

City of Biddeford
City Council
September 17, 2019 6:00 PM Council Chambers

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Recognition:**
 - 4.a. 50th Anniversary of Fiber Materials, Inc.
- 5. Proclamation:**
 - 5.a. United States Constitution Week
[9-17-2019 Proc - Constitution Week.pdf](#)
- 6. Appointment:**
 - 6.a. MMA Annual Business Meeting - Voting Delegate
[9-17-2019 MMA Voting Delegate Credentials.pdf](#)
[9-17-2019 MMA Annual Business Meeting Agenda.pdf](#)
- 7. Consideration of Minutes:**
 - 7.a. September 3, 2019 Council Meeting Minutes
[9-03-2019 Council Meeting Minutes.docx](#)
- 8. Orders of the Day:**
 - 8.a. 2019.98) Approval/Year 1 - 2018 Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Dept. of Housing and Urban Development
[9-17-2019 CDBG - CAPER - ORDER.docx](#)
[9-17-2019 CDBG - CAPER Memo.doc](#)
[9-17-2019 CDBG - CAPER Year 1 Report.doc](#)
 - 8.b. 2019.99) Approval/Federal Grant Contract Purchasing Policy
[9-17-19 Federal Grant Contract Purchasing Policy-ORDER.doc](#)
[9-17-2019 Federal Grant Contract Purchasing-MEMO.docx](#)
[9-17-2019 Federal Grant Contract Purchasing Policy-POLICY.docx](#)
 - 8.c. 2019.100) Approval/Contract Zone Endorsement/York County Judicial Center
[9-17-2019 Endorsement-Contract Zone #18-Judicial Center.docx](#)
[9-17-2019 YC Judicial Center Contract Zone-MEMO.pdf](#)
[9-17-2019 Request Letter-York Judicial Ctr.pdf](#)
[9-17-2019 York County Judicial Center-MAP.pdf](#)
[9-17-2019 York County Judicial Center-SURVEY.pdf](#)
 - 8.d. 2019.101) Adoption of 2019/2020 General Assistance Maximums
[9-17-2019 Adoption-GA Maximums for 2019-2020-ORDER.docx](#)
[9-17-2019 Adoption Form-GA Maximums.docx](#)
[9-17-2019 GA Maximums Summary Sheet.doc](#)
 - 8.e. 2019.102) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Evans Road @ Intersection with Lester B. Orcutt Blvd
[9-17-2019 No Parking Evans Road.doc](#)

- 8.f. 2019.103) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-89-Stop intersections/Add on Evans Road @ Lester B. Orcutt Blvd
[9-17-2019 Stop Intersection Evans Road.doc](#)
- 8.g. 2019.104) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-96-Three-way stop streets/Add on Lester B. Orcutt Blvd @ Mile Stretch Road; and Delete on Lester B. Orcutt Blvd @ First Street
[9-17-2019 Three-way Stop at Lester Orcutt Blvd.doc](#)
- 8.h. 2019.105) Authorization/Preparation and Execution of Joint Development Agreement with Treadwell Franklin Infrastructure Capital Partners/James W. Sewall Co.
[9-17-2019 Parking Garage JDA Authorization Parameters-ORDER.docx](#)
[9-17-2019 Parking Garage - TFIC JDA Support Materials Reference.docx](#)
- 9. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
- 10. City Manager Report**
- 11. Other Business**
- 12. Council President Addressing the Council**
- 13. Mayor Addressing the Council**
- 14. Adjourn**

Constitution Week Proclamation

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law;

and WHEREAS: September 17, 2019, marks the two hundred and thirty-second anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention;

and WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it;

and WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Alan Casavant by virtue of the authority vested in me as Mayor in the City of Biddeford in the State of Maine do hereby proclaim the week of September 17 through 23 as CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 17th day of September of the year of our Lord two thousand nineteen.

Signed Alan Casavant

SEAL Attest Carmen J. Morin



MAINE MUNICIPAL ASSOCIATION

VOTING DELEGATE CREDENTIALS

_____ is hereby designated as the official Voting Delegate and
(name)
_____ as the alternate voting delegate for _____
(name) (municipality)
to the Maine Municipal Association Annual Business Meeting which is scheduled to be held,
Wednesday, October 2, 2019, 1:45 p.m., at the Cross Insurance Center, Bangor, Maine.

The Voting Delegate Credentials may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ Municipality: _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Name: _____ Position: _____

Or Signed by a Majority of Municipal Officers:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please return this form no later than **Tuesday, October 1, 2019** or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

***MMA Annual Business Meeting
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: 207-626-3358***

**Maine Municipal Association
Annual Business Meeting
Wednesday, October 2, 2019
1:45 – 2:45 p.m.
Cross Insurance Center, Bangor
Ballroom 6**

AGENDA

1. **Introductions and Welcoming Remarks** – MMA President Mary Sabins
(Town Manager, Town of Vassalboro)
2. **Approval of 2018 MMA Annual Business Meeting Minutes** – Mary Sabins
3. **Introduction of New Executive Committee Members** – Mary Sabins
4. **MMA President's Report** – Mary Sabins
5. **Executive Director's Report** – Stephen Gove, MMA Executive Director
6. **Other Business** (*comments from the floor*)
7. **Adjournment**

**COUNCIL MEETING
SEPTEMBER 3, 2019**

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

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

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

There were no adjustments to the agenda.

Update: Heart of Biddeford and Engine – Upcoming Events

Delilah Poupore, Heart of Biddeford Director and Tammy Ackerman, Engine Director gave an update on upcoming events which are sponsored and organized by Heart of Biddeford and Engine, including Fringe Fest and River Jam coming up on September 20th and 21st, respectively. Fringe Fest is the official kick-off of River Jam and takes place Friday night right on Main Street, between Washington and Alfred Streets. River Jam will take place on Saturday at Mechanics Park and will include a 5K Race, a Dash to the Sea kayak race, a Makers Market, 5 different bands throughout the day, food trucks and more.

Delilah and Tammy then expounded on the benefits that both Heart of Biddeford and Engine offer to the City, our citizens and visitors. Both organizations focus on community building and sponsoring and organizing events for people of ages.

Consideration of Minutes: August 20, 2019

Motion by Councilor McCurry, 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 August 20, 2019}

**2019.90) Amendment/Land Development Regulations/Art. XIV-Shoreland Zoning/
Sec. 15. Land Use Standards/Essential Services**

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

Motion by Councilor Swanton, seconded by Councilor Quattrone to table the ordinance amendment, and direct Staff to work on a more specific definition of “*Essential Services*” in the Land Development Regulations, Article II-Definitions.

Vote: 3/6; Councilors Swanton, Lessard and Quattrone in favor.

Councilors McCurry, St. Cyr, Clearwater, Belanger, Ready and Seaver opposed.

Amendment fails.

Vote: 7/2; Councilors Swanton and Quattrone opposed.

Councilors McCurry, St. Cyr, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

Orders of the Day:

2019.54

IN BOARD OF CITY COUNCIL...JUNE 4, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute the necessary documents to transfer the land and building at Map 55, Lot 51 (Hills Beach Fire Station) to the Hills Beach Association or other legal entity created by the Association for said purpose. Said documents shall include the requirement that the property cannot be transferred to any other entity without consent of the City of Biddeford and that the land and building shall revert back to the City should the Hills Beach Association **or the legal entity created by the Hills Beach Association for said purpose** cease to exist.

Motion by Councilor Belanger, seconded by Councilor Ready to remove the order from the table.

Vote: 8/1; Councilor McCurry opposed.

Councilors Swanton, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

Motion by Councilor Seaver, seconded by Councilor Lessard to table the order.

Vote: 4/5; Councilors Seaver, Lessard, Quattrone and McCurry in favor.

Councilors Swanton, St. Cyr, Clearwater, Belanger and Ready opposed.

Motion to table fails.

Motion by Councilor Clearwater, seconded by Councilor Ready to amend the order by specifying what “said purpose” is, as stated in the first sentence; namely, ***a Community Center and/or Community Meeting Space, which also shall be available to all Biddeford residents for twice the rate paid by members of the Hills Beach Association for such rentals.***

Vote: 6/3; Councilors McCurry, Quattrone and Lessard opposed.

Councilors Swanton, St. Cyr, Clearwater, Belanger, Ready and Seaver in favor.

Amendment carries.

Vote on order, as amended: 4/5; Councilors Belanger, Clearwater, Swanton and Ready in favor.

Councilors McCurry, St. Cyr, Quattrone, Seaver and Lessard opposed.

Vote on Order fails.

2019.96

IN BOARD OF CITY COUNCIL...SEPTEMBER 3, 2019

BE IT ORDERED, that the City Manager be authorized to purchase a Roll-off truck as per bid on August 23, 2019 (the “Equipment”) from Freightliner of Maine (the “Vendor”) and may pay the Vendor an amount not to exceed \$191,665.00 (before discounts valued at \$90,000.00) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$191,665.00
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$191,665.00 (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

BE IT FURTHER RESOLVED that the City Council of the City of Biddeford authorizes the Finance Director to use lease proceeds from the trade-in amount of \$90,000 to pay-off the lease on the traded in roll-off truck held by Suntrust in the amount of approximately \$62,385.56, with the exact amount to be determined at the time of pay-off to account for daily interest accruals.

NOTE: The Finance Committee will review this item on September 3, 2019 and vote to recommend it to City Council for approval. The purchase of this truck is included in the FY20 CIP budget line 21204-60303 as a lease.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the order.
Vote: 8/1; Councilor Swanton opposed.
Councilors McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor.
Motion carries.

