

City of Biddeford

City Council

October 04, 2022 6:00 PM Council Chambers and via Zoom

Please click this URL to join.

<https://biddeford.zoom.us/j/92093692935?pwd=SHBGRzl6VktzUC9MWVRIYTEyVnRYUT09>

Webinar ID: 920 9369 2935

Passcode: 562126

Or One tap mobile:

+13017158592,,92093692935# US (Washington DC)

+13092053325,,92093692935# US

Or join by phone:

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

US: +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799

International numbers available: <https://biddeford.zoom.us/j/92093692935?pwd=SHBGRzl6VktzUC9MWVRIYTEyVnRYUT09>

Status: In-Person and via Zoom; Council Chambers; 6:00 p.m.

Zoom Meeting Link:

Please click this URL to join.

<https://biddeford.zoom.us/j/92093692935?pwd=SHBGRzl6VktzUC9MWVRIYTEyVnRYUT09>

Webinar ID: 920 9369 2935

Passcode: 562126

Or One tap mobile:

+13017158592,,92093692935# US (Washington DC)

+13092053325,,92093692935# US

Or join by phone:

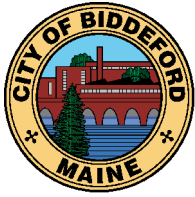
Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799

International numbers available: <https://biddeford.zoom.us/j/92093692935?pwd=SHBGRzl6VktzUC9MWVRIYTEyVnRYUT09>

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**

4. **Presentation:**
 - 4.a. Affordable Housing Task Force Interim Report
[RENT CONTROL WHITE PAPER -Final.docx](#)
[Interim.Report.Sept.2023.draft.2.0-FINAL.pdf](#)
 5. **Public Hearing**
 - 5.a. State Liquor License Application - The Pint and Pawn, LLC
 6. **Liquor License Consideration**
 - 6.a. The Pint and Pawn, LLC
[10-04-2022 Pint and Pawn Liquor License Application.pdf](#)
- Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)**
7. **Consideration of Minutes:**
 - 7.a. Council Meeting Minutes...September 20, 2022
[9-20-2022 Council Meeting Minutes.docx](#)
 8. **Second Reading: (Public Comment - 3 minute limit)**
 - 8.a. 2022.81) Amendment/Ch. 2, Administration, Sec. 2-2. Election Wards/Reapportionment of City Wards
[9-20-2022 Re-districting of Wards- ORDER.doc](#)
[9-20-2022 Reapportionment of Wards-MEMO.pdf](#)
[9-20-2022 Reapportionment of Wards-MAP.pdf](#)
[9-20-2022 Reapportionment of Wards-State Law.pdf](#)
 9. **Orders of the Day: (Public Comment - 3 minute limit)**
 - 9.a. 2022.83) Amendment/Ch. 42, Motor Vehicles & Traffic, Sec. 42-90 - No Parking/Add on St. Joseph Street
[10-04-2022 No Parking-St. Joseph Street-ORDER.doc](#)
[10-04-2022 No Parking-St Joseph St-MEMO.docx](#)
 - 9.b. 2022.84) Amendment/Ch. 58, Solid Waste, Sec. 58-7. Regulated Activities and Administration/Add Language for Noncompliance of Recycling Program
[10-04-2022 Ch 58-Solid Waste-Noncompliance-Recycling Program-ORDER.doc](#)
[10-04-2022 Ch 58-Solid Waste-Noncompliance-Recycling Prog-MEMO.docx](#)
[9-19-2022 Casella City of Biddeford Recycling Audits.pdf](#)
 - 9.c. 2022.85) Acceptance/RESOLUTION - South Side Jetty Maintenance Plan & Coastal Impacts Assessment
[10-04-2022 Resolution on South Side Jetty Evaluation, Maintenance, and Coastal Impacts-MEMO](#)
[10-04-2022 South Side Jetty Evaluation, Maintenance, and Coastal Impacts - RESOLUTION](#)
 10. **Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
 11. **City Manager Report: (James Bennett)**
 12. **Other Business: (Councilors' Comments; Updates; Announcements)**
 13. **Council President Addressing the Council: (Councilor Norman Belanger)**
 14. **Mayor Addressing the Council: (Mayor Alan Casavant)**
 15. **Adjourn**



City of Biddeford, Maine

RENT CONTROL WHITE PAPER

Prepared by James Bennett, City Manager

August 17, 2022

Rent control, government regulation(s) that places a limit on the amount that a landlord can charge for leasing or renting a place to live, has been around for a long time. Some reports suggest that it has been around since the Roman era. Most certainly, rent control in its present form was shaped in the United States between the two World Wars. Originated because of an increased demand in housing and lack of production, the simple Adam Smith economic theory of supply and demand increased the market rates for rents. The vast majority of rent control regulations are initiated at the local level.

In some ways, rent is one of the purest forms of supply and demand economics. As demand increases for housing in a certain area without a corresponding increase in the supply, the price increases. Lacking viable options, the renter is left to either pay the market rate or chose a different location. Rental prices will only go down because of market forces. Either the demand needs to decrease or supply needs to increase at a rate equal to or beyond the current increase in demand. A combination of the two accelerates the reduction in rents.

Rent control by itself does not address the underlying issues that it is designed to mitigate. It does impact the current market place. The impacts are mixed. They have both positive and negative impacts. For some of those impacts, the short term and long term impacts are not consistent. Rent control does little to anything to change the underlying market forces that generate the impetus to implement. As an artificial limitation on the marketplace, rent control shifts costs and burdens from one group to others.

Given the increased demand for housing and lack of affordable housing alternatives, there are many recent publications regarding rent control. Like many other subjects, one can find a supportive publication to match an opinion that is being sought. Staff has done research and applied our collective experience in order to prepare this paper. We believe it fairly represents the most applicable aspects for Biddeford.

The clear beneficiaries are renters that live in a unit subject to municipal intervention. There are some studies that suggest that the benefit has diminishing returns over time. Other literature argues that the benefit is relatively short-lived and actually becomes a negative. The Brookings Institute, in an October 18, 2018 report, stated:

“While rent control appears to help current tenants in the short run, in the long run it decreases affordability, fuels gentrification, and creates negative spillovers on the surrounding neighborhood.”¹

The research is almost universal in the conclusion that the benefits are almost exclusively limited to those tenants that live in rent control units. Almost as equally accepted among the research is the conclusion that the local community in the aggregate pays a high price when rent control becomes public law.

Two Studies

Two significant studies have been conducted that are considered objective. In 2014, Autor, Palmer, and Pathak (APP) studied the impact of the City of Cambridge, MA’s sudden exodus from rent control. Cambridge adopted an ordinance that required all rental units built prior to 1969 to be heavily regulated. From 1970 to 1994, these rental units had strict caps on rent increases. It further created significant restrictions on the removal of units from the rental market. In November of 1994, Massachusetts voters preempted a local community’s ability to create rent control via a referendum vote. Immediately, over 30% of the total rental stock was no longer under rent control.² APP studied the changes in the community from 1988 to 2005 to determine the impact of rent control within Cambridge.

Several key observations from APP’s extensive work should be considered by Biddeford. While 30% of citywide rental units were governed by rent control prior to 1994, there were many neighborhoods that had much higher percentages. In the older neighborhoods, the percentage was 60%.³ APP’s study documented that rent control not only reduced the property value of the apartments with rent control, but also reduced the values of all other properties within reasonable proximity to the apartments. It also showed that the amount of the depreciation of the non-rent controlled properties grew larger as the density of the rental control apartments grew in the neighborhoods.

Intuitively, one might think that the greatest increase in values of property would have been the collective properties subject to rent control requirements. However, based on the analysis from 1994 (when the rent control was significantly eliminated) to 2004, only \$300 million of increased value occurred. For the balance of the community, \$1.7 billion in increased value occurred. Recognizing the rent control units were a much smaller portion of the overall community valuation (and therefore did have a greater percentage increase per building), the

¹ Rebecca Diamond, *What does economic evidence tell us about the effects of rent control?* Brookings Institute, October 18, 2018 [What does economic evidence tell us about the effects of rent control? \(brookings.edu\)](https://www.brookings.edu/what-does-economic-evidence-tell-us-about-the-effects-of-rent-control/)

² A legislative compromise did allow disabled, elderly and low-income renters to retain their current units for up to two years.

³ David Autor, Christopher Palmer, Parag Pathak, *Housing Market Spillovers: Evidence From the End of Rent Control in Cambridge Massachusetts*, National Bureau of Economic Research, June 2014 [2012227 661..727 \(mit.edu\)](https://www.nber.org/papers/w201227/p227)

impact on the rest of the community valuation was significant especially in comparison to the benefit received by those renting.

The other significant study is Diamond, McQuade and Qian's (DMQ) 2018 examination of San Francisco's 1994 elimination of certain exemptions of the City's 1979 rent control regulations. The initial adoption exempted any new construction as well as any smaller apartment buildings (5 or less). Once these restrictions were removed, DMQ was able to determine what effect the regulations had on both the tenants and the owners of those classes of properties. There are several key findings from the DMQ study. The study concluded that the medium- to long-term benefit of rent control was that individuals in a rent control unit were 10% to 20% more likely to stay in the rental unit than those that did not.

A second significant finding was the marketplace response to rent control. As a direct result of rent control, 15% of the available rent controlled units were converted to condos (private ownership). In addition, there was a decrease of 25% in the number of renters living in units protected by rent control. ⁴

DMQ's conclusion states:

"....rent control contributed to the gentrification of San Francisco, contrary to the stated policy goal. Rent control appears to have increased income inequality in the city by both limiting displacement of minorities and attracting higher income residents."

DMQ further concludes that if it is the desire of society *"to provide social insurance against rent increases, it may be less distortionary to offer this subsidy in the form of government subsidies or tax credits."*

Summary of Other Impacts

Reviewing many different sources, the following is the collective advantages and disadvantages that have been offered in mainstream media and generally accepted credible sources. You will note that some of the impacts that are listed are contrary to others. This should be expected, since the sources that were used included both advocates and opponents.

From the perspective of the tenants, the following have been identified as advantages:

- Housing becomes more affordable
- Don't have to move as much or be at risk of being forced to move
 - Improves health, social and education outcomes for children
- Neighborhood stability – strong community ties, investment in safety and prosperity of where they live, kids can stay in the same school, proximity to job, network of neighbors

⁴ Rebecca Diamond, Time McQuade, and Franklin Qian, *The Effects of Rent Control Expansion on Tenants, Landlords and Inequality: Evidence from San Francisco*, American Economic Review, 2019 [The Effects of Rent Control Expansion on Tenants, Landlords, and Inequality: Evidence from San Francisco \(aeweb.org\)](https://aeweb.org/)

- Some studies show that rent control can increase the supply of housing by incentivizing landlords to subdivide larger rental units

The disadvantages for the renters have been identified as:

- People can get “stuck” in apartments that aren’t the size they need (too big for empty nesters, too small for families with new young children) because they feel locked in to their existing apartments
- Landlords don’t have an incentive to invest in renovations since the returns are too low to justify the costs – housing stock deteriorates
- Less Housing Supply - Fewer homes for rent on the market in the long run since property prices will be too high to be attractive for investors compared to the rent they can achieve
 - Apartments can be converted into condos, pushing out renters in favor of homeowners
 - Condo owners also tend to be a higher-income group than renters – increases gentrification
- Property owners are incentivized to increase rents by the maximum allowable amount each year knowing that they would be limited in their increase for the following year if they don’t. This can lead to extra rent increases that otherwise wouldn’t have gone into effect.
- Property owners will raise their rents as much as they legally can right before rent control is enacted in anticipation of the new policy
- Wealthier, long-term tenants also get the incentive of cheaper rent than market value and may stay in properties longer, further limiting availability for lower-income residents

From the perspective of the landlord, the following advantages have been identified:

- Tenants may take better care of their properties because they expect to be able to afford living in the same place for the long term
- Less turnover of tenants and higher occupancy rate/lower tenant turnover costs

The disadvantages for the landlord have been identified as:

- Bad tenants also stay longer
- May not be profitable to build new homes
- Property values decrease
- Makes it harder to sell your home

What about the Rest of the Community?

