boxes	\$200.00 per day
Steel Plates	\$100.00 per day
Support truck	\$75.00
Supervisor	\$110.00

81 COUNTY ROAD • WESTBROOK, ME • 04092

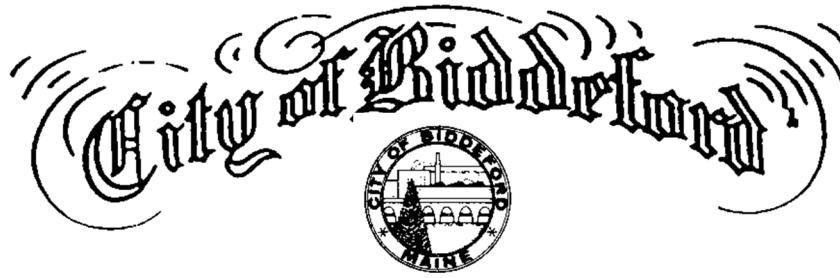
PHONE: 207-774-7545 • FAX: 207-774-7991

Laborer	\$55.00
Lowbed	\$175.00

Thank you for the opportunity to quote this project. If you have any questions please call me at 774-7545.

Sincerely,

Robert A. Plummer III
President



2023.131

IN BOARD OF CITY COUNCIL... OCTOBER 17, 2023

BE IT ORDERED, that the City Manager shall prepare a commitment letter issued to Biddeford Housing Authority committing up to \$490,000 from the to-be-established Affordable Housing Trust Fund, should such funds be available, for the Adams Point Affordable Housing Development Project (Project) specifying such funding shall be assigned to the end of the project and any unspent funds shall be returned to the City for deposit in the Affordable Housing Trust Fund.

BE IT FURTHER ORDERED, that the applicable building permit fee for the Project be reduced by 50%.

Attest by: _____

BIDDEFORD HOUSING AUTHORITY

P.O. Box 2287, 22 South St., Biddeford, Maine 04005 Tel. (207) 282-6537 Fax. (207) 286-0580

October 5, 2023

To : City Manager-James Bennet, Mayor Casavant and Biddeford City Council

From: Guy M. Gagnon, Executive Director BHA

Re: Adams Point affordable housing development

As you know, Biddeford Housing has plans to begin construction of Adams Point, the 39-unit affordable family housing project approved by the Planning Board and the Council. We very much appreciate the cooperation and vision demonstrated by your previous approval of the contract zone and TIF agreements as they are necessary items for us to get MaineHousing's approval and funding. However, rising construction costs have resulted in funding gaps that are putting the project in jeopardy. This gap must be filled in order to close on the construction loan and start construction in the coming months.

Our development team has thus far produced approximately \$1.5 million in cuts to the overall development budget, but we are still short of the goal needed to fund Adams Point fully. Below is a summary of where the budget currently stands and two proposed solutions to help fill the gap and get us approved to begin construction by MaineHousing.

Sources and Uses budget with all current costs and funding sources:

USES

Construction	13,733,692	(Value engineering resulted in approx \$1,500,000 reduction)
Soft costs	1,305,829	
Financing	1,089,789	
Misc	216,500	
Acquisition of site	0	(BHA contribution of land)
Fees and require reserves	1,151,347	
TOTAL	17,497,157	

SOURCES

MSHA Subsidy	2,312,309
MSHA Debt	5,568,219
Fed Home Loan Bank Grant	650,000
LIHTC tax credits	8,231,277
TOTAL	16,761,805

Budget Gap

\$735,352

Means to close Gap

BHA - Addition of Housing Vouchers - 145,352
(to support additional debt)

Remaining Budget Gap

= \$490,000

Request #1. *Commit up to \$490,000 in funds from the city's newly created Housing Trust Fund for a portion or all the gap. The requested amount will be the last dollars spent on the project, therefore any excess funds could be returned to the fund if unspent.*

In the project completion timeline, these funds would not be needed until the permanent loan closing/completion of construction in early 2025, thus allowing the fund to be fully established by then. Maine Housing will require a commitment letter from the city for the amount, if approved, prior to our construction loan closing, expected to occur this December or January.