2019.97 **IN BOARD OF CITY COUNCIL..SEPTEMBER 3, 2019**
BE IT ORDAINED by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

WHEREAS, the City Council currently is evaluating whether to construct a municipal parking facility in Downtown Biddeford; and

WHEREAS, the City Council recently authorized the hiring of a Parking Consultant to review and make recommendations specific to the overall parking program; and

WHEREAS, the City Council anticipates that after further discussion and deliberation, the City Council will determine whether to construct a municipal parking garage; and

WHEREAS, the City Council needs more time to review the parking reduction (waiver) provisions as they relate to the potential development of a municipal parking facility and the overall parking program; and

WHEREAS, an emergency amendment to Section 49 of the Performance Standards of the Biddeford Land Use Ordinance is necessary to manage the potential impact and/or overburdening of the reduction (waiver) of parking requirements on public parking while a decision is made regarding a public parking facility; and

WHEREAS, it is anticipated that a decision regarding a public parking facility and the impact of parking reductions (waivers) on public parking may take up to one hundred eighty (180) days from the enactment of the amendments to this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Biddeford, that the following amendments to the City of Biddeford's off street parking requirements be and hereby are enacted. The amendments to this Ordinance shall remain in effect for one hundred and eighty (180) days or until repealed by the City Council whichever occurs first. Should any section or provision of this Ordinance as amended be declared by any Court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Part III (Land Development Regulations), Article VI (Performance Standards), Section 49 (Off-street parking and loading) be amended as follows:

A. General.

11. Main Street Revitalization Districts and W-2 Zone parking requirements—General. (None of A1-A10 of this section applies to MSRD Zones or the W-2 Zone, and any requirement under Article VI (Performance Standards), Section 49 (Offstreet parking and loading) may be waived by the Planning Board upon request of an applicant. The applicant must demonstrate that the waiver request is necessary due to existing conditions, ~~and~~ would serve a useful purpose, and satisfies the criteria in Section C.3(k) of this Article).

C. Parking lot design criteria (not applicable to single-family dwellings and duplexes).

3. Parking.

- (k) Parking spaces shall be provided to conform to the number required in the following schedule. Where a proposed use does not fall clearly into one of the listed activities, the Board shall determine the activity, which most closely resembles the proposed use, and the proposed use shall comply with the parking standards of that category.

- (1) The Planning Board may reduce (waive) the off-street requirements of proposals for non-residential uses in the MSRD Zones and the W-2 Zone:

- a. Where legal on-street parking is located within 1,000 feet of a nonresidential use and the Board determines that this parking will be available to meet some or all of the parking demand.
- b. Where publicly supplied off-street parking is located within 500 feet of a nonresidential use and the Board determines that this parking will be safe, convenient, and available to meet some or all of the parking demand.
- c. Where it is clearly demonstrated that the parking demand will be lower than that established by this section and that the reduction will not detract from neighborhood property values, inconvenience the public, or increase congestion on adjacent streets.
- d. For the reuse or redevelopment of a parcel if the Planning Board determines that the new use will not significantly increase the demand for parking compared to the former use.
- e. If the Planning Board determines that the demand for parking will be less than the standard because some customers/users will walk or take alternative transportation to the site.

In these cases, the owner of the property seeking the reduction or his/her representative shall be responsible for providing documentation to the Planning Board substantiating the reduced parking demand or alternative supply.

- (2) The Planning Board may reduce (waive) the off-street requirements of proposals for new or expanded residential uses in the MSRD Zones and the W-2 Zone provided that any such reductions or waivers are then approved by the City Council.

- a. ~~A proposed project secures municipal or private parking in existing or future facilities where the applicant can demonstrate a contractual agreement is in place for a minimum of one (1) year to meet the parking requirements. This purchase can be transferred within existing or future parking lots.~~
- b. ~~Pay to the City of Biddeford a parking modification fee at a rate to be determined by the City Council to be used to improve parking or related facilities in Downtown Biddeford.~~
- c. ~~A mix of both a. and b. acceptable to the Planning Board.~~
- d. ~~In any case, the failure to pay for or cancellation of leased space will void any prior approvals unless the owner, or assignee, can demonstrate an alternative parking source or a reduction in said demand. Any project receiving a waiver in the requirement to provide off-street (on-site) parking shall be required to annually no later than January 15 of any calendar year provide evidence that the required parking remains secured in accordance with this Ordinance and the Planning Board approval.~~

- (3) In applying or modifying the parking standards for any proposed use, the Planning Board shall consider:

- a. No portion of any lot which is used to satisfy the front yard requirements of this ordinance shall be used for parking for any commercial or industrial use.
- b. Parking spaces shall be sufficient to accommodate the nonresidential use during a typical week.
- c. The likelihood of people walking or bicycling to the proposed use and the number of bicycle racks proposed. The Board shall consider any plan by the applicant to make the site more appealing for pedestrians and bicyclists.
- d. The size of the structure and the site.
- e. The environmental, scenic, or historic sensitivity of the site (including applicable limitations on impermeable surfaces). In cases where sufficient area for parking cannot be created on the site without disturbance to these resource values, the board may require a reduction in the size of the structure so that the available parking will be sufficient.
- f. The availability of on-street parking.

- g. Availability of off-site off-street parking that is open to the public, owner or controlled by the applicant, or available on a shared unit basis. Availability of accessible satellite parking shall also be considered.
 - h. Accessibility to public transit facilities such as public bus stations or routes, or scheduled bus services to the site.
 - i. Other standards used in generally accepted traffic engineering and planning manuals.
- (3) Parking requirements for residential and related uses. These requirements may be waived for applications that involve dwelling units with less than 1,000 square feet of floor area, senior citizen housing, single bedroom dwelling units, efficiency dwelling units and studio apartments. These requirements may also be waived if the applicant can demonstrate that all required parking can be accommodated through mixed use development, shared parking or other situations deemed acceptable. Any such waivers must also satisfy the criteria in Section C.3.(k)(2) of this Article.

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

Motion by Councilor Belanger, seconded by Councilor Clearwater to table the ordinance amendment.

Vote: 6/3; Councilors Lessard, McCurry and Quattrone opposed.

Councilors Swanton, St. Cyr, Clearwater, Belanger, Ready and Seaver in favor.

Motion to table carries.

Motion by Councilor Belanger, seconded by Councilor Clearwater to implement a 120-day moratorium on parking waivers in the MSRD Zones and the W-2 Zone; and ask that the Planning Board set a fee schedule for waivers and penalties.

Motion was withdrawn.

Motion by Councilor Belanger, seconded by Councilor Clearwater to remove the ordinance amendment from the table.

Vote: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Clearwater to amend the ordinance amendment by eliminating on page 3, subparagraphs a through d of subsection (2) and adding at the end of subsection (2) after the words “provided that” the following: “any such reductions or waivers are then approved by the City Council.”.

Vote: Unanimous.

Vote on ordinance amendment, as amended: 8/1; Councilor Quattrone opposed.

Councilors Swanton, McCurry, St. Cyr, Clearwater, Belanger, Ready, Seaver and Lessard in favor. Motion carries.

Motion by Councilor McCurry, seconded by Councilor Clearwater to suspend the rules to allow for an immediate second reading and the emergency passage of this ordinance amendment, with the reason being that the City is no longer giving away parking.

Vote: Unanimous.

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

Vote: Unanimous.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
There were no public comments.

City Manager Report:

City Manager, James Bennett, had the following items:

- (1) The State recently informed the City that we would be receiving \$4,848.98, which is our share of FEMA declaration for the Halloween 2017 wind storm.
- (2) The City has entered into an Agreement with the Turnpike Authority where they will take over ownership of the traffic lights at the Turnpike exit, as well as be able to interact with five of the traffic lights on Route 111. The reason for this take over of ownership is to

improve the traffic issues on the Route 111 corridor, especially during peak hours; and to ultimately address the traffic backup on the Turnpike until the Turnpike Authority can develop another exit access to assist in alleviating traffic congestion.

- (3) Biddeford was one of the first communities to join in a nationally litigation against the Opioid companies. The firm that we are working with has kept the City updated and it appears that the litigation is going favorably for the communities.
- (4) The spreadsheet that had been provided during last week's Council Workshop on the parking garage has been corrected. Specifically, the ten year net difference in projected property tax revenue estimated to come back to the City had originally been mid-coded on the spreadsheet. If the garage is built, \$40 million in revenue is expected, with no property tax exposure.

Other Business:

Councilor Lessard: stated that he expects the Hills Beach Association request may very well come back before the Council and he asked the City Manager to obtain "opinions of value" to determine the actual value of the property where the Hills Beach Volunteer Fire Department building is located.

Councilor Swanton: announced that Saturday, Sept. 14th between 8:00am and noon, the Recycling Facility will be closed due to Biddeford hosting Hazardous Waste Day.

Councilor Clearwater: announced that on Wednesday, Sept. 11th, she is hosting the 2nd Annual Plogging event in the City. She asked that all interested folks meet at Banded Brewing at 6:00pm. From there, "Ploggers" will run/walk through the downtown picking up trash and debris.

She has been contacted by a few constituents about the crosswalks throughout the downtown; and she agrees that the crosswalks need to be made more noticeable to passing traffic.

Council President Addressing the Council: Councilor McCurry agrees with Councilor Lessard's request for property value information for the Hills Beach Volunteer Fire Department building.

He commended the Biddeford Middle School students who participated in a day of service and worked to clean up the downtown.

Mayor Addressing the Council: Mayor Casavant agrees with Councilor Clearwater that the crosswalks need to be more clearly marked, and he will touch base with the Police Chief about what can be done.

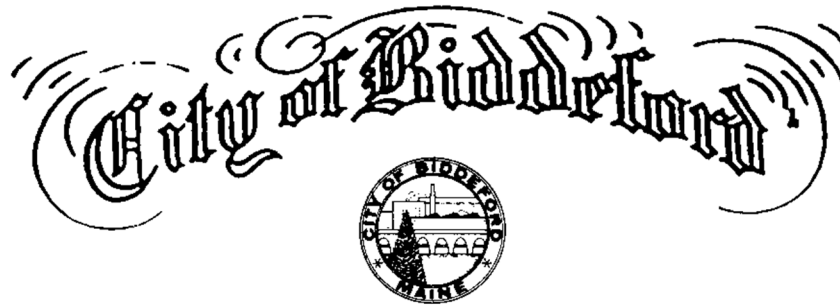
He congratulated Roger Chretien on his recent retirement from the barber shop he has owned and operated for many years in downtown Biddeford.