The property tax rate in the community is determined by taking the total value of all taxable properties and dividing it by the total tax commitment (total property taxes to be raised). As one segment of the community becomes less valuable compared to the rest of the community, the balance of the community will have to pay more of the property tax burden. Simply stated, rent control will shift a greater property tax burden on all other property taxpayers in the

community. Single family homes have the greatest potential to be the most adversely impacted by adoption of a traditional rent control policy.

Rent control suppresses housing construction and maintenance. That suppression will have an impact on other economic activity and job creation. Most especially, this is true in the construction and rehabilitation trades.

As we are hearing anecdotally from the Portland changes, investors will seek other investment opportunities outside of the community.

Businesses that are not considered high-paying employers may benefit from having a potential employee pool closer because of the rent control units.

Closing Thoughts

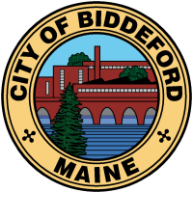
The opinions about rent control regulations are as widespread as nearly every other public policy that has made its way to the national agenda. I believe the most significant conclusions that should be considered are:

- Rent control does not change the underlying market forces that cause the reasons people advocate for rent control.
- Supply and demand are the main forces that establish the rental rates in communities.
- Rent control has not been shown as an effective means to increase affordable housing, as a solution for poverty, inequity or other social justice goals.
- Rent control will have immediate positive impacts on all renters that are living in units that are subject to the regulations. The duration of those benefits are often debated. There are many that argue the long term implications actually become negative.
- Studies have supported that rent control actually has the adverse impact than intended. The tendency to increase rents to the maximum allowed annually even when not needed, decreasing the amount of rentals available, and the dampening of new investment are just some of the factors cited.
- Rent control will reduce the property value of the buildings that are regulated. There is significant evidence to conclude widespread rent control also decreases other property values of other properties, including other residential properties within the neighborhoods.
- The significant dependence in Maine on the property tax as the major source of taxation, when combined with the decreasing property valuation caused by rent control, will result in the shifting of the property tax burden to other properties. It is likely that the single family homes will be disproportionately burdened from the shift.
- Targeting resources based on a means testing for individuals is considered by many to be a more effective long-term solution. In addition, using resources to address the market forces directly impacting housing affordability is also recommended as the better long-term viable solution.

Selected Readings and Resources

- ✓ [What does economic evidence tell us about the effects of rent control? \(brookings.edu\)](https://www.brookings.edu/research/what-does-economic-evidence-tell-us-about-the-effects-of-rent-control/)
- ✓ [Rent Control Does Not Make Housing More Affordable | Manhattan Institute \(manhattan-institute.org\)](https://www.manhattaninstitute.org/manhattan-essay/rent-control-does-not-make-housing-more-affordable)
- ✓ [The history of rent control & how it applies to today's renters \(policygenius.com\)](https://www.policygenius.com/blog/rent-control-history/)
- ✓ [Rent Control Around the World: Pros and Cons - NuWireInvestor](https://www.nuwireinvestor.com/rent-control-around-the-world-pros-and-cons/)
- ✓ [w24181.pdf \(nber.org\)](https://www.nber.org/papers/w24181)
- ✓ [America's Rental Housing 2022 \(harvard.edu\)](https://www.harvard.edu/news/america-s-rental-housing-2022)
- ✓ [Rent Control Effects On The Economy And Housing Quality \(linkedin.com\)](https://www.linkedin.com/company/rent-control-effects-on-the-economy-and-housing-quality/)
- ✓ [The Effects of Rent Control Expansion on Tenants, Landlords, and Inequality: Evidence from San Francisco \(aeaweb.org\)](https://www.aeaweb.org/articles?id=10.1257/aer.95.1.1)
- ✓ [Ending Rent Control Reduced Crime in Cambridge \(aeaweb.org\)](https://www.aeaweb.org/articles?id=10.1257/aer.95.1.1)

City of Biddeford, Maine



MEMORANDUM

TO:	Honorable Mayor Casavant Honorable City Council
FROM:	Mayor's Affordable Housing Task Force Councilor Doris Ortiz, Chairperson
DATE:	September 29, 2022
RE:	Interim Report

Pursuant to the City Council's directive at the time of the creation of this Task Force, please find this memo that will serve as the interim report. The report will focus primarily on the current recommendations that have been supported by the Committee. For the sake of brevity, it will not provide the same level of information as the final report. The Council should be acutely aware that the interim report glosses over the majority of the process part of the Task Force's work, which will be covered in the final report. Also intentionally left out of the interim report is the large outreach effort that the Task Force has used.

However, the Task Force would like to share one of the key findings during their work prior to the recommendations. The median income for all renters in the community increased 51.8% from 2017 to 2020 (\$47,140 compared to \$31,067).

Using the typical government measures of affordability, Biddeford's rental affordability has actually improved dramatically *on the macro level*. Using the same three year horizon (2017 to 2020), the rental affordability index has improved by 36.6% (0.97 in 2020 compared to 0.71 in 2017). This occurred while the average cost of rents have increase by 10.3%. The improvement is totally driven by the higher average income levels of the residents.

Behind the macro analysis is the micro experience. Residents that have lived in the community for some time are unlikely, on average, to see their income increased by the 51.8% that the macro analysis reports. The observation of importance for the City Council to consider is the affordability issue as it relates to rents is probably summed up in one simple factor; the length of tenure of the renter in the community.

The following recommendations are listed by those that are being officially made at this point and those that will be formally made at the time of the final report. Beyond that distinction, there is no other preference being express by the listing.

Immediate Recommendation

1. **Unhoused Involvement:** The task force considered the multiple of complexities that cause individuals to be unhoused. The nation-wide issue exists in Maine and in Biddeford. With the lack of a national, state and/or regional plan(s) to compliment local efforts, outcomes vary. The task force is recommending that the City Council:

- a. Take immediate action to change the existing policy of doing essentially the state minimum required; so that unhoused does not face a winter night on the street.
- b. Develop and implement a city wide unhoused strategy that provides complete services to assist the unhoused so they may break the cycle of being unhoused. With the complexity of the issue, the Task Force encourages community outreach and engagement during the process. The policy should be adopted by Spring of 2023.
- c. Seek additional technical assistance in developing options for the City Council to explore as they develop a new policy for unhoused.

Recommendations to Be Included in Final Report

2. Adopt an Inclusionary Zoning (IZ) Ordinance: Inclusionary zoning will require new housing projects to actively participate in the creating of new affordable housing units. While the details are still to be worked out, IZ will require all projects over a certain size to either build a percentage of the units to meet the City's affordable housing goals. In some cases, it will allow a cash payment into the affordable housing fund instead of creating the units. The task force has received information about the impact of the City of Portland's IZ, most especially the impact of increasing the contribution standards. The task force is looking to establish the rates that the current market can effectively pay without driving investment away. The Council can expect the final report will include the specific details that is being recommended. The TF has more work to done on this recommendation.
3. Affordable Housing Fund: The TF will be making a recommendation to create a special account for affordable housing initiatives. Funds that are generated for affordable housing would go into the account. The account would include any affordable housing TIF proceeds, the donation from the Devine project, IZ payments, grants or other funds. Annually, the fund would seek proposals for affordable housing projects. More details are to be developed for the final recommendation.
4. Rent Control: The TF will be making a recommendation that any sort of rent control is not a desired solution to address affordable housing units within the community. You can expect a complete report on their rationale for that recommendation.
5. Targeted Affordable Housing Definitions: The committee has identified that the main goal of affordable housing work will be at the 80% of AMI (annual median income).
6. Modify the amount of the affordable housing goal: The TF is recommending that the current Council goal of creating/preserving 450 affordable units over a five year period (beginning in 2021). The new goal that the TF has voted on is to create and/or preserve 900 affordable rental units from 2023 to 2028. In addition, the TF is recommending an additional goal that 12.5% of all rental units will be affordable by 2028.

Future Task Force Work

The Task Force has a couple of meetings left to conclude their work. In addition to the above items, it plans to:

- Look at several non-monetary tools to assist meeting the affordable housing goals such as density bonuses, relaxation of parking requirements, streamlining of the permit process, having affordable housing projects receiving priority in the approval process as well as others.
- Exploration of rooming houses
- Use of abandon, underutilized and city owned properties
- Creation of incentives to give tenants the right of first refusal to purchase apartment buildings

- Encourage co-operatives ownership
- Use community land trust for the construction of affordable housing units
- Seeking short term solutions for unhoused
- Explore tiny house villages

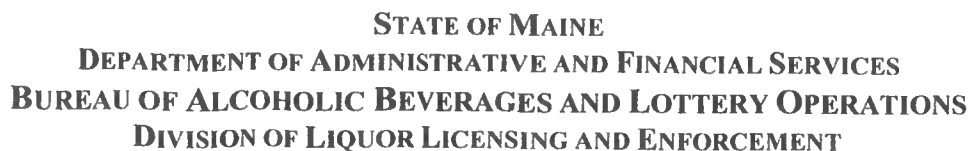
Conclusion

The Task Force used an intentional outreach strategy to see community input and engagement before making any recommendation. Following the presentation of this interim report to the City Council, the task forces expects to issue its final report by the end of the year. The members appreciate the opportunity to serve and provide recommendations on this important issue. Included with the report is the ‘Rent Control White Paper’ that was prepared for the Task Force.

Biddeford Housing Inventory:

The following is the current housing inventory of the City

- Of 10,576 housing units in Biddeford as of 2020, 4,512 are owner-occupied, 4,919 are renter-occupied, and 1,145 are vacant.
- A renter household in Biddeford must earn \$23.27, or \$48,397 to afford the median rent and not pay more than 30% of their income for rent.
- 43% of renter households (2,091 households) pay 30% or more in rent.
- 51% of renter households are unable to afford the median rent in Biddeford.
- The median renter household can afford a monthly rent of \$1,178.
- 9.0% of Biddeford children experience poverty.
- Housing Choice Voucher Rent Payment Standard as established by Biddeford Housing Authority and approved by U.S Department of housing and Urban Development for 2022 are as follows:
 - Efficiency \$ 950
 - 1-bedroom \$1,050
 - 2-bedroom \$1,300
 - 3-bedroom \$1,600
 - 4-bedroom \$1,900
- BHA administers 153 Housing Choice Vouchers.



All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

Legal Business Entity Applicant Name (corporation, LLC): The Pint and Pawn LLC	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s): Derek Laplume	Physical Location: 28 Pearl St Biddeford, ME 04005
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 60 Western Ave Apt 202 Biddeford, ME 04005
Mailing address, if different from DBA address:	Email Address: derek.laplume@gmail.com
Telephone # Fax #: 207-698-0281	Business Telephone # Fax #: (207) 449-5932
Federal Tax Identification Number: 85-2510020	Maine Seller Certificate # or Sales Tax #: 87251002000
Retail Beverage Alcohol Dealers Permit:	Website address: www.thepintandpawn.com

1. New license or renewal of existing license? ☒ New Expected Start date: 12/01/2022
☐ Renewal Expiration Date: _____
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| ☒ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

28 Pearl Street Biddeford, ME 04005

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No
7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Open floor concept with bar opposite the main entrance. Primarily 4 top tables with generous spacing between them. To the left as you walk into the main entrance, just beyond the elevator annex, there will be a small alcove that will be used for a larger table outside of Summer when it will be used as a second bar to service the patio. There will be a game library and bathroom along the righthand wall.