Request #2 *Allow for a reduction in the anticipated \$88,000+/- building permit fee by 50% saving the project \$44,000+/-*

Our request for additional consideration is being made in order to save the project from cancelation. We all know the extreme pressure the Maine State Housing Authority is under to fund projects all over the state. With the budget gap we currently have, the possibility of our funding being redirected to another project is very real.

In anticipation of some of the questions that you all may have I offer the following:

Question #1: *Can you cut something out of the building design to make the numbers work?*

Answer: We worked diligently with MSHA, our architects and PM construction to look for savings within our plans that also meet the minimum requirements of MSHA construction standards. We were able to come up with approximately \$1.5 million in cost cuts but have now reached the end of all our options.

Question #2: *Why can't MSHA just provide more subsidy?*

Answer: MSHA typically allocates subsidy to each project that they approve for funding. Their goal is to spend all their subsidy dollars to create as many new affordable units as possible. There are also numerous regulations, etc.. that limit their flexibility. MaineHousing has unequivocally told us that no additional subsidy is available.

Question #3: *Can you lower construction contingency line item?*

Answer: We are currently carrying the minimum 5% of construction costs contingency that is allowed.

Question #4: *If Adams Point's gap can not be filled what happens?*

Answer: MSHA would award our funding to the next project in line, and we would need to compete with other proposals in future funding rounds with no guarantee. Even if successful, a delay of at least 1.5 to 2 years would result, not to mention the added design, legal and

administrative burden to BHA.

Question #5: *Why not adjust the TIF agreement above the 75% approved in order to help fill the gap?*

Answer: Doing so would take months to get through the approval process, add more legal costs and would also negatively impact the city's future tax revenue projections.

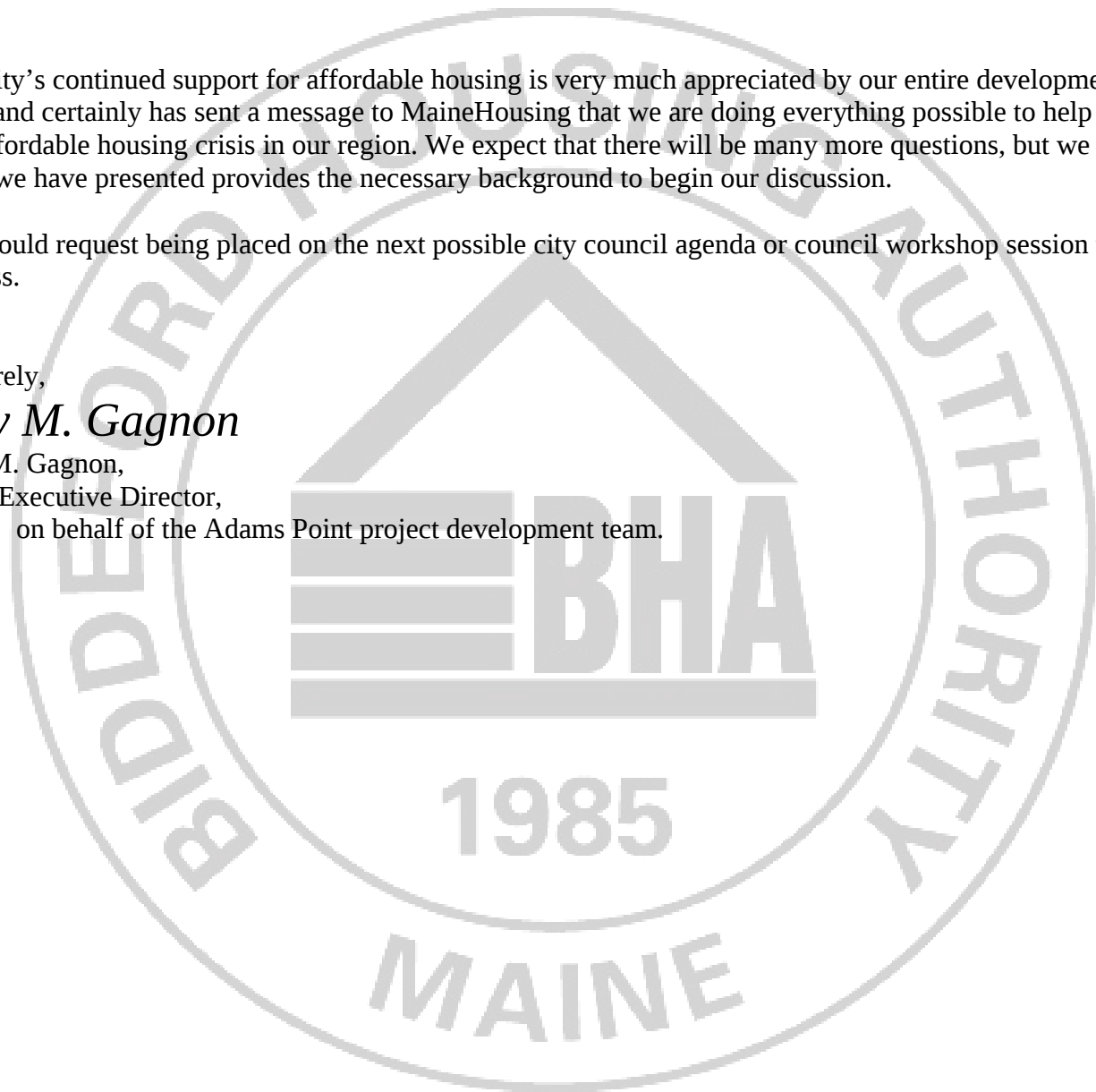
The city's continued support for affordable housing is very much appreciated by our entire development team and certainly has sent a message to MaineHousing that we are doing everything possible to help solve the affordable housing crisis in our region. We expect that there will be many more questions, but we hope what we have presented provides the necessary background to begin our discussion.