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

Vote: Unanimous.

Time: 8:09 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



2019.98

IN BOARD OF CITY COUNCIL..SEPTEMBER 17, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve and recommend the submittal of the Year 1 – 2018 Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development.



CITY OF BIDDEFORD, MAINE
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

**TO: Mayor Alan Casavant
James A. Bennett, City Manager
Mathew Eddy, Director Community & Economic Development
City Council Members
CAC Members**

FROM: Linda Waters, Community Development Coordinator

DATE: September 9th, 2019

**SUBJECT: CDBG – Year 1 Consolidated Annual Performance and Evaluation
Report (CAPER).**

RECOMMENDATION: Approval and Recommendation to Submit the Year 1 - 2018 CAPER to the U.S. Department of Housing and Urban Development.

Please find attached the Final Draft of the Year 1 Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER report covers our Entitlement Program from July 1, 2018 to June 30th, 2019 and is a requirement of HUD. It documents our CDBG activities for the program year and the amount of funding spent and carried over to the new program year. Only after City Council approval is the CAPER submitted to HUD. I will be presenting a short presentation at the Council Meeting on Tuesday, September 17th if requested. A required Public Hearing was held on August 27th, at 5:30 P.M. at City Hall in the Second Floor Conference Room. No one attended. A 15-day comment period was implemented. No input or comments were received. Some sections of the CAPER are duplicated from one report to the next due to some repetition in the nature of the questions asked by HUD. The additional information in these sections is currently being prepared and does not affect the overall report in content.

If you have any comments, questions or would like more information regarding the CAPER and/or CDBG activities please feel free to call me at your convenience at 284-9105 or email at Linda.Waters@biddefordmaine.org. Thank you.

Sincerely,

Linda M. Waters
Community Development Coordinator

Final DRAFT 9/19



CITY OF BIDDEFORD, MAINE

Consolidated Annual Performance and Evaluation Report

Year 1

July 1, 2018 – June 30, 2019

**U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT
ENTITLEMENT PROGRAM**



The following is the required annual report submitted to the U.S. Department of Housing and Urban Development on what was accomplished in Year 1 of our current Five Year Consolidated Plan. I have included the City's Entitlement Mission Statement, and Priorities, Objectives and Actions that are targeted yearly to meet the City's goals in the program.

The City's Entitlement Mission Statement is as follows:

"To create a Strategic Plan for the next five years that continues to enhance the community and economic development of the City of Biddeford through targeted public facility and infrastructure improvements, social services, housing, economic development projects, and activities that benefit residents, including low to moderate income persons and special needs population groups."

Objectives and Outcomes

The following are the priorities, objectives and outcomes for the Consolidated 5 Year Plan that began on July 1st, 2018. These priorities, objectives and outcomes are also part of each individual year's Action Plan. Detailed projects and programs for each of the five years are developed and prioritized from this list. Priorities are listed in the order in which they rank (highest Priority #1, etc.) Each is also addressed within narrative of the Consolidated Plan and are part of the multifaceted approach to continue to address the City's issues. It should be noted that although Infrastructure is Priority 1, Priority 2 which is Housing, is to be funded equally with Infrastructure.

INFRASTRUCTURE

Priority 1 - To eliminate slum and blight in the downtown area through infrastructure and public facilities improvements that benefit LMI neighborhoods.

HUD OBJECTIVE – CREATING A SUITABLE LIVING ENVIRONMENT

Outcome – Improving sustainability by promoting viable communities

Objective 1 - Increase access and provide public facilities that provide for the health and safety of residents in LMI neighborhoods.

- Actions:
1. Implement sidewalk and other street improvements, ADA projects and beautification projects in LMI neighborhoods for safe and adequate access to services and facilities.
 2. Implement park, trail and walkway developments in LMI neighborhoods for safe and adequate recreation needs through acquisition, demolition and redevelopment.

ECONOMIC DEVELOPMENT

HUD OBJECTIVE – CREATING ECONOMIC OPPORTUNITIES

Outcome – Improving sustainability by promoting viable communities

Objective 2 - Increase business attraction to promote job creation

Actions: 1. Provide loan/grant assistance to commercial property owners and businesses through a Downtown Micro Loan Program.

HOUSING

Priority 2 - To provide a strategy to meet the increasing need for transitional to affordable and supportive housing.

HUD OBJECTIVE – PROVIDING DECENT HOUSING

Outcome – Improving availability or accessibility of units

Objective 1 - Increase the supply of safe and adequate affordable housing for low to moderate-income persons.

- Actions:
1. Consider making the City's "surplus" and/or tax acquired real estate available for the development of affordable housing.
 3. In partnership with other public/private parties, explore the adaptive re-use and redevelopment of non-residential properties, e.g. mills, churches, etc. into affordable housing.
 4. Consider and implement when feasible combinations of housing and community space that support LMI neighborhoods and enhance opportunities for housing occupants.

Objective 2 - Preserve and upgrade the City's housing stock serving low to moderate income persons.

- Actions:
2. Consider acquisition and demolition of blighted properties for construction of new housing when applicable.
 5. Undertake a systematic and concentrated program of code enforcement to ensure life safety standards are met and to prevent blighting influences on neighborhoods.
 6. Encourage participation by landlords in the Biddeford Landlords Association and encourage partnerships that provide resources for landlords and tenants.

Objective 3 - Increase opportunities for homeownership for low and moderate income persons.

- Actions: 1. Consider a partnership with other public/private organizations to pool resources to help finance home ownership, e.g. down payments, loan assistance, mortgage interest rate write-downs, and other financing mechanisms.

SOCIAL SERVICES

Priority 3 - Provide educational and work opportunities for homeless and low to moderate income persons, and special needs populations that provide avenues to obtain jobs and/or better paying work opportunities.

HUD OBJECTIVE – CREATING ECONOMIC OPPORTUNITIES

Outcome – Improving availability or accessibility of units or services

Objective 1 - Increase the economic prosperity of homeless and low to moderate income persons, and special needs populations, and their ability to afford housing, and health and safety amenities by providing work opportunities and partnerships that provide housing and housing services.

- Actions: 1. Provide opportunities for homeless and low to moderate income persons, and special needs populations to participate in work force preparedness and financial management programs that enhance their ability to have access to affordable housing.
2. Provide child care and youth programs that increase the opportunity for homeless and low to moderate income persons, and special needs populations to attend educational and training programs, while providing enrichment programs for youths of all ages.
3. Link local programs to secondary education and training that would be the "next step" for low to moderate income persons, homeless and special needs populations, and implement training and educational programs for these populations.

Priority 4 - Implement strategies to aid the elderly and special needs populations with access to information and services to increase health and safety and reduce reliance on the City's overburdened Health and Welfare Department that can only provide minimal assistance.

HUD OBJECTIVE – CREATING A SUITABLE LIVING ENVIRONMENT

Outcome – Improving availability or accessibility of units or services

Objective 1 - Improve the health and safety of the elderly and special needs populations.

Actions: 1. Provide and coordinate programs that outreach to the elderly and enable the elderly to access assistance that enhances their quality of life.

Priority 5 - To reinforce and strengthen the emergency shelter and transitional housing system that is already in place which includes housing, counseling, education and a wide variety of homeless, special needs and LMI assistance.

Objective 1 - Assist and work with the City's Health and Welfare Department, volunteer organizations and agencies to seek collaborative efforts to assist homeless, low to moderate income and special needs populations in Biddeford.

Actions: 1. Encourage network meetings of area resources and services.

* The following falls under all priority listings and pertains to special needs populations thus giving it a stand alone Objective and Action.

Objective 1 - Provide for a seamless network of social services and assistance for special needs populations.

Actions: 1. Continue to gather all social service information and examine gaps in existing systems for all special needs population groups (includes diagnostic, rehabilitative, educational, housing and work opportunities).

Year 1 Projects are detailed below under their respective objectives and actions. Also listed are those projects proposed for reallocation and/or to be carried over from Year 1. The report is based on the Year 1 allocation of **\$462,200** plus any additional carryover from the previous year. Funding is carried over if a project is delayed, under implementation, or is cancelled. The following is the Year 1 project report, funds expended and carried forward, and/or to be reallocated.

Infrastructure

Priority 1 - To eliminate slum and blight in the downtown area through infrastructure and public facilities improvements that benefit LMI neighborhoods.

HUD OBJECTIVE – CREATING A SUITABLE LIVING ENVIRONMENT
Outcome – Improving sustainability by promoting viable communities

Objective 1 - Increase access and provide public facilities that provide for the health and safety of LMI neighborhoods.

Actions: 1. Implement sidewalk and other street improvements, street paving, ADA improvements and beautification projects in LMI neighborhoods for safe and adequate access to services and facilities.

Sidewalks

Accomplished Actions: Extension of Main Street Sidewalk Improvement Project

In Year 1 it was determined that the Main Street Sidewalks from Lincoln Street and Adams Street to Elm Street on both sides should be reconstructed. The design included sidewalks, resetting of historic curbing where possible, the use of historic cobblestones for bump outs, crosswalks with pavers and cobblestones, lighting to match previously reconstructed portions of Main Street, tree removal, retention and replanting. Council approved the design and gave approval to bid the project. The project was completed by the end of summer 2019.

Funding Amount: \$157,148

Funding Expended: \$157,148

Total To Carry Forward: \$0

Total Number of Persons Served: Downtown Core (Census Tract 252-02, Block Groups 1 & 6

Total LMI Served: Block Group 1 (81.85% LMI) and Block Group 6 (43.48% LMI)

2. Implement park, trail and walkway developments in LMI neighborhoods for safe and adequate recreation needs through acquisition, demolition and redevelopment.

Economic Development

Priority 1 - To eliminate slum and blight in the downtown area through infrastructure and public facilities improvements that benefit LMI neighborhoods.

HUD OBJECTIVE – CREATING ECONOMIC OPPORTUNITIES

Outcome – Improving sustainability by promoting viable communities

Objective 2 - Increase business attraction to promote job creation.