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: St James School

Distance: 0.60 MILES

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 9/26/22

 _____
Signature of Duly Authorized Person

Signature of Duly Authorized Person

DEREK LAPLUME
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

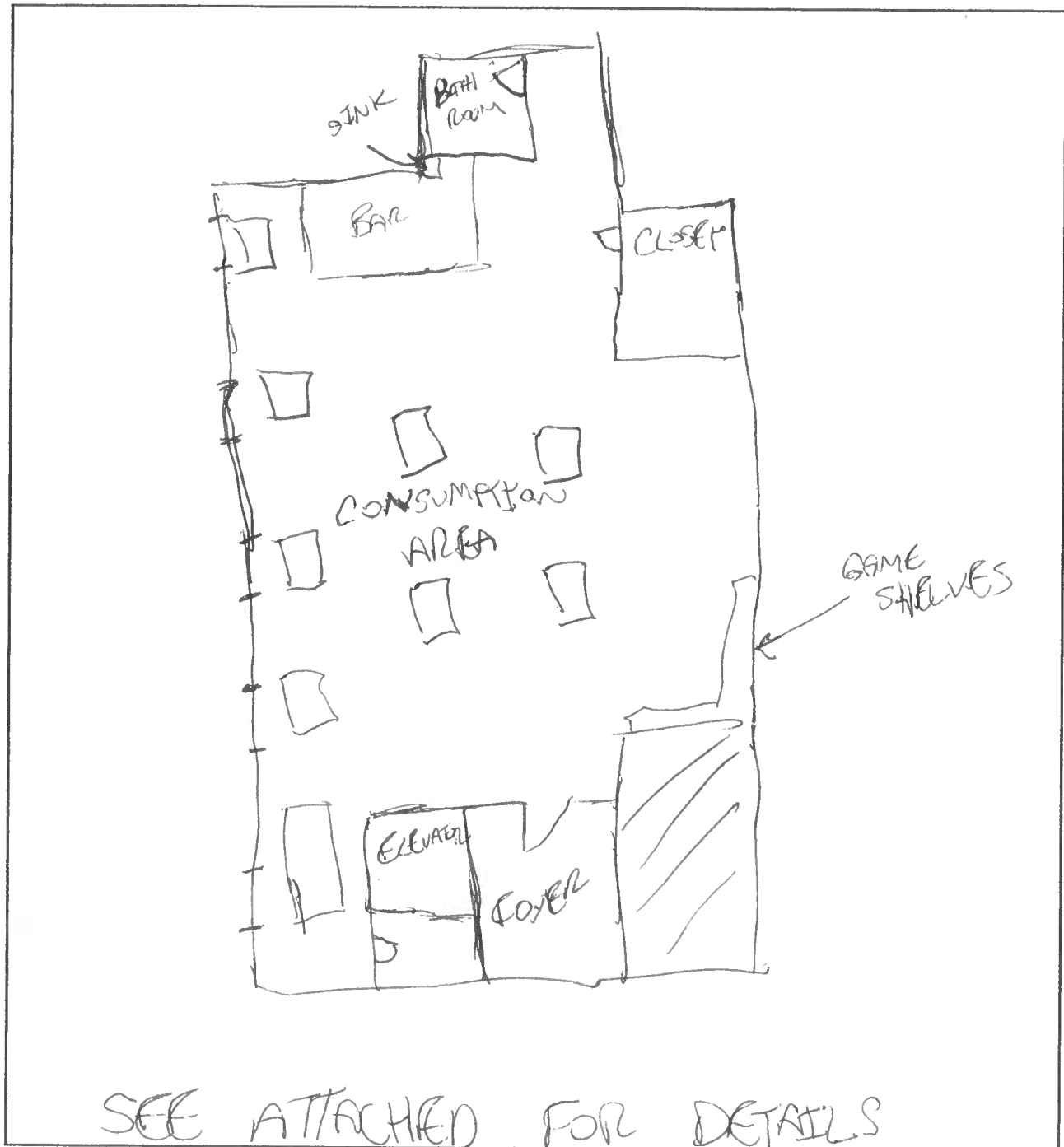
Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

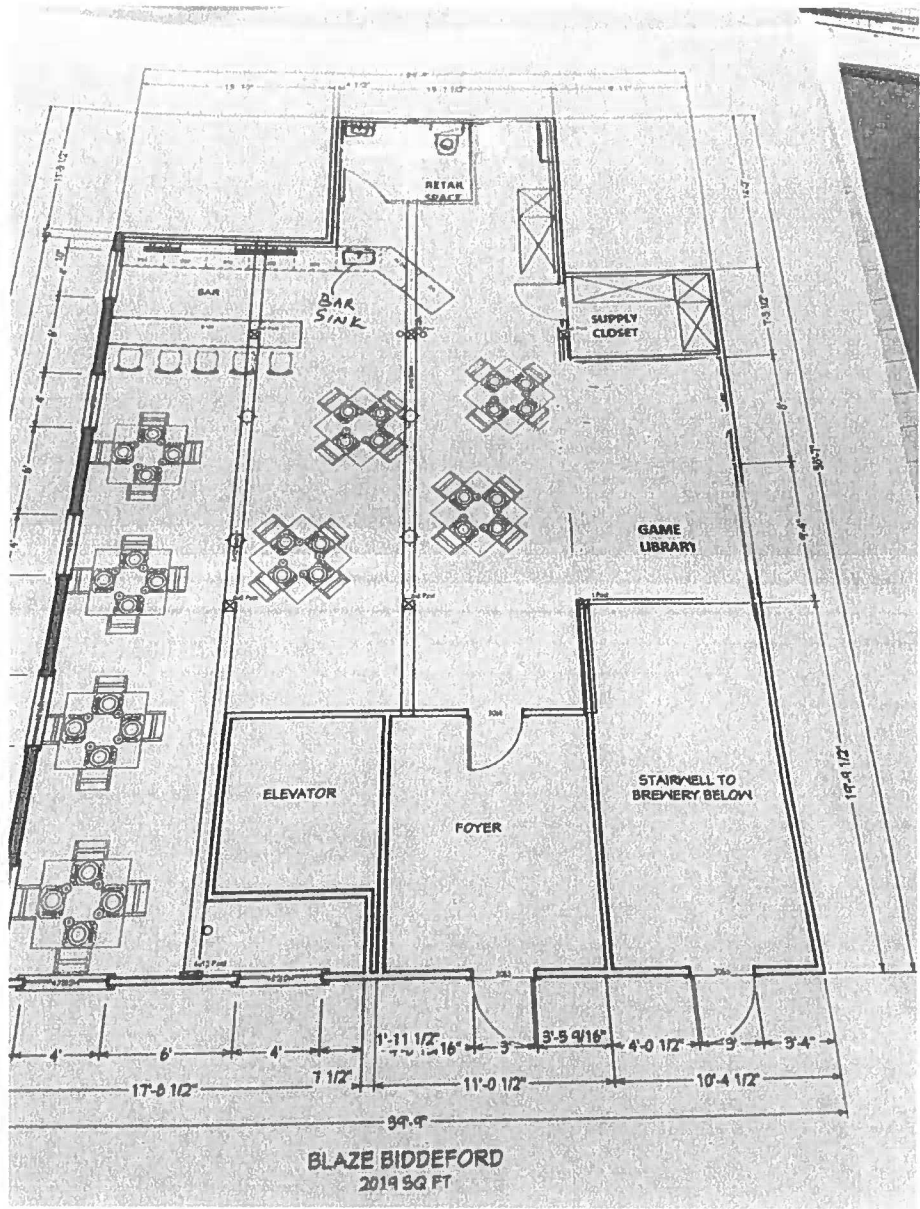
- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.





Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: THE PINT AND PAWN
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 8/31/21 State in which you are formed: MAINE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
DEEKE LAPLUM	60 WESTERN AVE BIDDEFORD	5/16/88	OWNER	100
	252 HIGH ST PORTLAND			
	14 TRAMWAY LN WESTBROOK			

(Ownership in non-publicly traded companies must add up to 100%.)

**COUNCIL MEETING
SEPTEMBER 20, 2022**

*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: Scott Whiting, Martin Grohman, Bobby Mills, Amy Clearwater, Norman Belanger, Liam LaFountain, Doris Ortiz, Marc Lessard

William Emhiser was excused.

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

Adjustments to the Agenda:

- Add Order of the Day 2022.82

Presentation: Update on Combined Sewer Overflow (CSO) Operations

Public Works Director Jeff Demers introduced the presentation and Alex Buechner, the Wastewater Treatment Plant Superintendent. Alex began with providing definitions of Combined Sewer (a combination of wastewater and storm water);

He explained that for years, the City has been working toward separating all of the combined sewer overflows to bring Biddeford in compliance with State regulations, as well as, and most importantly for human and environmental protection.

Presentation: Update on Pearl Point Park Project

Economic Development Coordinator Brad Favreau provided an update on the Pearl Point Park Concept Plan and surrounding green spaces. Richardson & Associates was contracted with to develop a design for the new park, and after a robust community engagement period, a final concept plan was presented. According to Mr. Favreau, “The concept plan offers a balance between hardscaping and open green space, a link for the expanding RiverWalk, informal performance space, a river overlook pavilion, and space to exhibit public art. The design also provides a landing for a future pedestrian bridge.”

Public Hearing: State Liquor License Application – Coletti’s Pizza Factory

Mayor Casavant opened the Public Hearing at 6:45 p.m.

There were no public comments.

The Public Hearing was closed at 6:45 p.m.

Consideration of State Liquor License Application: Coletti’s Pizza Factory

Motion by Councilor Clearwater, seconded by Councilor Mills to recommend the issuance of a State Liquor License to Coletti’s Pizza Factory.

Vote: Unanimous.

Public Addressing the Council..(3 minute limit per speaker for up to 15 minutes):

There were no public comments.

Consideration of Minutes: September 6, 2022

Motion by Councilor Mills, seconded by Councilor Clearwater to accept the minutes as printed.

Vote: Unanimous.

Second Reading:

{For a copy of the ordinance amendment and first reading, see the Council Meeting minutes of September 6, 2022}

2022.72) Amendment/Land Development Regulations/Bonus Density

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

Due to impending State Legislation:

Motion by Councilor Belanger, seconded by Councilor Mills to table the ordinance amendment until State Law has been instituted for Bonus Density.

Vote: Unanimous.

Orders of the Day:

2022.78

IN BOARD OF CITY COUNCIL...SEPTEMBER 20, 2022

BE IT ORDERED, that the City Manager be authorized to enter into an agreement with Bill Dodge Buick GMC for one 2023 GMC Yukon to replace the current Fire Department Command

Vehicle, in the amount of \$51,941.50. Funding for the purchase of this vehicle is from the FY22 CIP.

NOTE: The Finance Committee will consider this item at their September 20, 2022 meeting and make a recommendation to the Council.

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

Vote: Unanimous.

2022.79 IN BOARD OF CITY COUNCIL..SEPTEMBER 20, 2022

BE IT ORDERED, that the City Manager be authorized to enter into an agreement with United Construction & Forestry for one 2022 John Deere Loader and one RPM Snow Blower in the amount of ~~\$465,540~~ \$401,863 to be used as Snow Removal Equipment (SRE) at the Biddeford Municipal Airport. Funding will breakdown as follows: \$361,676.70 through Maine Department of Transportation Grant; \$40,186.30 from FY22 Capital Improvement Projects Fund.

Note: The Finance Committee will consider this item at their September 20, 2022 meeting and make a recommendation to the Council.