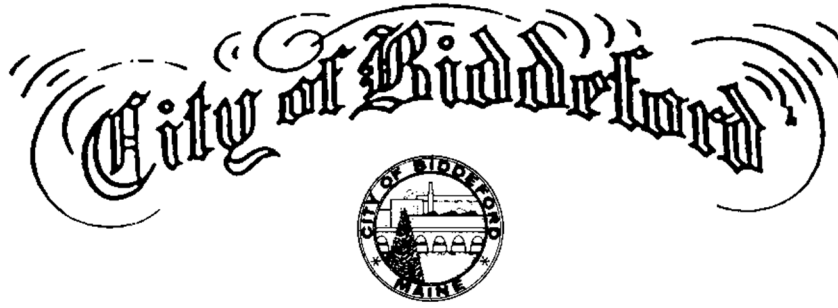
We would request being placed on the next possible city council agenda or council workshop session to discuss.

Sincerely,

Guy M. Gagnon

Guy M. Gagnon,
BHA Executive Director,
on behalf of the Adams Point project development team.



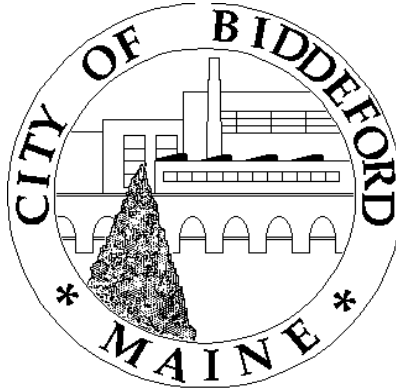


2023. 132

IN BOARD OF CITY COUNCIL..October 17, 2023

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 2024.

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.