- Actions: 1. Provide grant assistance to commercial property owners and businesses through a Downtown Improvement Program.

Accomplished Actions: Downtown Business Assistance Program

A Downtown Improvement Program targeted the downtown to improve buildings designated as “spot” slum and blight as it relates to health, safety, and ADA issues. This grant program was developed to compliment the ongoing revitalization and facade improvement program in the downtown to assist with business attraction and retention. A key component of this grant program was to assist businesses and property owners with health, safety, and ADA issues that are often too costly for potential businesses to locate and open in Biddeford’s downtown.

It was discovered in the first year of this program that applicants were coming the City for assistance already under contract for repairs and improvements, which can not be reimbursed under HUD regulations. The City developed in Year 2 a presentation about how to use this program and its processes to acquire grant funding. In addition, the City added job creation as another activity under this program.

Funding Amount: \$50,842

Funding Expended: \$0

Total To Carry Forward: \$50,842

Total Number of Persons Served: Downtown Core (Census Tract 252-02, Block Groups 1 & 6

Total LMI Served: Block Group 1 (81.85% LMI) and Block Group 6 (43.48% LMI)

Community Development

Priority 3 - Implement strategies to aid the elderly and special needs populations in access to information and services to increase health and safety and reduce reliance of the City's overburdened Health and Welfare Department that can only provide minimal assistance.

HUD OBJECTIVE – CREATING A SUITABLE LIVING ENVIRONMENT

Outcome – Improving availability or accessibility of units or services

Objective 1 - Improve the health and safety of the elderly and special needs populations.

Actions: 1. Provide and coordinate programs that outreach to the elderly and enable the elderly to access assistance that enhances their quality of life.

Southern Maine Agency on Aging

Accomplished Actions: 86 Seniors and Disabled Biddeford Residents served a total of 7,036 meals in the Meals on Wheels Program

The primary goal of the Meals on Wheels program over the past year was to serve 10,000 meals to 90 Biddeford residents who could not regularly shop for or prepare meals on their own thereby helping to reduce food insecurity and social isolation for Biddeford's low-income, homebound senior population.

Despite chronically flat government funding, and a wait list for the program for the majority of the grant period, SMAA made significant progress towards this goal by delivering 6,636 meals to 74 Biddeford seniors in need during the grant period.

Towards the end of the CDBG Fiscal Year, SMAA was awarded an additional \$2,000 in additional funding from the program to help support Biddeford clients who were on the wait list to receive meals. Those funds were used to support the cost of Simply Delivered for ME meals – SMAA's private pay home-delivered meal program – to help feed Biddeford seniors until they are enrolled in

the traditional Meals on Wheels program. Those additional funds paid for 400 Simply Delivered for ME meals to be delivered to 12 Biddeford seniors on the wait list.

Funding Amount: \$17,000

Funding Expended: \$17,000

Total To Carry Forward: \$0

Total Number of Persons Served: 86

Total LMI Served (Presumed benefit): 86

Priority 3 - Provide educational and work opportunities for homeless and low to moderate income persons, and special needs populations that provide avenues to obtain jobs and/or better paying work opportunities.

HUD OBJECTIVE – CREATING ECONOMIC OPPORTUNITIES

Outcome – Improving availability or accessibility of units or services

Objective 1 - Increase the economic prosperity of homeless and low to moderate income persons, and special needs populations, and their ability to afford housing, and health and safety amenities by providing work opportunities and partnerships that provide housing and housing services.

Actions: 2. Provide child care and youth programs that increase the opportunity for low to moderate income persons to attend educational and training programs, while providing enrichment programs for youths of all ages.

ArtVan

Accomplished Actions: Youth Art Program benefited 12 Youths

The ArtVan Program, a mobile art program, traveled into Biddeford's neighborhoods to provide a free art program for youths that was community based and used the arts as a form of prevention and personal development. This program ensured that LMI youths who for whatever reason and who may not have had access to social services, or after school and summer activities, had opportunities to express themselves safely and productively with the guidance of professional art therapists. This educational and self development program let youths practice verbal and nonverbal communication and interpersonal relationship skills. Youths learned to take turns and work through emotional triggers to self regulate emotions, planning and executive functioning through art. The program particularly focused on the Bacon Street Neighborhood and culminated in the making and installing of art for the Bacon Street Festival in August.

Funding Amount: \$5,956

Funding Expended: \$5,956

Total To Carry Forward: \$0

Total Number of Persons Served: 21

Total LMI Served: 14

Neighborhood HUB – 73 Bacon Street

Accomplished Actions: Planned for redevelopment in Year 2

Community Partners for Protecting Children (CPPC) directed the Canopy Park Resource Center, called the HUB, at 49 Bacon Street, in the Bacon Street Neighborhood. In previous years, the CPPC had a Community Builder available to assist neighborhood residents with access to services and programs, and to engage residents in the neighborhood in community events. This year, the CPPC decided to return to its original mission and is now at the Seeds of Hope Neighborhood Center. There were several attempts to reorganize the HUB with other organizations, but this did not produce any results. The HUB is currently closed and in Year 2 the focus will be on working with Biddeford Ready and several organizations to assess what households and families in the Bacon Street area need in regards to resources and services to enhance the quality of life for their families. With the improvements seen over the last 15 years in the Bacon Street Neighborhood and the reduction in negative activities, it is the goal of this project to eventually expand this model into other identified neighborhoods through the “My Neighborhood” Network.

Funding Amount: \$17,374

Funding Expended: \$0

Total To Carry Forward: \$17,374

Total Number of Persons Served: 0

Total LMI Served: 0

3. Link local programs to secondary education and training that would be the “next step” for low to moderate income persons, homeless and special needs populations, and implement training and educational programs for these populations.

Seeds of Hope Career Center

Accomplished Actions: 20 LMI Residents Assisted With Employment Skills and Opportunities

The Seeds of Hope Career Center assisted 20 users of the Career Center and an additional 100 additional users of the BiddefordOpenNet (non CDBG) which provides free wireless Internet access to LMI Biddeford residents who use it to conduct work searches, etc. The Center offered computer skill training, resume preparation career planning, job interview preparation, and assistance with job searches. The Center reported that all 20 of the participants were low income. A number of the Career Center participants accessed the center a number of times making the individual uses in Year 1 even higher. The Center is a liaison with Biddeford General Assistance, York County Community Action, York County Shelters, and the Maine Career Center in Springvale. The Center is also a member and coordinates with the Biddeford-Saco Chamber of Commerce and with local businesses to raise awareness of the program and those

ready to work. The Center has reported success with persons finding work and helping others. Many of the clients participated in the Biddeford Open Net free wireless Internet access outreach provided by the Center. With the number of people seeking employment in the Biddeford area, and with the past closing of the Career Center in Saco, the resources to help people with resume development, on-line applications, interviewing skills, etc. are limited and unreachable for people without transportation. In addition, with the successful advent of new business attraction and retention in Biddeford it has proved beneficial to prepare Biddeford's workforce for employment in these entities.

Funding Amount: \$15,000
Funding Expended: \$15,000
Total To Carry Forward: \$0
Total Number of Persons Served: 20
Total LMI Served: 20

MaineWay, Inc. Representative Payee Program

Accomplished Actions: Representative Payee Program assisted 61 Biddeford Residents

The Maine Way Inc. Representative Payee Program served a total of 61 LMI Biddeford residents with financial management assistance in the program year. They were also assisted in learning budgeting and financial skills for self management of their funds. The Representative Payee Program helped these Biddeford residents get "caught up" or stay current with their bills including housing.

Generally, clients seek transitional housing or assistance with finances in a state of disarray. They are often severely behind in rent payments or have been served with an eviction notice and CMP disconnection notice. The Maine Way developed financial agreements with the clients and worked with Social Security to maintain the client's benefits and retain their housing. The program works with the Biddeford Housing Authority that encourages and can require that housing assisted clients be enrolled in the Representative Payee Program. Clients in the program learned budgeting skills and were encouraged to access community and other social services. The program helped a number of clients attain self-sufficiency in handling finances and/or recognize skills for employment opportunities. Besides financial management and budgeting assistance, the program works with clients who receive Social Security benefits in completing their disability reports. Many of these clients do not have case managers and are often left to complete these forms by themselves. This can lead to the forms being filled out incorrectly or even a lack of filing, affecting benefits. This extra assistance helps those Biddeford residents already stressed due to financial hardship.

Funding Amount: \$16,000
Funding Expended: \$16,000
Total To Carry Forward: \$0
Total Number of Persons Served: 61
Total LMI Served: 61

Housing

Priority 2 - To provide a strategy to meet the increasing need for transitional to affordable and supportive housing.

HUD OBJECTIVE – PROVIDING DECENT HOUSING

Outcome – Improving availability or accessibility of units

Objective 1 - Increase the supply of safe and adequate affordable housing for low to moderate-income persons.

- Actions:
1. Consider making the City's "surplus" and/or tax acquired real estate available for the development of affordable housing.
 3. In partnership with other public/private parties, explore the adaptive re-use and redevelopment of non-residential properties, e.g. mills, churches, etc. into affordable housing.
 4. Consider and implement when feasible combinations of housing and community space that support LMI neighborhoods and enhance opportunities for housing occupants.

Objective 2 - Preserve and upgrade the City's housing stock serving low to moderate income persons.

- Actions:
2. Consider acquisition and demolition of blighted properties for construction of new housing when applicable.
 5. Undertake a systematic and concentrated program of code enforcement to ensure life safety standards are met and to prevent blighting influences on neighborhoods.
 6. Encourage participation by landlords in the Biddeford Landlords Association and encourage partnerships that provide resources for landlords and tenants.

Objective 3 - Increase opportunities for homeownership for low and moderate income persons.

- Actions:
1. Consider a partnership with other public/private organizations to pool resources to help finance home ownership, e.g. down payments, loan assistance, mortgage interest rate write-downs, and other financing mechanisms.