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

Vote: Unanimous.

2022.80 BOARD OF CITY COUNCIL...SEPTEMBER 20, 2022

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 3,886.00 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-18-1069. These funds shall be transferred to the City of Biddeford, Asset Forfeiture Account 3119-40576.

Motion by Councilor Whiting, seconded by Councilor Mills to grant the order.

Vote: Unanimous.

2022.81 IN BOARD OF CITY COUNCIL..SEPTEMBER 2022

BE IT ORDAINED, by the City Council of the City of Biddeford to amend the Code of Ordinances, Chapter 2, Administration, Article I, In General, by amending the following:

Section 2-2 Election Wards

In accordance with the City Charter, Article III-City Council, Section 1-City to be divided into Wards, the Ward boundaries shall be as follows:

Being more particularly bounded, described and shown as Ward 1 on a plan entitled, "City of Biddeford, Maine, Official Ward Map, Adopted by order of the Biddeford City Council, October 4, 2022" Scale: 1"=2,000', prepared by City of Biddeford, Maine Engineering Department-GIS Division and recorded in the City of Biddeford, Maine Engineering Department as plan D-1900.

Motion by Councilor Mills, seconded by Councilor Whiting to grant the first reading of the ordinance amendment.

Vote: 7/1; Councilor Grohman opposed.

Councilors Whiting, Mills, Clearwater, Belanger, LaFountain, Ortiz and Lessard in favor.

1st Reading carries.

2022.82 IN BOARD OF CITY COUNCIL..SEPTEMBER 20, 2022

BE IT ORDERED, that the City Manager be authorized to enter into an agreement with United Construction & Forestry for one 2022 John Deere Motor Grader 672G and one Henke 12' Postless Grader Wing (for snow plowing); as well as a set of winter tires from New England Truck Tires in an amount not to exceed \$342,846.70, broken down as follows:

- 2022 John Deere Motor Grader 672G - \$337,000 (minus trade in of \$28,000) = \$309,000
- Grader Wing (for snow plowing) = \$24,938

- Winter Tires (from New England Truck Tires) = \$8908.70
- TOTAL: \$342,846.70

Funds for this purchase to come from the FY22 CIP.

Note: The Finance Committee will consider this item at their September 20, 2022 meeting and make a recommendation to the Council.

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

Vote: Unanimous.

Appointments:

IN BOARD OF CITY COUNCIL...SEPTEMBER 20, 2022

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

**Israa Enan
34 Cutts Street, #201
Ward 5**

to the *Recycling & Waste Management Commission*, replacing Richard Potvin, for a term to expire December 2025.

Motion by Councilor Mills, seconded by Councilor Clearwater to confirm the appointment.

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...SEPTEMBER 20, 2022

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

**William Stepchew
86 Old Pool Road
Ward 1**

to the *Shellfish Conservation Committee*, for a term to expire in December 2025.

Motion by Councilor Clearwater, seconded by Councilor Mills to confirm the appointment.

Vote: Unanimous.

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

There were no comments from the public.

There was no City Manager Report as City Manager James Bennett was not present.

Other Business:

Councilor LaFountain: brought up the recent news coverage of the homelessness in Biddeford and he would like the City to continue to have discussions on possible solutions.

Councilor Ortiz: following up on Councilor LaFountain's comments, informed the Council that the Affordable Housing Task Force will be making a presentation at the October 4th Council Meeting, in which homelessness will be addressed.

Councilor Mills: shared that September is Suicide Prevention Awareness Month. He further shared an excerpt from NAMI National Alliance on Mental Illness:

Suicidal thoughts, much like mental health conditions, can affect anyone regardless of age, gender or background. In fact, suicide is often the result of an untreated mental health condition. Suicidal thoughts, although common, should not be considered normal and often indicate more serious issues.

September is Suicide Prevention Awareness Month – a time to raise awareness of this stigmatized, and often taboo, topic. We use this month to shift public perception, spread hope and share vital information to people affected by suicide. Our goal is ensuring that individuals, friends and families have access to the resources they need.

Councilor Clearwater: added to Councilor Mills’ comments that the Suicide Prevention Hotline number is 988.

Councilor Grohman: shared a couple of upcoming events:

- (1) Roll to School Day – October 12th students and adults will meet at Shevenell Park and bicycle to the Biddeford Middle School.
- (2) The Grow Smart Summit is scheduled for October 13th here in Biddeford

Mayor Addressing the Council: Mayor Casavant shared that the first WinterFest planning meeting took place yesterday. There was a great discussion, which involved new volunteers and new ideas, with a focus to attract more people to the event. He encouraged everyone to get involved.

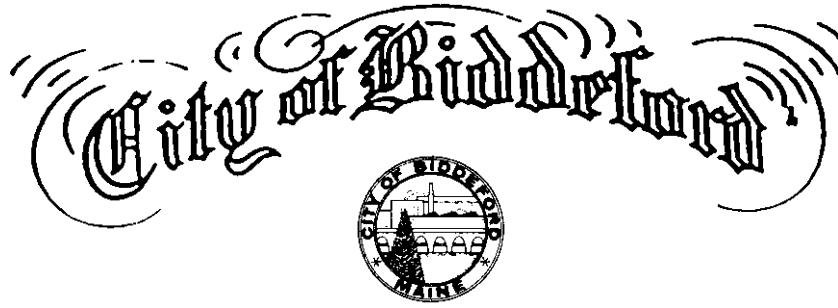
He was proud to be a part of the Ribbon Cutting on Main Street (near the Elm Street intersection) for a few new businesses in that area. It was a great start to Friday’s Art Walk event.

Motion by Councilor Belanger, seconded by Councilor Clearwater to adjourn.

Vote: Unanimous.

Time: 7:03 p.m.

Attest by: _____
Carmen J. Bernier, City Clerk



2022.81 **IN BOARD OF CITY COUNCIL..SEPTEMBER 2022**
BE IT ORDAINED, by the City Council of the City of Biddeford to amend the Code of Ordinances, **Chapter 2, Administration, Article I, In General**, by amending the following:

Section 2-2 Election Wards

In accordance with the **City Charter, Article III-City Council, Section 1-City to be divided into Wards**, the Ward boundaries shall be as follows:

Being more particularly bounded, described and shown as Ward 1 on a plan entitled, "City of Biddeford, Maine, Official Ward Map, Adopted by order of the Biddeford City Council, October 4, 2022" Scale: 1"=2,000', prepared by City of Biddeford, Maine Engineering Department-GIS Division and recorded in the City of Biddeford, Maine Engineering Department as plan D-1900.

September 20, 2022

Motion by Councilor Mills, seconded by Councilor Whiting to grant the first reading of the ordinance amendment.

Vote: 7/1; Councilor Grohman opposed.

Councilors Whiting, Mills, Clearwater, Belanger, LaFountain, Ortiz and Lessard in favor.

1st Reading carries.



City Council

Meeting Date: September 6, 2022

Meeting Time: 6:00 p.m.

Agenda Item No: Order of the Day 2022.81

Item Description: Amendment/Ch. 2-Administration/Sec. 2-2 Election Wards –
Re-apportionment of Wards

Submitted by: Carmen Bernier, City Clerk

Supporting Information/Documentation:

Biddeford Street/Ward Listing with Proposed Changes

Detail of Proposed Changes

State Law on Reapportionment – MRS Title 30-A §2503

Key Terms:

N/A

Executive Summary:

Per City Charter, Biddeford must conduct a reapportionment of City Wards once every ten years. The last time a reapportionment was completed and approved was in 2014.

Recently, the State conducted a redistricting of the State Legislative Districts, which typically is a good trigger for local reapportionment.

Detailed Review:

Per City Charter, *“The City Council shall, once every 10 years, by ordinance establish compact and contiguous wards of approximately equal population.”* The attached ordinance amendment amends **Ch. 2, Administration, Sec. 2-2-Election wards** of the City’s Code of Ordinances, and satisfies the Charter’s stipulation of reapportionment.

The proposed reapportionment changes are being submitted after working with GIS mapping and voter registration information for the Central Voter Registration program, as well as 2020 Census information that could be somewhat easily gathered. {It is worth noting that Biddeford’s population went from 21,277 in the 2010 Census to 22,552 in the 2020 Census.}

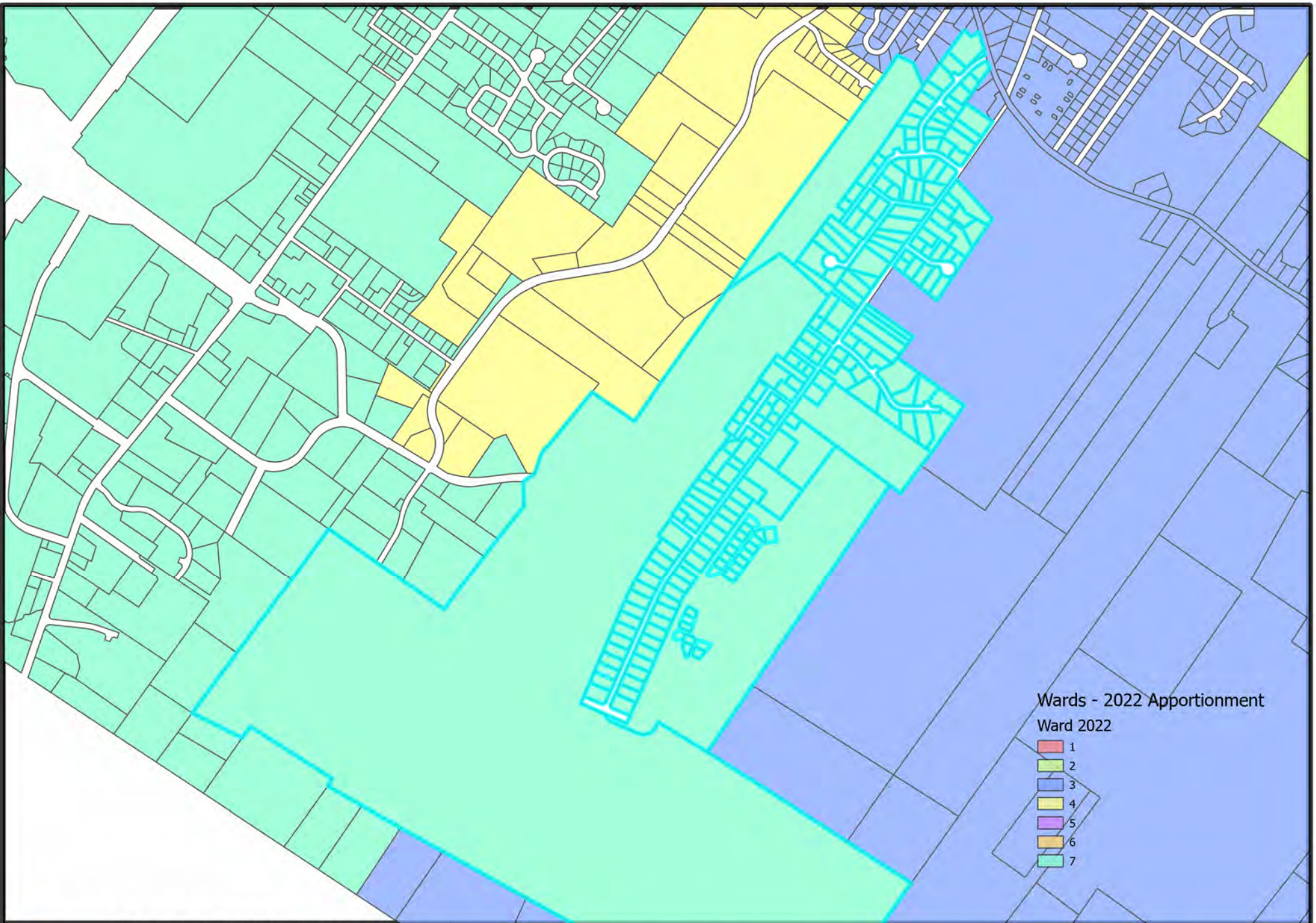
Ward 7 has historically been the lowest populated Ward due to the fact that much of Ward 7 falls in business and industrial zones. By moving the part of Granite Street from the intersection with West Street to the end, and all the side streets off of this part of Granite Street from Ward 3 to Ward 7, Ward 7 gains over 400 new voters and makes it more in line with the other Wards as far as population numbers. Further, it brings Ward 3 more in line as well, as it is no longer substantially larger in population numbers as it has historically been.