October 2023

Dept. of Public Safety, Gaming & Weapons Section
164 State House Station
Augusta, ME 04333-0164

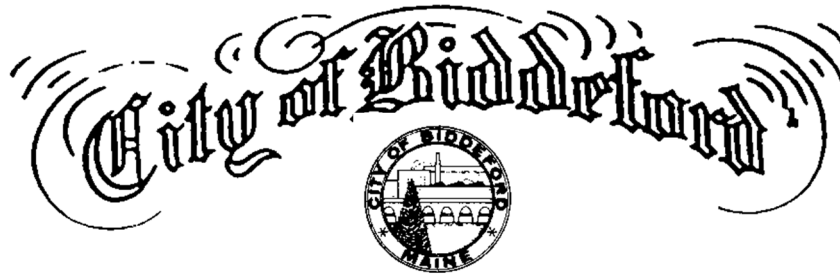
To Whom It May Concern:

The Municipal Officers of the City of Biddeford, at their Council meeting of October 17, 2023, granted a "blanket letter of approval" for any and all renewals of Beano/Bingo applications and Game of Chance applications for all applicable organizations in Biddeford. This "blanket letter of approval" will cover the calendar year of 2024.

*Municipal Officers
City of Biddeford*

_____	_____
_____	_____
_____	_____
_____	_____

ATTEST BY: _____



2023.133

IN BOARD OF CITY COUNCIL...OCTOBER 17, 2023

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the specific Capital Improvement Projects Vehicle Recommendation for FY24, in the amount of \$692,000 with funding of \$577,500 from the budgeted FY24 CIP Allocation and \$114,500 from FY22 unallocated surplus.

Suggest Vehicle Purchases in FY24

			Requested	CM Recommended		Comments
				Cash	Lease	
Mini excavator			\$ 160,000			Defer
585 Pick-up	\$ 2,012		\$ 58,000	\$ 58,000		
Add Pickup truck for Recreation			\$ 43,000	\$ 43,000		
312 Rescue	\$ 2,016		\$ 390,000			Oder
320 Fire Brush Truck	\$ 2,008		\$ 100,000			Defer
326 pumper (fire dept.)	\$ 2,008		\$ 810,000			Order
302 Car 2 (fire dept)	\$ 2,012		\$ 54,000	\$ 54,000		
121 Animal Controll	\$ 2,013		\$ 33,000	\$ 33,000		
501 Parking Control			\$ 33,000	\$ 33,000		
195 All Wheel drive Plow Truck	\$ 1,983		\$ 280,000	\$ 280,000		
021 Sidewalk tractor	\$ 2,014		\$ 175,000	\$ 175,000		
John Deere zero turn			\$ 16,000	\$ 16,000		
Total			\$ 2,152,000	\$ 692,000		Cash needed
Funding Sources				\$ 577,500		FY24 Capital Funds
				\$ 114,500		Balance (from FY22 surplus)
				\$ 692,000		

Note: The Capital Projects/Operations Committee reviewed the FY24 vehicle recommendations however the Committee did not have a quorum at the meeting therefore the recommendation is being forwarded to the City Council as a consensus recommendation.

Attest by: _____

Suggest Vehicle Purchases in FY24

				CM Recommended		<i>Comments</i>
				Cash	Lease	
		Requested				
Mini excavator		\$ 160,000				Defer
585 Pick-up	\$ 2,012	\$ 58,000		\$ 58,000		
Add Pickup truck for Recreation		\$ 43,000		\$ 43,000		
312 Rescue	\$ 2,016	\$ 390,000				Oder
320 Fire Brush Truck	\$ 2,008	\$ 100,000				Defer
326 pumper (fire dept.)	\$ 2,008	\$ 810,000				Order
302 Car 2 (fire dept)	\$ 2,012	\$ 54,000		\$ 54,000		
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021 Sidewalk tractor	\$ 2,014	\$ 175,000		\$ 175,000		
John Deere zero turn		\$ 16,000		\$ 16,000		
Total		\$ 2,152,000		\$ 692,000		Cash needed
Funding Sources				\$ 577,500		FY24 Capital Funds
				\$ 114,500		Balance (from FY22 surplus)
				\$ 692,000		