Accomplished Actions: Establish a Multi-Family Rehabilitation Program

A significant number of rental units in Biddeford are 60 or more years old and considered substandard (electrical issues, code and life safety issues, energy efficiency, etc.), so much so that the City has implemented a code safety program for all apartment buildings in excess of 4 units. At the same time, demographics suggest that Biddeford is experiencing unprecedented growth in the demand and cost of rental housing. These two factors are making it harder for those at the lower end of the housing spectrum to find safe, affordable housing. This prompted the City to develop a multifamily housing rehabilitation program for owner occupied structures with four units or less. The goal is to improve housing quality while preserving affordable rents in a competitive housing market. The City has worked on a design and implementation process for this program during the program year and continues to prepare the program to be implemented. One important aspect of the program was securing a Housing Rehabilitation Specialist for the inspection, specifications documentation, and other tasks needed to be performed in the program. A specialist has been secured and the program is expected to be implemented in Year 2. Other sources of funding may also come in to play in Year 2, including a Lead Reduction Program Grant.

The City plans to rehabilitate 28 housing units in the program. In each rehabilitated building, 51% of the units must be for residents who are below 80% of the low to moderate family income threshold, according to HUD requirements. The housing affordability will be enforced for a minimum of ten years. Each unit will be eligible for funding of up to \$10,000 per unit. Those housing units must meet the safety requirements of the Code Enforcement Office and HUD Housing Quality Standards.

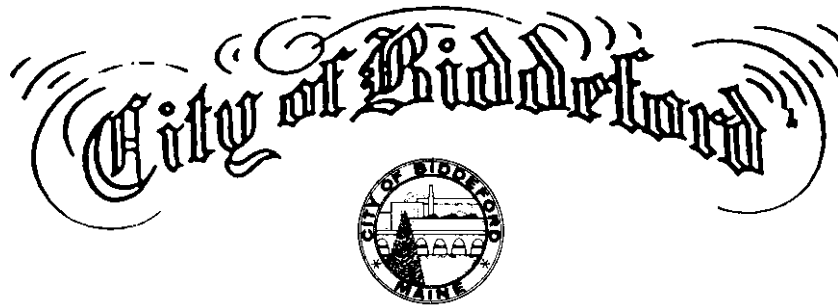
Funding Amount: \$206,561
Funding Expended: \$0
Total To Carry Forward: \$206,561
Total Number of Units: 0
Total LMI Served: TBD

Other Funding

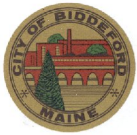
Administration

Funding Amount: \$92,440
Funding Expended: \$92,440
Total To Carry Forward: \$0

A total of approximately \$278,000 has been carried over from Year 1 and includes any unexpended funds. The carryover is primarily comprised of the Downtown Improvement Program and the Housing Improvement Program funding. These funds are expected to be expended completely in the current Year 2.



2019.99 **IN BOARD OF CITY COUNCIL..SEPTEMBER 17, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve
the Federal Grant Contract Purchasing Policy.



City of Biddeford

Finance Department - (207) 284-9333

205 Main Street, P O Box 586

Biddeford, ME 04005

Fax (207) 571-0667

Cheryl Fournier, Finance Director

September 5, 2019

To: City Council

From: Cheryl Fournier, Finance Director

Re: Federal Grant Contract Purchasing Policy

One of the items we need to pass is the Uniform Guidance Standards for Federal Grants. Instead of creating it as part of the ordinance many cities and towns have been passing a separate policy when they have their purchasing policy as part of the ordinance. The Federal Government passed 101 pages, but as a local governments require only certain parts of the guidance. The attached policy is for Federal Grants only.

**CITY OF BIDDEFORD
FEDERAL GRANT CONTRACT PURCHASING POLICY**

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ARTICLE ONE: GENERAL PROVISIONS

1-101 Purpose: The purpose of the City of Biddeford (the “City”) Federal Grant Contract Purchasing Policy (the “Policy”) is to comply with the Office of Management and Budget’s Uniform Guidance, 2 C.F.R. Chapter I, and Chapter II, Parts 200, 215, 220, 225, and 230.

1-102 Applicability: The Policy applies only to contracts and purchases made by the City that are paid for with federal grant money. The provisions of this Policy are mandatory with respect to such contracts and procurements.

1-103 Definitions

- A. *Micro-purchase* means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. The micro-purchase threshold is set by the Federal Acquisition Regulation and is \$3,500 (as of January 2019), but is periodically adjusted for inflation. Please check with Finance for updated amount.
- B. *Simplified acquisition threshold* means the dollar amount below which the City may purchase property or services using small purchase methods. The simplified acquisition threshold is set by the Federal Acquisition Regulation and is \$150,000 (as of January 2019), but is periodically adjusted for inflation. Please check with Finance for updated amount.
- C. *Contract* means a legal instrument by which the City purchases property or services needed to carry out the project or program under a Federal grant.
- D. *Contractor* means an entity that receives a contract.
- E. *Significant Gift* means any item, service, favor, monies, credits, or discounts of any amount not available to others which could influence purchasing decisions.
- F. *Subaward* means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.
- G. *Subrecipient* means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program, but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

ARTICLE TWO: TYPES OF PURCHASES

2-101 Micro-Purchases: The acquisition of goods or services, the aggregate cost of which does not exceed \$3,500 (or \$2,000 in the case of construction contracts subject to the Davis-Bacon Act), may be awarded without soliciting competitive quotations so long as the City considers the cost of the goods or services reasonable and such decisions are in compliance with the adopted municipal purchasing policy.

2-102 Procurement by Small Purchase Procedures:

- A. This section is applicable to relatively simple and informal procurements for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold of \$150,000.
- B. The City may informally solicit and evaluate price or rate quotations from an adequate number of qualified sources when making a purchase pursuant to this section.

2-103 Procurement by Competitive Proposal: Procurement by competitive proposal may be used when conditions are not appropriate for the use of sealed bids. In the case of procurement by competitive proposal, one (1) or more sources may submit an offer at either a final price or cost-reimbursement contract. If procurement by competitive proposal is used, the requests for proposal must be:

- A. Advertised in accordance with the requirements of this policy;
- B. The process is no less stringent than adopted municipal purchasing policies;
- C. Identify all evaluation factors and their relative importance;
- D. Solicited from an adequate number of qualified sources;
- E. Evaluated pursuant to a technical method for evaluating and awarding the contract; and
- F. Awarded to the bidder whose response is most advantageous to the City or solicitation, when price and other relevant factors are considered.

2-104 Procurement by Non-Competitive Proposal: Procurement through solicitation of a proposal from only one source may be used only when one or more of the following circumstances apply:

- A. Good or service is available only from a single source;
- B. After solicitation from a number of sources, competition is deemed inadequate; or
- C. A public exigency or emergency. In the case of an emergency purchase, follow City ordinance Sec. 2-341 Emergency procurements.
- D. A sole source procurement is to follow City ordinance Sec 2-340.

2-105 Procurement By Sealed Bid: Bids are publicly solicited and a firm fixed-price contract is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the best combination of price, product, and performance history and determined to be in the best interest of the City.

- A. Procurement by sealed bid is the preferred method for procuring construction contracts.
- B. Procurement by sealed bid is appropriate when:
 - 1. A complete, adequate, and realistic specification or purchase description is available;
 - 2. Two (2) or more responsive bidders are willing and able to compete effectively for the contract;
 - 3. The procurement lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally on the basis of price.
- C. If sealed bids are used, the following requirements must apply:

1. The invitation for bids must be publically advertised;
2. Bids must be solicited from an adequate number of known suppliers;
3. Sufficient response time must be provided to bidders prior to the date set for the opening of bids, but no less than 10-days;
4. The invitation for bids must define the items or services in order for bidders to properly respond;
5. All bids must be publicly opened at the time and place described in the invitation for bids; and
6. Any or all bids may be rejected if there is a reasonable, documented reason.

ARTICLE THREE: PURCHASING PROCESS

3-101 Review and Award: All purchases over the simplified acquisition threshold for which formal proposals have been taken shall be awarded in accordance with established and adopted municipal purchasing policy.

- A. In all cases the City shall reserve the right to award proposals to vendors whose combination of price, product, and performance history are determined to be in the best interest of the City.
- B. The City reserves the right to accept or reject any or all proposals at any time for any reason and to waive any formalities.
- C. The City shall avoid the acquisition of unnecessary or duplicative items.
- D. The City shall award contracts only to responsible contractors possessing the ability to successfully perform the terms and conditions of a proposed procurement.
- E. The City shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements.
- F. The City shall maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts.

3-102 Contract Provisions: All contracts made by the City under a Federal award shall contain provisions covering the following, as applicable:

- A. Contracts in excess of the simplified acquisition threshold shall address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as deemed appropriate;
- B. Contracts in excess of \$10,000 shall address termination for cause and for convenience by the City, including the manner by which such termination will be effected and the basis for settlement;
- C. All contracts made under a Federal grant shall have a provision detailing the City's equal employment opportunity policy;
- D. When required by Federal program legislation, all prime construction contracts in excess of \$2,000 shall include a provision detailing the City's compliance with the Davis-Bacon Act;
- E. All contracts in excess of \$10,000 that involve the employment of mechanics or laborers shall include a provision for compliance with title 40, sections 3702 and 3704 of the United States Code, as amended;

- F. All contracts shall include a provision detailing the City's rights to inventions made under a contract or agreement;
- G. Contracts and sub-contracts in the amount of \$150,000 shall contain a provision that details compliance with the Clean Air Act and the Federal Water Pollution Control Act;
- H. Mandatory standards and policies relating to energy efficiency in compliance with the Energy Policy and Conservation Act;
- I. A contract shall not be awarded to parties listed for exclusion on the System for Award Management (SAM.gov);
- J. Contractors that apply or bid for an award exceeding \$100,000 shall file the required certification under the Byrd Anti-Lobbying Amendment.

3-103 Bonding Requirements

- A. For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the City provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected.
- B. If such a determination has not been made, the minimum requirements must be the more stringent of requirements specified in adopted municipal purchasing policy or :
 - 1. Bid guarantee from each bidder equivalent to five percent of the bid price.
 - 2. Performance bond on the part of the contractor for 100 percent of the contract price.
 - 3. Payment bond on the part of the contractor for 100 percent of the contract price.