Funding Source:

The only cost to the reapportionment project is the postage to mail out letters to those voters whose Wards will change due to the reapportionment.

Staff Recommendation:

Staff recommends passage of this ordinance amendment, as it will keep the City compliant with the City Charter; as well as achieve the objective of having compact, contiguous and more equal Wards.



The City of Biddeford, Maine

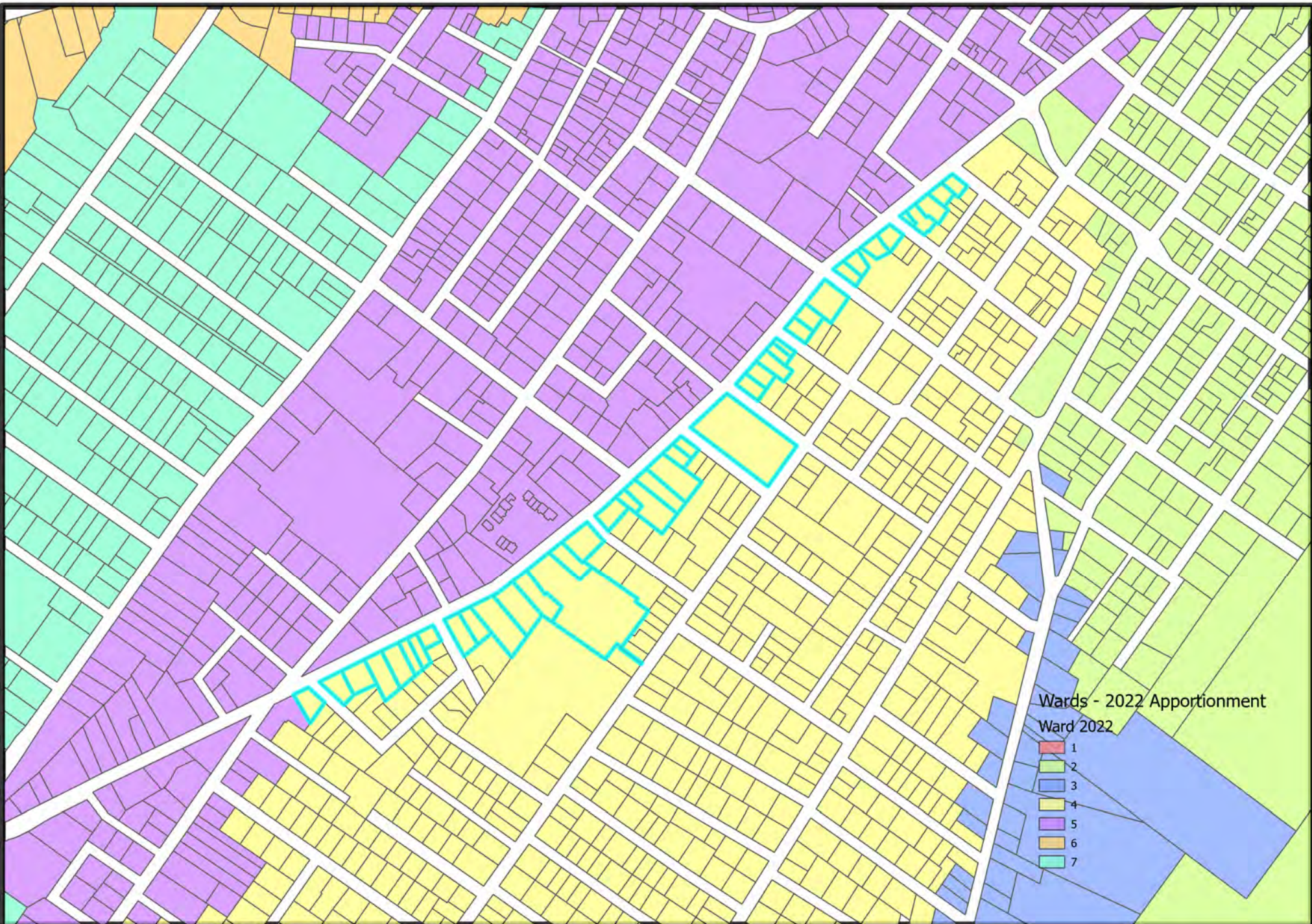
Technologies Department - GIS Mapping

205 Main Street • P.O. Box 586 • Biddeford, Maine 04005-0586
Tel. 207-571-0660 • Email gis@biddefordmaine.org



0 120 240 480 720 960 Feet
1:6,311

Ward Reapportionment - Ward 3 to 7



Wards - 2022 Apportionment

Ward 2022

- 1
- 2
- 3
- 4
- 5
- 6
- 7



The City of Biddeford, Maine

Technologies Department - GIS Mapping

205 Main Street • P.O. Box 586 • Biddeford, Maine 04005-0586
Tel. 207-571-0660 • Email gis@biddefordmaine.org



0 120 240 480 720 960 Feet
1:6,311

Ward Reapportionment - Ward 5 to 4

§2503. Reapportionment

1. Adoption by ordinance. Districts established for the purpose of electing, from each district, an equal number of municipal officers may be adjusted, by ordinance, by the municipal legislative body subject to the following conditions.

A. Each district must be formed of compact, contiguous territory. Its boundary lines may follow the center lines of streets. [PL 1987, c. 737, Pt. C, §2 and Pt (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Each district must contain as nearly as possible the same number of inhabitants as determined according to the latest Federal Decennial Census, but districts may not differ in number of inhabitants by more than 10% of the inhabitants in the smallest district created. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. The ordinance must include a map and a description of the districts. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. The ordinance takes effect on the 30th day after adoption by the legislative body. The new districts and boundaries, as of the effective date, supersede previous districts and boundaries for the purposes of the next regular municipal election, including nominations. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]
[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. Failure to enact ordinance. The municipal legislative body must enact the reapportionment ordinance within 12 months after the Legislature has reapportioned the House and Senate districts pursuant to the Constitution of Maine, Article IV, Part First, Section 3 and Article IV, Part Second, Section 2 or after a court decision finalizing the reapportionment of districts. The ordinance must be enacted at least 90 days before a regular municipal election occurring within that 12-month period or the previous reapportionment ordinance applies to that election. If the legislative body fails to enact an ordinance within the 12-month period or at least 90 days before a regular election occurring after the 12-month period, all municipal officers to be elected must be elected at large and serve until their terms expire. Such at-large elections continue until the legislative body enacts an ordinance in accordance with subsection 1 at least 90 days before a regular municipal election.
[PL 2001, c. 537, §1 (AMD); PL 2001, c. 537, §2 (AFF).]

3. Referendum. Except when the municipal legislative body is the town meeting, the voters of the municipality may require the municipal legislative body to reconsider any ordinance adopted under subsection 1. If the legislative body does not repeal an ordinance so reconsidered, the voters may approve or reject it at a municipal election.

A. Any 5 voters may commence referendum proceedings by filing an affidavit with the municipal clerk stating:

- (1) They will constitute the petitioners' committee;
- (2) They will be responsible for circulating the petition and filing it in proper form;
- (3) Their names and addresses;
- (4) The address to which all notices to the committee are to be sent; and
- (5) The ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Petitions under this subsection must meet the following requirements.

- (1) Petitions must be signed by a number of voters of the municipality equal to at least 15% of the total number of voters in the municipality at the last presidential election.
- (2) All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature must be executed in ink or indelible pencil and must be followed by the address of the person signing. While being circulated, petitions must have the full text of the ordinance sought to be reconsidered contained in or attached to the petition.
- (3) When filed, each paper of a petition must have an affidavit, executed by the circulator of the petition, attached to it stating:
 - (a) That the circulator personally circulated the paper;
 - (b) The number of signatures on the paper;
 - (c) That all the signatures were signed in the circulator's presence;
 - (d) That the circulator believes them to be the genuine signatures of the persons whose names they purport to be; and
 - (e) That each signer had an opportunity before signing to read the full text of the ordinance sought to be reconsidered.
- (4) Petitions must be filed within 30 days after the municipal legislative body adopts the ordinance sought to be reconsidered. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. The following procedure shall be followed after the petition is filed with the municipal clerk.

- (1) Within 20 days after the petition is filed, the municipal clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars which render it defective. The clerk shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of the clerk's certificate and files a supplementary petition upon additional papers within 10 days after receiving a copy of the certificate. This supplementary petition must comply with the requirements of paragraph B, subparagraphs (2) and (3). Within 5 days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of that certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend the petition or request review under subparagraph (2), within the time required, the clerk shall promptly present the clerk's certificate to the municipal legislative body and the certificate is then a final determination as to the sufficiency of the petition.
- (2) If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee, within 2 days after receiving the copy of the certificate, may file a request that it be reviewed by the municipal legislative body. The legislative body shall review the certificate at its next meeting following the filing of the committee's request and approve or disapprove it. This determination is then final as to the sufficiency of the petition.

(3) A final determination as to the sufficiency of a petition is subject to court review. A final determination of insufficiency, even if sustained upon court review, does not prejudice the filing of a new petition for the same purpose. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. When a petition is filed with the clerk under this subsection, the ordinance sought to be reconsidered is suspended from taking effect. This suspension ends when:

- (1) There is a final determination of insufficiency of the petition;
- (2) The petitioners' committee withdraws the petition;
- (3) The council repeals the ordinance; or
- (4) Thirty days have elapsed after a vote of the municipality on the ordinance. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. The following procedure shall be followed if a petition is determined to be sufficient.

(1) When a petition has been finally determined sufficient, the municipal legislative body shall promptly reconsider the referred ordinance by voting its repeal. If the legislative body fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the referred ordinance to the voters of the municipality.

(2) The vote of the municipality on a referred ordinance shall be held at least 30 days and not more than one year after the municipal legislative body's final vote on the ordinance. If no regular municipal election is to be held within this period, the legislative body shall provide for a special election; otherwise the vote shall be held at the same time as a regular election occurring within this period, except that the legislative body, in its discretion, may provide for a special election at an earlier date within the prescribed period. Copies of the referred ordinance shall be made available at the polls.

(3) The form of the ballot for the repeal of the ordinance shall be substantially as follows:

"Shall the ordinance entitled '.....' be repealed?"

YES / / NO / /"

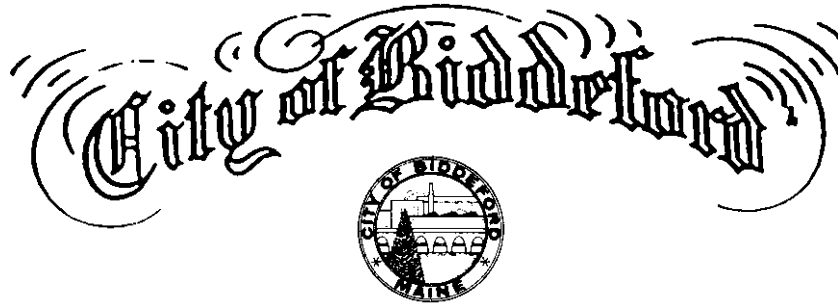
(The voters shall indicate their choice by a cross or check mark placed in the appropriate box opposite the words YES or NO.)