3-104 Sub-Contractor and Contractor Determinations:

- A. The City must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the entity receiving the funds in the role of a sub-recipient or a contractor.
- B. Characteristics which support classification of the entity receiving the Federal program funds as a sub-recipient include:
 - 1. If the entity has the authority under the award to determine who is eligible to receive Federal assistance;
 - 2. The entity's performance is measured in relation to whether the objectives of a Federal program were met;
 - 3. The entity has responsibility for programmatic decision making;
 - 4. The entity is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
 - 5. In accordance with its agreement, the entity uses the Federal funds to carry out a program for a public purpose, as opposed to providing goods or services for the benefit of the City.
- C. Characteristics indicative of a procurement relationship between the City and a contractor include:
 - 1. The contractor provides the goods and services for normal business operations;
 - 2. The contractor provides similar goods and services to many different purchasers;
 - 3. The contractor normally operates in a competitive environment;

4. The contractor provides goods or services that are ancillary to the operation of the Federal program; and
5. The contractor is not subject to compliance requirements of the Federal program as a result of its contract.

3-105 City Compliance Requirements with Federal Grants: The City shall undertake the following:

- A. Ensure that every sub-award is clearly identified to the sub-recipients as a sub-award as defined herein, and include the following information:
 1. Federal award identification;
 2. All requirements imposed by the City on the sub-recipient, including regulations, and the terms and conditions of the Federal award;
 3. Any additional requirements that the City may impose on the sub-recipient in order for the City to satisfy its own compliance requirements;
 4. If applicable, an approved federally recognized indirect cost rate negotiated between the sub-recipient and the Federal government;
 5. Requirement that the sub-recipient permit the City and auditors access to the sub-recipient's records and financial statements; and
 6. Appropriate terms and conditions concerning the closeout of the award.
- B. Evaluate each sub-recipient's risk of non-compliance with Federal statutes, regulations, and the terms and conditions of the sub-award for purposes of determining the appropriate sub-recipient monitoring.
- C. Consider imposing specific sub-award conditions upon a sub-recipient if appropriate.
- D. Monitor the activities of the sub-recipient as necessary to ensure that the sub-award is used for authorized purposes, which monitoring shall include:
 1. Reviewing financial and programmatic reports required by the City;
 2. Following-up and ensuring that the sub-recipient takes timely and appropriate action on all deficiencies pertaining to the Federal award; and
 3. Issuing a management decision for audit findings pertaining to the Federal award.
- E. Verify that each sub-recipient is audited annually.
- F. Consider taking enforcement action against non-compliant sub-recipients.

3-106 Conflict Of Interest: City personnel shall not solicit a gift or accept a significant gift from any vendor or prospective vendor. City personnel may accept trivial items as a matter of courtesy, but may not solicit them. Acceptance of social invitations to occasional business meals, entertainment, and hospitality will be subject to prudent judgment as to whether the invitation places or appears to place the recipient under any obligation. Questions about the value of a gift or the appropriateness of an invitation should be referred to the City Manager and/or the City Attorney.

- A. To avoid a conflict of interest, City personnel must not participate in making a decision for the City if their personal interest, professional interest, or economic gain may be directly or indirectly influenced or affected by the outcome.
- B. City personnel are obligated to disclose any potential conflicts of interest and commitment. Personnel must report the activity to their immediate supervisor when noncompliance is suspected, observed, or otherwise made known. If there is reason to

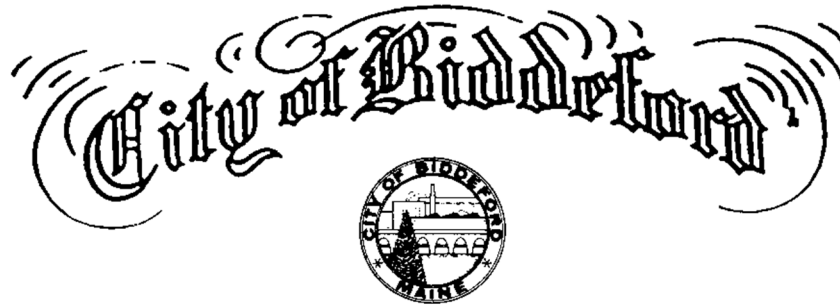
- believe the supervisor may be involved in the noncompliance, the report should be made to the next-higher level of management or to other City authorities.
- C. City personnel at all levels are expected to support compliance with applicable City policies and procedures as well as applicable laws, rules, and regulations and to set a tone of intolerance for noncompliant, fraudulent, or illegal activities.
 - D. Violations of these standards, of laws and regulations, or of City policies and procedures may carry disciplinary consequences, up to and including termination.

3-107 Record Retention:

- A. Financial records, supporting documents, statistical records, and all other City records pertinent to a Federal award must be retained for a period of six (6) years per state retention policy from the date of the submission of the final expenditure report.
- B. Records may need to be retained longer during pending litigation, audits, or upon notification by a federal agency making a grant.

3-108 Equal Opportunity Access: The City shall take all necessary actions to ensure that minority owned businesses, women's business enterprises, and labor surplus area firms are used whenever feasible. Such steps shall include:

- A. Placing such businesses on solicitation lists;
- B. Ensuring that such businesses are solicited whenever feasible;
- C. Dividing total requirements, whenever feasible, into smaller tasks or quantities to permit maximum participation by such businesses;
- D. Establishing delivery schedules, where the requirement permits, which encourage participation by such businesses;
- E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration; and
- F. Requiring the prime contractor, if subcontractors are to be used, to take the affirmative steps listed in this section to ensure equal access for such businesses.



2019.100

IN BOARD OF CITY COUNCIL..SEPTEMBER 17, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby advise the Planning Board of its endorsement of the proposed Contract Zone #18 for the York Judicial Center to be located at 511 Elm Street, 511-515 Elm Street, and 384 Hill Street. The project would create a new consolidated York County courts facility at this location as outlined in the applicant's letter to the City Planner dated September 9, 2019.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

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

Greg.Tansley@Biddefordmaine.org

MEMORANDUM

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

From: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, appearing to read "Greg Tansley", is written over the printed name.

Date: September 11, 2019

Re: Requested Contract Zone – York Judicial Center – 511 Elm Street and 511-515 Elm Street (Tax Map 88, Map 5 and Map 88, Lot 44) and 384 Hill Street (Tax Map 3, Lot 66-1)

The Planning Office is in receipt of a request for a Contract Zone located on property between Elm Street and Hill Street, including the former "Pate" Property at 511 and 511-515 Hill Street, as well as property located at 384 Hill Street. The purpose of the Contract Zone is to facilitate the construction of the York County consolidated judicial court facility. Staff recently met with representatives of the project and recommended a contract zone process to address inconsistencies with this important public project and the Biddeford Zoning Ordinance.

The principal issue is building height. The conceptual building plans call for a height of up to 70 feet. The current zoning in this area restricts building height to 35 feet. Other issues may also arise through the Planning Board review process that need to be addressed through the contract zone.

The first step of a Contract Zone request is to present the request to City Council, with the City Planner's recommendation. If the City Council endorses the concept presented by the applicant, the proposal returns to the Planning Board for a more detailed review. This Planning Board review will develop recommended actions/conditions for the Contract Zone, which will be forwarded back to the City Council for final consideration.

The State of Maine enabled communities to use Contract Zoning in 1982, recognizing that it was a tool to provide flexibility in the local planning process. According to the Biddeford Zoning Ordinance, Article V, Section 9, Contract and Conditional Zoning must meet three (3) "tests":

1. The proposed use must be consistent with the comprehensive plan;
2. The proposed use must be consistent with existing or permitted uses within the existing original zone;
3. The contract zone may only contain conditions that relate to the physical development and operation of the property.

Test 1 - Comprehensive Plan Consistency:

After reviewing the 1999 Comprehensive Plan it is my opinion that the proposal is consistent with the Comprehensive Plan for one simple reason – it encourages development within a Biddeford Growth Area which will bring employment and services to Route 1 (Elm Street) in Biddeford. The location is readily accessible to transit, Route 111, Route 1, and the Turnpike, and is located on public sewer and water.

As such, the proposed project appears to satisfy Test 1.

Test 2 – Consistency with Existing or Permitted Uses within the Existing Original Zone:

A “Public Facility” is a Permitted Use “P” in the B-2 Zone which is the zoning for both “511 Elm Street” and 511-515 Elm Street”. A “Public Facility” is a Conditional Use “C” in the R-1-A Zone.

As such, the proposed project appears to satisfy Test 2.

Test 3 - The contract zone may only contain conditions that relate to the physical development and operation of the property:

This test would come out of the Contract Zone review process at the Planning Board and ultimate City Council consideration of the approval of a Contract Zone.

As such, the proposed project appears to satisfy Test 3.

City Planner’s Recommendation:

As outlined above, I am of the opinion that the proposed Contract Zone is consistent with the Comprehensive Plan and existing or allowed land uses in the original zone, and would contain only conditions related to the physical development and operation of the property.

As such, I recommend that the City Council endorse the concept of a Contract Zone based on what has been presented by Gorrill-Palmer in their letter dated September 9, 2019.

If the concept moves forward, the Planning Board will conduct a more detailed review of the proposal, and will forward to City Council specific recommendations for the conditions (if any) to be placed on the Contract Zone. As such, City Council remains the final approval authority for this request.

Enclosures

Cc: C. DiMatteo, Gorrill Palmer (via email)
C. Colburn, Finegold Alexander Architects (via e-mail)
P. Johnston, Maine Construction Coordinators (via e-mail)
M. Eddy, Planning and Development Director (via e-mail)
File

September 9, 2019

Greg Tansley, Planner
City of Biddeford
205 Main Street
Biddeford, ME 04005

Subject: **Request for City Council Endorsement;**
Contract Zoning for York Judicial Center, 511 Elm Street

Dear Mr. Tansley:

Gorrill Palmer is working with Finegold Alexander Architects (FAA) to assist the applicant, Maine Governmental Facilities Authority and Maine Judicial Branch, to construct a new York Judicial Center on Elm Street, just north of Saint Mary's Cemetery. As we recently discussed at our meeting with you and City staff, contract zoning appears to be appropriate for the proposed development.

Please accept this letter as a request to the City Council at their September 17th meeting to consider endorsing this project to be considered by the Planning Board for contract zoning as it reviews the project for Site Plan approval. We understand that the final review and approval of the contract zone would be at a later date subsequent to the Planning Board making a recommendation to the City Council.

The project aims to consolidate York County's District and Superior Courts into one new state-of-the-art courthouse facility. The judicial center will be approximately 120,975 gross square feet in size, four stories in height (three stories in addition to a mechanical penthouse floor and a single basement level) with a building footprint of 34,545± square feet. The proposed facility will accommodate jury, non-jury, and family matter courtrooms. It will also



provide consolidated Court Clerk spaces, and secure parking for judges and staff, with separate public parking.

The project site is a portion of the 28.5-acre property the City conveyed to the applicant in March of 2017. This property, between Elm Street and Hill Street is depicted on the City's tax maps as three lots (88-44, 88-5 and 3-66-1) and is located within three different land use zones; B-2 (Business 2) along Elm Street, R-1-A (Residential 1A) at the center and I-1 (Industrial) at the rear along Hill Street. With the exception of the cell tower along Hill Street, the site is vacant.

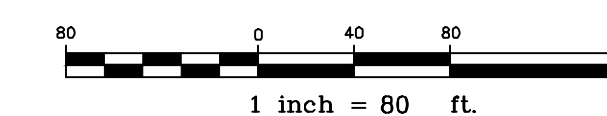
The primary modification to the code that the Applicant will seek to address through contract zoning is the current 35-foot height limit under the B-2 zone. The proposed building height is approximately 68 feet.

Sincerely,

Gorrill Palmer

Chris DiMatteo
Project Manager

CC: Clair Colburn, Finegold Alexander Architects
Philp Johnston, Maine Construction Coordinators



SEAL:



Preliminary
Not For
Construction

PROJECT INFORMATION:

511 Elm St.
Biddeford, ME 04005

PROJECT #: 44517.00
ISSUE DATE: 8/21/2019
PROJECT STATUS: 50% Design Development
DRAWN BY: CEH
CHECKED BY: AMP

SHEET NAME:

Overall Site Plan

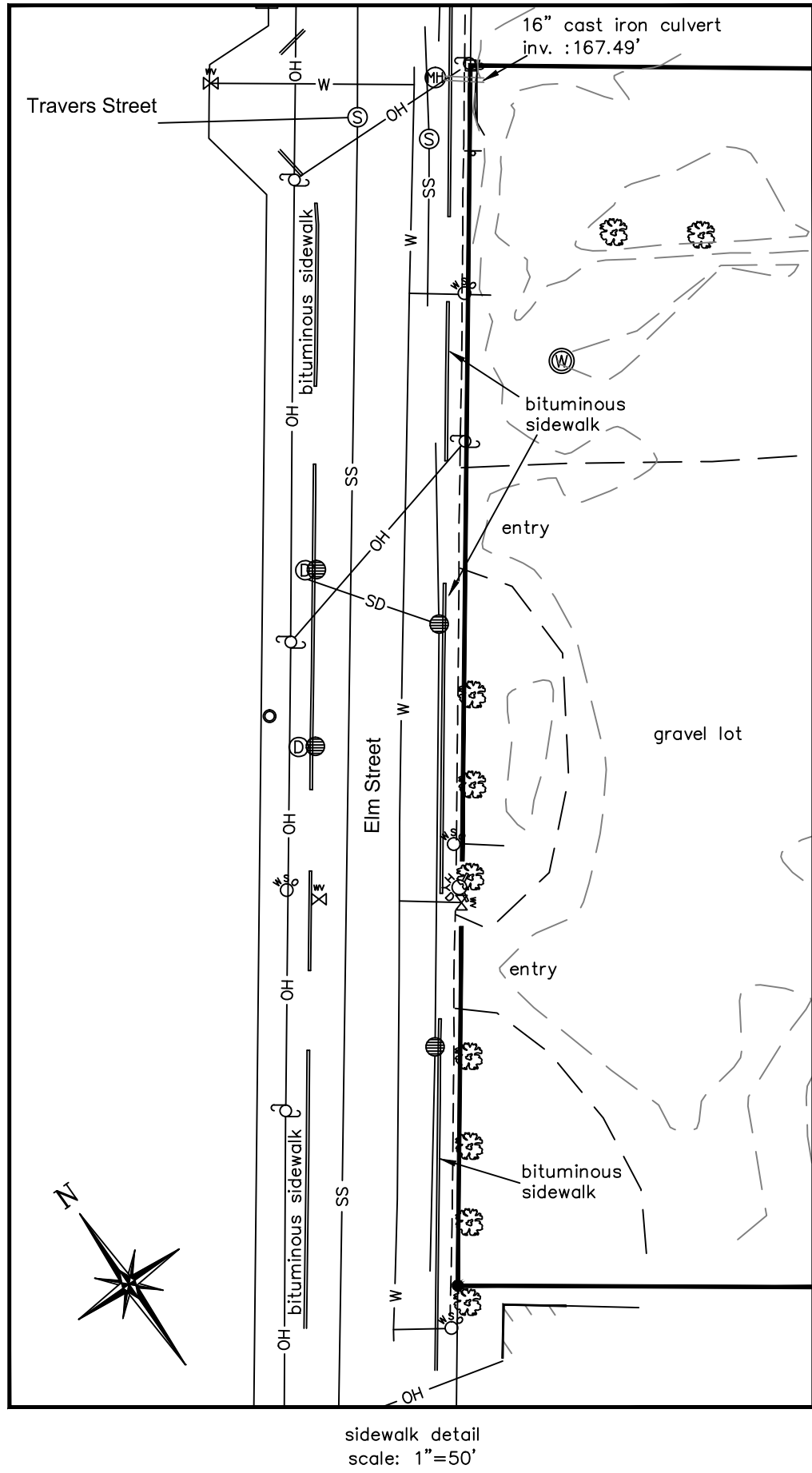
Project Architect

Finewood Alexander Architects Inc

77 North Washington Street, Boston, MA 02114
(617) 227 9272
faainc.com

SHEET #

C100

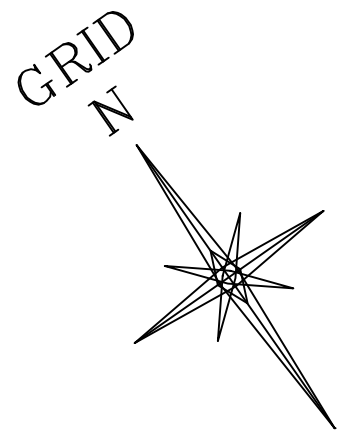


LEGEND

□	Monument - found
○	Iron marker - found
●	Iron marker - set (#5 rebar)
—	Property line (locus)
—	Property line (abutter)
—	Easement line
—	Zoning boundary (approximate)
—	Edge of pavement
—	Edge of gravel
—	Curb (granite)
☆	Lamp or light pole
—	Utility pole
—	Guy wire
—	Gas valve
—	Water valve
—	Water shutoff
—	Fire hydrant
—	Sewer manhole
—	Electrical manhole
—	Catch basin (round)
—	Drain manhole
—	Bollard
—	Overhead utility line
—	Sewer line
—	Storm drain
—	Underground water line
—	Underground gas line
—	Underground electric line
—	Contours (1ft)
—	Contours (5ft)
—	N/F
—	Now or formerly of
—	Deed reference (Book/Page)
—	Tree line
—	Wetlands
—	Deciduous tree
—	Coniferous tree
—	Existing building
—	Test pit

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	159.92	220.00	41°38'52"	N 1°39'34" W	156.42
C2	302.29	280.00	81°51'22"	N 23°45'50" W	287.82
C3	237.51	220.00	61°51'22"	S 23°45'50" E	226.14
C4	203.53	280.00	41°38'52"	S 1°39'34" E	199.08
C5	10.30	220.00	2°41'00"	S 30°33'11" E	10.30
C6	61.08	840.00	4°09'54"	N 72°48'01" E	61.08

LINE	BEARING	DISTANCE
L1	N 34°28'58" W	14.62
L2	N 07°09'52" E	100.00
L3	N 54°41'31" W	83.03
L4	S 35°18'29" W	60.00
L5	S 54°41'31" E	83.03
L6	S 07°09'52" W	100.00
L7	S 34°28'58" E	150.00
L8	N 81°27'48" E	115.61
L9	N 81°26'56" E	150.08
L10	N 08°24'01" W	100.00
L11	N 81°35'59" E	100.00
L12	S 08°24'01" E	100.00
L13	S 61°35'59" W	100.00



NOTES

- 1) Book and Page references are to the York County Registry of Deeds unless otherwise noted.
- 2) Bearings are referenced to grid north, Maine State Plane Coordinate System, NAD83, West Zone as derived from GPS observations.
- 3) Elevations are based on NAVD88 datum as derived from GPS observations.
- 4) Utility information on this plan is approximate, based on location of visible features and information contained on plans and drawings provided by others. DigSafe and/or the appropriate utilities should be contacted prior to any construction.
- 5) Property lies within Zone X based on FIRM Community #230145 Panel #0008 B, dated May 15, 1984. It does not lie within a special flood hazard area. Preliminary flood maps for York County expected to be adopted June 2018 show parcel will remain in Zone X.
- 6) Zoning boundary location is approximate and based upon zoning maps provided by the City of Biddeford, June 2017. The parcel lies within Zones B2, R1A, and 12 as shown.