(4) A petition may be withdrawn at any time before the 15th day prior to the day scheduled for a vote of the municipality. The petitioners' committee must file with the municipal clerk a request for withdrawal signed by at least 4 members of the petitioners' committee. Upon filing this request, the petition has no further effect and all proceedings on the petition shall be terminated. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

F. If a majority of the voters who vote on a referred ordinance vote for its repeal, it is considered repealed upon certification of the election results. [PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. A, §16 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]
[PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. A, §16 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

4. Exception. This section does not apply to municipalities whose charters specify different methods of reapportionment.

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]



2022.83 **IN BOARD OF CITY COUNCIL..OCTOBER 4, 2022**
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:

St. Joseph Street Northwestern side, beginning at the northwesterly side of the intersection with Elm Street, thence northwesterly for a distance of 152 feet.

NOTE: The Policy Committee considered this item at their September 19, 2022 meeting and voted unanimously to forward to Council for consideration and approval.



City Council

Meeting Date: October 4, 2022

Meeting Time: 6:00 p.m.

Agenda Item No: 2022.

Item Description: No Parking – St. Joseph Street

Submitted by: Roger P. Beaupre, Chief of Police

Supporting Information/Documentation:



St Joseph St Letter
8.10.22.pdf

Attached

Key Terms:

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

Executive Summary:

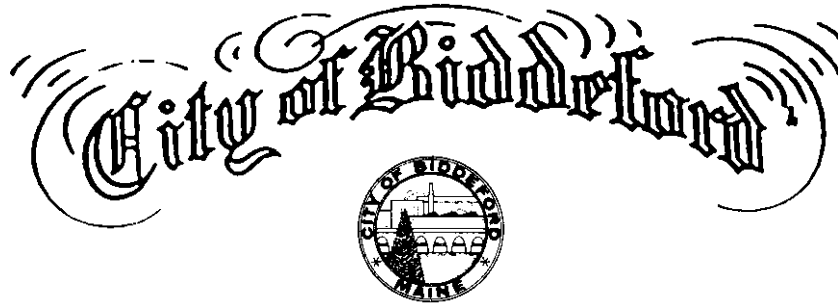
Request No Parking on the Northwesterly side of Street.

Detailed Review:

Request made by David Gadbois of Good Shepherd Parish to make the Church side of St. Joseph Street as No Parking. Street is twenty-four (24) feet in width, and vehicles parking on that side of the street interferes with access to the Church's parking areas.

Funding Source:

Staff Recommendation:

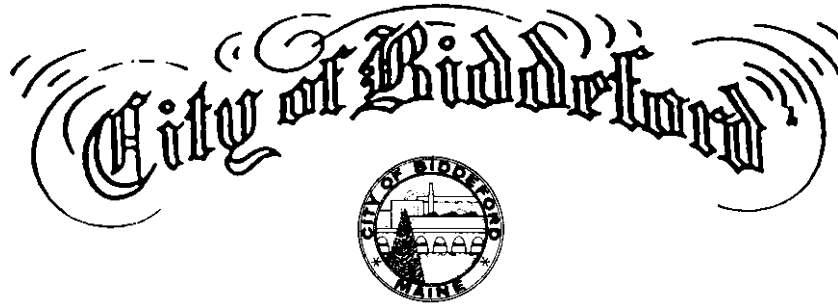


2022.84 IN BOARD OF CITY COUNCIL..OCTOBER 4, 2022
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 58, Solid Waste, Article I IN GENERAL, **Section 58-7 Regulated Activities and Administration** be amended by adding or ~~deleting~~ to read as follows:

Sec. 58-7. Regulated activities and administration.

The accumulation, collection, transportation and disposal of solid waste, both acceptable and unacceptable, generated within the City of Biddeford shall be regulated in the following manner:

- (1) Such City collection will be limited to properties whose primary use is residential in nature.
- (2) The operating hours and general administration of the City transfer station shall be set by the City Council, except for holidays or emergencies where the Director of Public Works would have the authority to set emergency hours.
- (3) When a holiday falls upon the day of collection, or severe weather necessitates cancellation of collection services, recycling services for the residents on that day's route will be collected on the following Saturday. Collection of waste shall be on the next day following the cancellation.
- (4) In the event of two or more collection service cancellations in one week, the Public Works Director shall publish an emergency collection schedule, which may include, but may not be limited to, no collection for one or more routes with collection occurring on the next week's regular schedule. The requirement that all acceptable municipal solid waste fit in the designated municipal solid waste container shall be waived during emergency collection events.
- (5) All grandfathered facilities shall submit a written performance- based recycling plan to the Director of Public Works as identified by the following schedule: **[Added 3-5-2019 by Ord. No. 2019.11]**
 - (1) Grandfathered facilities shall submit a written performance-based recycling plan within 30 days of the effective date of this subsection.

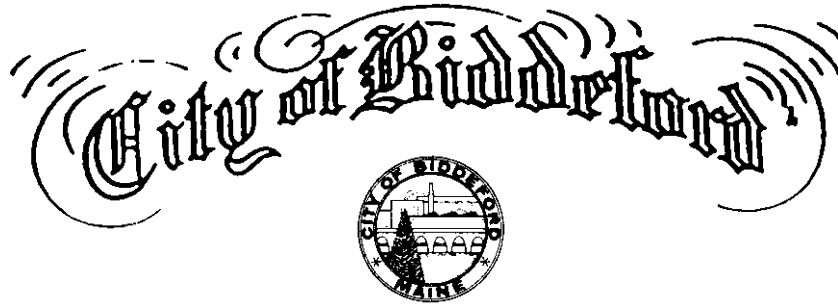


- (2) A written performance-based recycling plan shall be submitted to the Code Enforcement Office. The method of delivery may include plans submitted via email, fax, regular mail or hand delivery.
- (3) The Code Enforcement Office shall identify any deficiencies, in writing, along with a due date for a response/corrective action and may request a plan modification upon failure to provide a performance-based demonstration of compliance.
- (6) Residential property owners shall be issued a Recycling Container and are responsible for compliance with the rules and restrictions for its use including the separation of acceptable recyclable materials as defined in this Chapter 58 (the "Recycling Rules"). Violations are subject to the provisions of Section 58-9.

Sec. 58-9. Penalties.

~~Penalties associated with enforcement shall be waived for a period of three months following the effective date of this chapter to allow for education and awareness.~~

- (1) Any person who violates any portion of this chapter shall be subject to penalties and enforcement as authorized under the provisions of City of Biddeford Ordinance, Sec. 1-12, General penalty for violation of Code; continuing violations. **[Amended 3-5-2019 by Ord. No. 2019.11]**
- (2) In no event does this section limit the City's ability to address a nuisance or take other action for equitable relief.
- (3) Any grandfathered facility that generates two documented violations of Sec. 58-32, Mandatory separation, within any twelve- month period, shall result in the loss of City curbside trash collection and recycling services. **[Added 3-5-2019 by Ord. No. 2019.11]**
- (4) Any unacceptable material placed in the City issued recycling bin for curbside pickup as set forth in the Recycling Rules shall subject the resident to the loss of their recycling privileges subject to the enforcement process set forth in Section 58-10.



Sec. 58-10. Enforcement.

This chapter shall be enforced by the Public Works Department, authorized commercial hauler, and Code Enforcement Office as further described below.

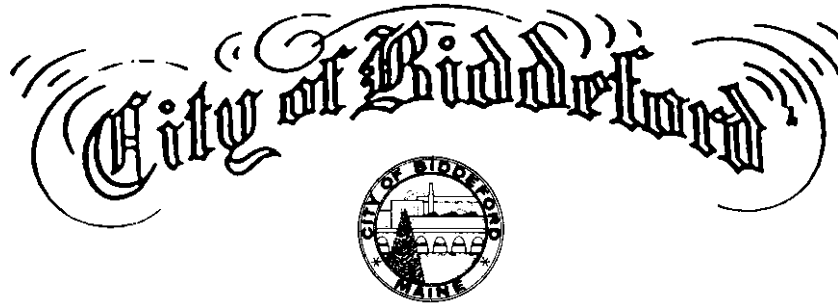
- (1) Any unacceptable material placed in the City issued recycling bin for curbside pickup as set forth in the Recycling Rules shall be subject to the following cumulative enforcement provisions:

(a) Upon the 1st offense within any twelve consecutive month period, the issued recycling container will be removed from the curb and placed on the offender's property. A notice will be placed on the container that outlines the violation, along with a contact number of a Public Works staff member. A member of Department of Public Works will attempt to contact the building owner to arrange for delivery of a brochure that outlines and explains the proper recycling rules. Staff will also advise the property owner of the consequences of further violations.

(b) Upon the 2nd offense within twelve months of the first offense, the recycling tote will be pulled away from the curb and placed back on the offender's property. A tag will be placed on the container that outlines the violation as a second offense. This will also serve as a warning of the potential loss of curbside services if a third infraction occurs within a period of one year.

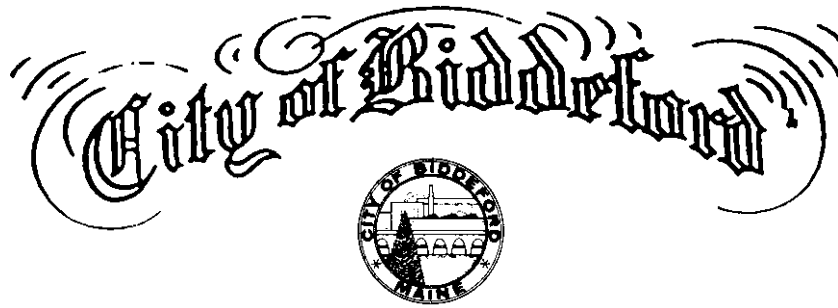
(c) Upon the 3rd offense within twelve months of the second offense the resident shall lose recycling curbside service. Codes Department will be notified to allow enforcement action. Contact will be made to the building owner explaining that they have lost all curbside recycling privileges. City staff will explain other options. If there is a loss of recycling service and privileges, as a result of non-compliance with the Recycling Rules the resident who has loss such privileges will be required to lease a larger solid waste bin as described in Section 58-35 to replace both the recycling and the solid waste receptacles and pay the fee set forth in Section 58-35. Such penalty shall be resident specific, and if the resident at said location changes either due to a change in the tenant or a change in the owner/resident of such property, the new resident shall return the larger solid waste receptacle and be provided with receptacles as set forth in Section 58-35.

~~Sunset provision. Penalties associated with enforcement shall be waived for a period of three months following the date of this chapter to allow for~~



~~education and awareness except as identified in Sec. 58-7(5).~~ **[Amended 3-5-2019 by Ord. No. 2019.11]**

- (2) Upon observation of failure to place only acceptable municipal solid waste in the designated solid waste container ~~or to place only acceptable recyclable materials in the designated recycling container,~~ the receptacle will not be collected and a warning notice shall be placed on the appropriate designated container by the Public Works Department or City-authorized commercial hauler.
- a. The address, date, and nature of the nonconformance shall be forwarded to the Director of Public Works and the Code Enforcement Officer.
 - b. The Director of Public Works and Code Enforcement Officer shall document and review each nonconformance and determine the appropriate enforcement action.
 1. Nonconformance notices corrected prior to the next scheduled collection date shall be closed with no further action except as otherwise identified in Sec. 58-9. **[Amended 3-5-2019 by Ord. No. 2019.11]**
 2. Failure to correct a nonconformance notice prior to the next scheduled collection date or two or more consecutive nonconformance events in any twelve-month period shall warrant direct contact with the property owner and responsible party to document education and outreach, except as otherwise identified in Sec. 58-9. **[Amended 3-5-2019 by Ord. No. 2019.11]**
 3. Nonconformance notices issued after contact and education shall be subject to penalties as per Section 58-9. **[Added 3-5-2019 by Ord. No. 2019.11]**
 4. Enforcement for the performance-based recycling plan requirement and performance-based demonstration of compliances shall commence relative to the applicable timelines specified in Sec. 58-7. **[Added 3-5-2019 by Ord. No. 2019.11]**



- (3) Upon determination by the Code Enforcement Officer that a violation of this chapter exists or has occurred, the Code Enforcement Officer shall give written notice of the violation to the violator, which notice shall specify the section violated, the nature of the violation, and a reasonable time period to cure the violation.
- (4) If a waste hauler is found to be unlicensed, penalties and enforcement shall be in accordance with Section 58-9.



City Council

Meeting Date: October 4, 2022

Meeting Time: 6:00 PM

Agenda Item No: 2022.84

Item Description: Amendment/Ch. 58, Solid Waste, Sec. 58-7. Regulated Activities and Administration/Add Language for Noncompliance of Recycling Program

Submitted by: Jeff Demers Director Public Works/Waste Water; Recycling and Waste Management Commission

Supporting Information/Documentation:

9/27/2022 Draft New Ordinance 58-7 #7

Executive Summary:

The Biddeford Public Works Solid Waste staff along with the Recycling and Waste Management Commission and Casella Inc. has worked diligently over the last three years to try to educate and get residents to recycle properly. It has come to the point of the education phase to start to pull recycling cans of repeat offenders, and discontinue there recycling services. On November 16, 2021 Public works staff brought forward to the city council draft language. It was voted not to move forward with this new policy at that time. It was felt by the majority that staff did not have enough data to show what residents were the major offenders residential units or tenement buildings. Public Works along with the Recycling and Waste Management Commission and Casella Inc. went back to work. Staff and the committee decided to schedule three separate audits. These audits separated the residential units and the tenement units in the recycling program. (Please see attached documents). The recycling team also did education called 'boots on the ground. This education process had each curb side tote inspected and tagged if needed due to contamination of recyclables. Tote was not picked up until resident cleaned up non-recyclable items.

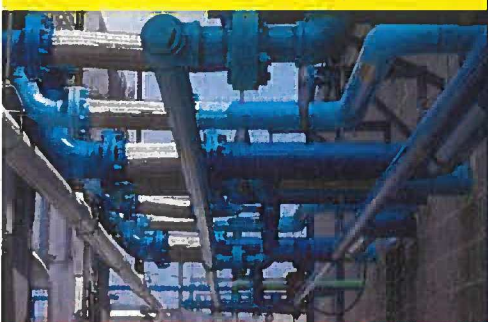
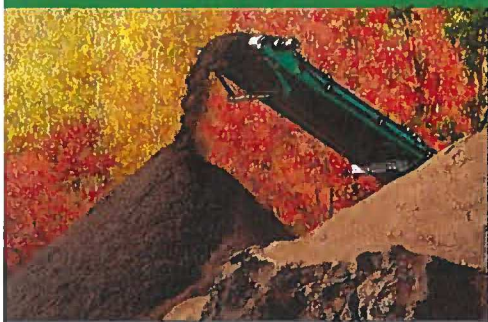
Public works staff along with the Recycling and Waste Management Commission are requesting that the policy committee move forward to the city council the drafted language in Sec. 58-7. Regulated activities and administration.

Funding Source:

N/A

Staff Recommendation:

Pulling the Recycling cans of repeated offenders.



ESTABLISHED 1975

City of Biddeford

Recycling Audits

April 4, 2022 – April 8, 2022

RECYCLING • SOLUTIONS • ORGANICS • COLLECTION • ENERGY • LANDFILLS

City of Biddeford, ME
Automated Zero-sort Collection

Route Day Monday
Audit Performed Monday- 8am

Casella Hours: 7hrs
4/4/2012 Auditors:
4/4/2012 Enn/ Tal/ Matt + Nick/ Jodi

KEY
Sm. Clean IBC (108) 124 78
Lg Dirty IBC (167) 118 96
Blue & Green Carts (28) in table
Metal 2yd (572) 72 64
Metal 2yd (572) 108 130

Sample Size: **Old Pool Road (GOOD)**
464 lbs. 464

	MSW	OBW	Textiles	Bags/Film	Food & Yard Waste	C&D/ Metals
	16	2	12	12	0	0
TOTAL	16	2	12	12	0	0
% each category	3.45%	0.43%	2.59%	2.59%	0.00%	0.00%

Total Contamination 9.05%

Examples of items seen in each category:

MSW:	bagged (plastic) trash & recycling, styrofoam
OBW:	lots of coat hangers
Textiles:	bags of socks
Bags/Film:	dog/ cat food bags, bread bags, sandwich bags
Food & Yard Waste:	
C&D/ Bulky Metals:	

Sample Size: **Hills Beach (BAD)**
442 lbs. 442

	MSW	OBW	Textiles	Bags/Film	Food & Yard Waste	C&D/ Metals
	22	20	22	8	2	0
TOTAL	22.00	20	22	8	2	0
% each category	4.98%	4.52%	4.98%	1.81%	0.45%	0.00%

Total Contamination 16.74%

Examples of items seen in each category:

MSW:	dirty/food soiled containers, candle holders
OBW:	Blinds, Kitchen faucet, tubing, coat hangers
Textiles:	Couch cushion, slippers, sneakers, sandals
Bags/Film:	grocery, pet food, chip bags
Food & Yard Waste:	leaves and branches
C&D/ Bulky Metals:	



City of Biddeford, ME

Automated Zero-sort Collection

Route Day Tuesday
Audit Performed Tuesday- 8am

Casella Hours: 7hrs
4/5/2022 Auditors:
4/5/2022 Erin/ Tal/ Matt + Nick/ Jodi

KEY
Sm. Clean IBC (108)
Lg Dirty IBC (162)
Blue & Green Carts (28)
Metal 2yd (572)
Metal 2yd (572)

Sample Size: **Parkside Rd (GOOD)**
372 lbs

327

	MSW	OBW	Textiles	Bags/Film	Food & Yard Waste	C&D/ Metals
	10	16	2	10	0	0
TOTAL	10	16	2	10	0	0
% each category	2.69%	4.30%	0.54%	2.69%	0.00%	0.00%
Total Contamination	11.62%					

Sample Size: **High Street (BAD)**
500 lbs

500

	MSW	OBW	Textiles	Bags/Film	Food & Yard Waste	C&D/ Metals
	58	40	40	12	0	0
TOTAL	58.00	40	40	12	0	0
% each category	13.12%	9.05%	9.05%	2.71%	0.00%	0.00%
Total Contamination	30.00%					

Examples of items seen in each category:

MSW:	styrofoam, paper plates, paper towels
OBW:	
Textiles:	grill cover, clothing
Bags/Film:	pet food bags, sandwich and chip bags
Food & Yard Waste:	
C&D/ Bulky Metals:	

rec

88
99
34
68

Examples of items seen in each category:

MSW:	styrofoam
OBW:	keurig, blue helmet, plant pots,
Textiles:	bedding set, jackets, gloves
Bags/Film:	pet food bags, sandwich and chip bags
Food & Yard Waste:	
C&D/ Bulky Metals:	



G35

Rec
68
138
62
82



City of Biddeford, ME
Automated Zero-sort Collection

Route Day: Wednesday
Audit Performed: Wednesday- 7am

Casella Hours: 5hrs
4/6/2022 Auditors:
4/6/2022 Erin/ Matt + Nick

KEY		
Sm. Clean IBC (108)	124	78
Lg Dirty IBC (162)	118	96
Blue & Green Carts (28)	in table	
Metal 2yd (572)	72	64
Metal 2yd (572)	108	130

Sample Size: Summer & Harrison (GOOD)
327 lbs. 327

	MSW	OBW	Textiles	Bags/Film	Food & Yard Waste	C&D/ Metals
	6	18	1	8	6	0
	40					
TOTAL	46	18	1	8	6	0
% each category	14.07%	5.50%	0.31%	2.45%	1.83%	0.00%
Total Contamination	24.16%					

Examples of items seen in each category:

MSW:	Bags of trash, styrofoam
OBW:	Wood, dog leashes
Textiles:	socks
Bags/Film:	pet food bags, sandwich and chip bags
Food & Yard Waste:	pizza in box, lettuce in tupperware, full condiment jars/bottles
C&D/ Bulky Metals:	

79
86
74
34
54

Sample Size: Bernard (BAD)
316 lbs. 316

	MSW	OBW	Textiles	Bags/Film	Food & Yard Waste	C&D/ Metals
	16	32	4	12	6	0
TOTAL	16.00	32	4	12	6	0
% each category	5.06%	10.13%	1.27%	3.80%	1.90%	0.00%
Total Contamination	22.15%					

Examples of items seen in each category:

MSW:	bags of trash, styrofoam, liquids
OBW:	Keurig, humidifier, juicer (brand new)
Textiles:	Kids floaties, sneakers, dog collars
Bags/Film:	
Food & Yard Waste:	Full bottles of water
C&D/ Bulky Metals:	

68
130
48
-572



City of Biddeford, ME

Automated Zero-sort Collection

Route Day Thursday
Audit Performed Thursday

Cosella Hours: 6hrs
4/7/2022 Auditors:
4/7/2022 Erin/ Matt & Nick/ Jodi

KEY
Sm. Clean IBC (108)
1g Dirty IBC (162)
Blue & Green Carts (28)
Metal 2yd (572)
Metal 2yd (572)

Sample Size: **Wako Drive (GOOD)**
226 lbs. 226

	MSW	OBW	Textiles	Bags/Film	Food & Yard Waste	C&D/ Metals
	8	8	2	6	0	0
TOTAL	8	8	2	6	0	0
% each category	3.54%	3.54%	0.88%	2.65%	0.00%	0.00%
Total Contamination	10.62%					

Sample Size: **Wentworth St (BAD)**
278 lbs. 278

	MSW	OBW	Textiles	Bags/Film	Food & Yard Waste	C&D/ Metals
	36	22	12	6	6	0
TOTAL	36.00	22	12	6	6	0
% each category	12.95%	7.91%	4.32%	2.16%	2.16%	0.00%
Total Contamination	29.50%					

Examples of items seen in each category:

MSW:	bagger (plastic) bottles, styrofoam
OBW:	wood, electronics
Textiles:	socks, rags
Bags/Film:	soil & fertilizer bags, sandwich/ food bags
Food & Yard Waste:	
C&D/ Bulky Metals:	

62
78
8
54

Examples of items seen in each category:

MSW:	bagged (plastic) trash, diapers, styrofoam
OBW:	knife block, drawer handles
Textiles:	cloth bags, shoes, hats
Bags/Film:	soil & fertilizer bags, chip bags
Food & Yard Waste:	pizza, left overs in wrappers
C&D/ Bulky Metals:	

52
68
22
54

City of Biddeford, ME

Automated Zero-sort Collection

Route Day Friday
Audit Performed Friday

Cosella Hours: 2.5hrs
4/8/2022 Auditors:
4/8/2022 Matt + Nick/ Kaleb

KEY
Sm. Clean IBC (108)
Lg Dirty IBC (162)
Blue & Green Carts (28)
Metal 2yd (572)
Metal 2yd (572)

Sample Size: **Cathedral Oaks (GOOD)**
410 lbs. 410

	MSW	OBW	Textiles	Bags/Film	Food & Yard Waste	C&D/ Metals
	34	14	2	6	0	0
TOTAL	34	14	2	6	0	0
% each category	8.29%	3.41%	0.49%	1.46%	0.00%	0.00%
Total Contamination	13.66%					

Examples of Items seen in each category:

MSW:	bagged trash and bagged recycling, styrofoam
OBW:	
Textiles:	clothes, socks
Bags/Film:	food bags, chip/sandwich bags
Food & Yard Waste:	
C&D/ Bulky Metals:	

100
124
130

Sample Size: **St. Mary's/ Main St. (BAD)**
328 lbs. 328

	MSW	OBW	Textiles	Bags/Film	Food & Yard Waste	C&D/ Metals
	80	6	0	4	0	0
TOTAL	80.00	6	0	4	0	0
% each category	18.10%	1.36%	0.00%	0.90%	0.00%	0.00%
Total Contamination	27.44%					

Examples of Items seen in each category:

MSW:	bag of metal car parts, bags of trash
OBW:	door mats, coffee pot
Textiles:	
Bags/Film:	water case wraps, single use grocery bags
Food & Yard Waste:	
C&D/ Bulky Metals:	

70
82
86



Demers, Jeff

From: Talya Bent <talya.bent@casella.com>
Sent: Tuesday, April 12, 2022 12:57 PM
To: Blais, Nick; Jewett, Dylan; Demers, Jeff
Cc: Matthew Ayres; Erin Banfield; Christopher McHale
Subject: Audit Results/Report
Attachments: Biddeford Audit April 2022.pdf

Hi All-

Attached are the results from the audits last week with photos included. We are missing some photos for Monday/Thursday- Nick, if you have any photos could you please share them with me so that I can add them? Now that audits are complete, I'd be happy to set up some time to discuss the results and to create a plan going forward with tagging and education/communication to residents.

Let me know if you have any questions on this.

Thank you,

Talya Bent

Municipal Account Representative

110 Main Street, Suite 1308, Saco, ME 04072

c. (603) 327-9098 e. talya.bent@casella.com w. casella.com

CASELLA WASTE SYSTEMS, INC.

ZERO-SORT® RECYCLING | COLLECTION | ORGANICS | ENERGY | LANDFILLS

Learn more at casella.com

CONFIDENTIALITY NOTICE The information contained in this communication is confidential, may constitute inside information, may be attorney-client privileged and is intended only for the use of the named recipient. If the reader of this e-mail message is not the intended recipient, or the employee or agent responsible for delivery of the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this e-mail in error, please notify the sender immediately by telephone at +1 800-292-0297.



City Council

Meeting Date: October 4, 2022

Meeting Time: 6:00 pm

Agenda Item No: 9.c.

Item Description: 2022.85) Acceptance/South Side Jetty Maintenance Plan & Coastal Impacts Assessment - RESOLUTION

Submitted by: Christine Ohman, Grants Coordinator

Supporting Information/Documentation:

Resolution

Key Terms:

N/A

Executive Summary:

As a first step in evaluating the south side jetty at the mouth of the Saco River, the attached resolution is intended to start a multi-year multi-step process associated with requesting the US Army Corp of Engineers to perform an assessment of the south side jetty and prepare and implement a maintenance plan to restore the jetty.

Additionally, the impact of projects around the south side jetty and their associated impact(s) on Hills Beach and Biddeford Pool has not been fully evaluated. Local organizations and community groups are contemplating private studies to assist with homeowner-level climate change and coastal impact decision-making. The resolution further asks the City Council to consider becoming an active stakeholder in the process, encourage the US Army Corp of Engineers to perform an evaluation of coastal impacts of the south side jetty and develop mitigation strategies as well as asking the agency to considering appropriate studies and evaluations prepared by public and private entities as part of the US Army Corp of Engineers' study. Considering all available data is anticipated to create a comprehensive report of known data at the time the report is prepared assisting the City and residents in making decisions based on current and comprehensive data.

Detailed Review:

Overarching Project:

The purpose of this project is to gain a clear understanding of how wave and oceanic conditions have impacted, and will continue to impact, properties and municipal infrastructure along Hills Beach and Biddeford Pool and to utilize that information to develop coastal resiliency strategies and tactics to mitigate future environmental, structural, and economic impacts on the community.

Further, the north and south jetties located at the mouth of the Saco River potentially contribute to and/or impact erosion occurring at Hills Beach and Biddeford Pool properties and municipal infrastructure. The jetties were built and are maintained by the US Army Corps of Engineers (USACE). Over the past ten years, USACE as has spent millions in federal funding to conduct erosion impact studies, structural assessments, and mitigation implementation planning for the north jetty to reduce its impact on Camp Ellis. There is very little information on how the planned implementation projects could potentially impact coastal areas south of the north jetty once completed. Conversely, the south jetty and its effect on Hills Beach and Biddeford Pool has received little consideration in USACE's assessments to date. USACE's justification for its focus on the north jetty is the significant loss of homes and several public streets over the course of the last 40 years. The goal is to have USACE start the process of conducting a comprehensive review of the condition of the south jetty, prepare a maintenance plan and implement the maintenance plan, and prepare an evaluation of coastal impacts and develop mitigation strategies.

As discussed in USACE reports, the jetties have contributed to changing the characteristics of the coastal beach and dunes located in communities above and below the mouth of the Saco River. Sea level rise, warming oceans, and the severity of storms is also playing a significant role in coastal erosion and flooding. Residents of Hills Beach and Biddeford Pool are deeply concerned about the structural and economic impact of managing erosion and storm damage at their properties. Community members are seeking information on how to best plan for and mitigate future impacts as the climate continues to change over time. As such, Biddeford Coastal Preservation intends to work with Woods Hole Group to conduct a Coastal Process Analysis and Adaptation Alternatives study that will inform coastal erosion and mitigation planning for residential and municipal purposes. From a municipal perspective, ensuring that the public has uninterrupted access to water and sewer, public safety systems, and transportation infrastructure at reasonable cost to the greater community is a top priority.

Proposed Project Activities and Outcomes:

This project seeks to:

1. Develop a Council Resolution that identifies this project as a high priority problem to be solved and provide policy direction;
2. Produce a letter from municipal leadership to formally request USACE to:
 - a. Immediately survey existing conditions at the south jetty, develop a maintenance plan and schedule maintenance work to bring the jetty and navigation tower back into good repair;
 - b. Study the broader impact of the south jetty and how it may contribute to coastal erosion to ensure future mitigation strategies and tactics are reasonable and achievable;
 - c. Request information on how planned implementation projects on the north jetty are anticipated to impact areas south of the project site;
 - d. Participate in coastal impact mitigation planning with various state and federal agencies.

3. Consider joining Biddeford Coastal Preservation as a stakeholder and appropriate municipal funds to help cost share hiring Woods Hole Group to conduct a Coastal Process Analysis and Adaptation Alternatives study that will inform coastal erosion mitigation planning at the residential and municipal levels once the scope of work is defined and funding levels are known;
4. Integrate appropriate coastal mitigation strategies and tactics into Biddeford's Comprehensive Plan and Climate Action Plan;
5. Share information via municipal media resources to ensure the public has access to the latest information.

List of Stakeholders:

From a municipal perspective, the following committees are identified as stakeholders for this project:

Biddeford Climate Action Committee
Biddeford Comprehensive Plan Committee

From a regional planning group perspective the stakeholders are:

Southern Maine Regional Planning and Development Commission (coastal resilience strategies and tactics)

- o Climate Action Planning Regional Co-hort
- o Seal Level Adaptation Working Group
- o Coastal Hazard Resiliency Tools Project

York County Soil and Water Conservation District (watershed management planning and implementation)

From a citizen's group perspective the stakeholders are:

Biddeford Coastal Preservation Coalition (lead coastal preservation group)
Hills Beach Association (social networking group)
Biddeford Pool Improvement Association (community group)

From a state organization perspective the stakeholders are:

Maine DEP
Maine Geological Survey
Maine Coastal Program

From a federal organization perspective the stakeholders are:

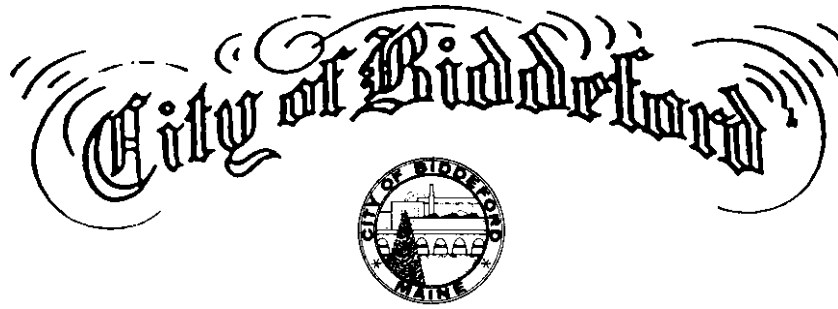
US Army Corps of Engineers

Funding Source:

No funding commitment at this time.

Staff Recommendation:

Endorse the resolution and proceed with letter of request to US Army Corps of Engineers.



2022.85

IN BOARD OF CITY COUNCIL...OCTOBER 4, 2022

A Resolution of the Biddeford City Council

WHEREAS, the Biddeford City Council has adopted the Climate Action Plan and is working towards adopting climate action items to improve coastal resiliency in the wake of changing weather patterns; and

WHEREAS, The City of Biddeford intends to include coastal resiliency action items in Biddeford's Climate Action Plan; and

WHEREAS, the Hills Beach and Biddeford Pool communities are experiencing significant erosion impacts from coastal storms at an increased frequency; and

WHEREAS, the south side jetty at the mouth of the Saco River is in poor condition and requires immediate attention and maintenance by USACE; and

WHEREAS, the north side jetty at the mouth of the Saco River received significant resources from state and federal agencies to study its impact on Camp Ellis's erosion challenges; and

WHEREAS, the south side jetty has not received similar federal attention or study to determine its impact on the Hills Beach and Biddeford Pool communities; and

WHEREAS, the Biddeford City Council only has access to limited federal studies and believes utilizing the results of private studies alone to define the south jetty impacts and coastal erosion mitigation plans without peer review is not an appropriate basis for decision-making; and

WHEREAS, the sharing of pertinent information identified in existing and future studies within a consolidated assessment report may provide the City Council and assigned committees as well as property owners with key information needed to make informed municipal and homeowner-level coastal resilience decisions to reduce erosion impacts; and

WHEREAS, USACE has the obligation and technical and financial resources to coordinate such activities needed to fully restore the south side jetty;

NOW THEREFORE, BE IT RESOLVED, that the Biddeford City Council resolves to support a south jetty study and repair project and address the impacts of climate change at Hills Beach and Biddeford Pool through the following seven actions:

1. Consider the results of public and private studies to define erosion mitigation plans; and
2. Evaluate and consider providing support to the Hills Beach and Biddeford Pool communities with staff resources needed to shepherd this project through to completion; and
3. Consider participating in Biddeford Coastal Preservation's Coastal Process Analysis and Adaptation Alternatives study as a stakeholder with local financial resources to help cost share the study at a future date once the scope and funding level is known; and
4. Serve as a clearing house to share pertinent information such studies may provide to the public so that property owners may make informed coastal resilience decisions to reduce erosion impacts on their properties; and
5. Include appropriate coastal resiliency action items in Biddeford's Climate Action Plan; and
6. Immediately request USACE to survey and outline a maintenance plan and schedule to fully restore the south side jetty; and
7. Immediately request USACE to initiate and fund a study of the potential erosion impacts of the south side jetty on the Hills Beach and Biddeford Pool communities; and
8. Request USACE consider the results of available and appropriate public and private Hills Beach and Biddeford Pool surveys and studies in its study of the potential erosion impacts of the south side jetty to create a central report on erosion mitigation options for the study area.