PLAN REFERENCES

- 1) Plan Showing a Portion of The Ezra C. Wakefield Estate made by Libby and Dow, dated March 10, 1964 and recorded in Plan Book 39, Page 30.
- 2) Plan Showing Waco Acres, a Subdivision for Raymond Wakefield by Dow and Coulombe Inc., dated August 4, 1976 and recorded in Plan Book 87, Page 23.
- 3) City of Biddeford, Maine Engineering Department Plan of Subdivision of Land-Airport Industrial Park II, dated July 24, 1986 and recorded in Plan Book 17, Page 36.
- 4) Plan of Land on Marcel Avenue, Biddeford, Maine made for Donald Foshay by Owen Haskell, Inc., dated June 17, 1988 and recorded in Plan Book 177, Page 47.
- 5) Proposed Site Plan for Mark Tuller Atlantic Comfort Systems, Inc., dated October 1, 1997 and recorded in Plan Book 239, Page 14.
- 6) Minor Subdivision of Land, Richardson Brook Subdivision, made by Nadeau and Lodge, Inc., dated January 27, 2005 and revised through June 21, 2005 and recorded in Plan Book 303, Page 5.
- 7) Major Subdivision of Land, Winterberry Acres Subdivision, made by Nadeau and Lodge, Inc., dated August 15, 2005 and revised through February 27, 2006 and recorded in Plan Book 308, Page 47.
- 8) Amended Subdivision Plan of B-Dr System of Maine made for Littlefield and Hall Excavating Inc. by Sebago Technics dated September 4, 2008 and revised through November 13, 2008 and recorded in Plan Book 334, Page 17.
- 9) Standard Boundary Survey of the Biddeford Animal Clinic for Mounir F. and Alicia G. Simard Soliman by Maine Boundary Consultants dated April 6, 1988.

EASEMENTS / ENCUMBRANCES

- 1) Easement Agreement between the City of Biddeford and Cleveswood Capital, LLC as recorded in Book 16891, Page 24. See also a lease agreement between Cleveswood Capital, LLC and Navigator Properties LLC as recorded in Book 16912, Page 747.
- 2) Benefiting from a drainage easement reserved by Littlefield & Hall Excavating, Inc. as described in a deed recorded in Book 15606, Page 933 and as shown on plan reference 8 (approximate location shown as scaled from plan reference 8).
- 3) Subject to an underground utility easement granted to Central Maine Power as described in a deed recorded in Book 16916, Page 948. (no specified width).
- 4) Subject to terms and conditions of a lease to Navigator Properties, LLC including easements as described in a deed recorded in Book 16912, Page 747.
- 5) Subject to and benefiting from a Drainageway Protection Area at or below elevation 162' mean sea level as described in note 5 of plan reference 8.
- 6) Subject to covenants including the allowance of telecommunication towers as described in Book 14928, Page 574.
- 7) Subject to and benefiting from a utility easement from pole 110 to pole 110.01 to Central Maine Power as described in Book 1618, Page 352. (no specified width).
- 8) Subject to a 25' wide utility easement to New England Telephone and Telegraph Company from Clark Wakefield dated June 11, 1925, further described in Book 759, Page 10. (no field evidence of the utility easement was found).
- 9) Subject to a utility line easement to Central Maine Power and New England Telephone and Telegraph Company as described in Book 1337, Page 349. (pole not found).

AREA

1,243,524 square feet, 28.5 acres

OWNERS OF RECORD

The City of Biddeford

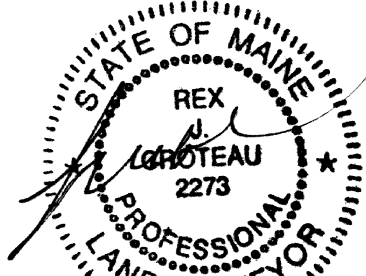
Book 16954, Page 264

Book 16891, Page 21

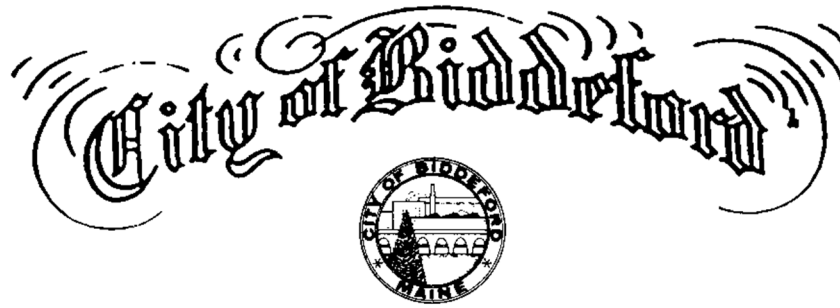
Rev. 1	06/13/17	Zoning labels, Elm St detail	gmw
PLAN OF Boundary and Topographic Survey			
Elm Street & Hill Street		Biddeford, Maine	
MADE FOR Gorrill-Palmer			
707 Sable Oaks Road, Suite 30		South Portland, Maine	
JOB #217037	DATE: May 31, 2017	SCALE: 1" = 100'	
BOOK #777, 897, 902	 Titcomb Associates 133 Gray Road, Falmouth, Maine 04105 (207)797-9199 www.titcombsurvey.com		
217037.dwg			

CERTIFICATION
This survey conforms to the current standards of practice set forth by the Maine State Board of Licensure for Land Surveyors.

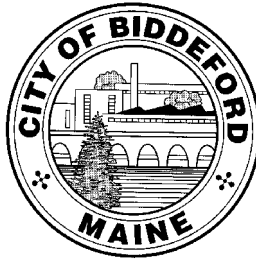
Rex J. Croteau, P.L.S. #2273



Rex J. Croteau, P.L.S. #2273



2019.101 **IN BOARD OF CITY COUNCIL..SEPTEMBER 17, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford hereby adopts the
Maine Municipal Association Model Ordinance, General Assistance Appendices
(A-D) – ***General Assistance Maximums*** for the period of October 1, 2019 to
September 30, 2020.



City of Biddeford

General Assistance

205 Main Street, Biddeford ME 04005

Phone: (207) 284-9514

Fax: (207) 571-0675

The Municipality of Biddeford adopts the MMA Model Ordinance GA Appendices (A-D) for the period of October 1, 2019 to September 30, 2020. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the 17th of September 2019 by the municipal officers:

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

2019-2020 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2019 to September 30, 2020.**

APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
York HMFA	1	2	3	4	5	6
	899.00	961.00	1190.00	1525.00	1692.00	1767.00

NOTE: For each additional person add \$75 per month.

APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	44.65	192
2	82.09	353
3	117.44	505
4	149.30	642
5	177.21	762
6	212.56	914
7	235.12	1,011
8	268.60	1,155

NOTE: For each additional person add \$144 per month.

APPENDIX C - HOUSING MAXIMUMS

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0	174.00	748.00	197.00	845.00
1	179.00	769.00	209.00	897.00
2	220.00	946.00	259.00	1112.00
3	285.00	1225.00	333.00	1434.00
4	308.00	1326.00	368.00	1583.00

FOR MUNICIPAL USE ONLY

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is ***not automatically*** entitled to the “maximums” established—applicants must demonstrate need.

1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses ***excluding*** electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

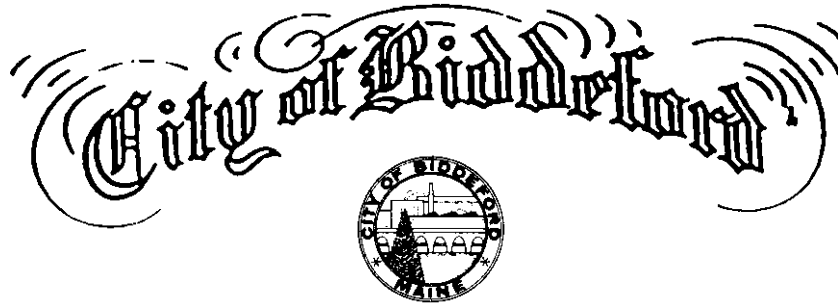
NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

FOR MUNICIPAL USE ONLY

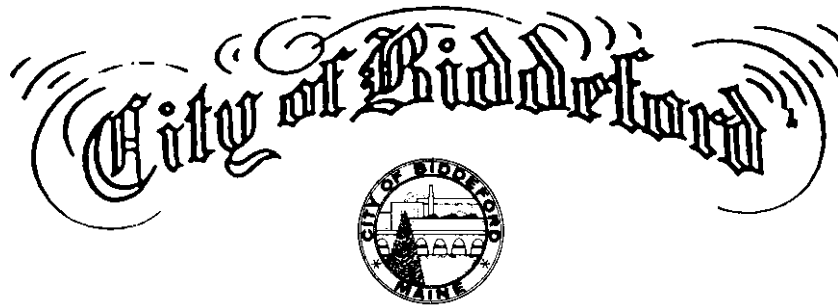


2019.102 IN BOARD OF CITY COUNCIL..SEPTEMBER 17, 2019

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:

Evans Road, both sides, beginning at the intersection with Lester B. Orcutt Blvd., thence northeasterly to end of approved street.

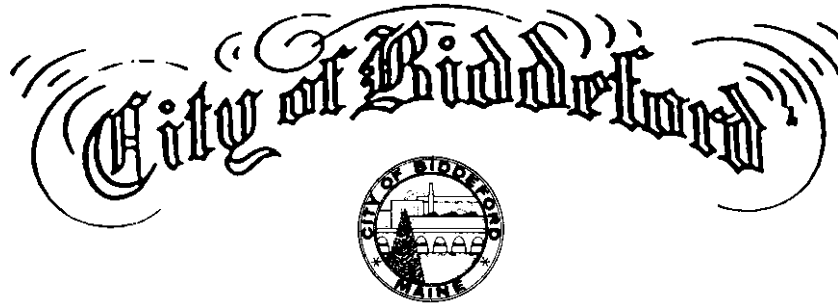
NOTE: The Policy Committee considered this item at their September 9, 2019 meeting and voted unanimously to forward to Council for approval.



2019.103 **IN BOARD OF CITY COUNCIL..SEPTEMBER 17, 2019**
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 42-89 Stop Intersections**, be amended by adding or deleting to read as follows:

Evans Road, at Lester B. Orcutt Blvd.

NOTE: The Policy Committee considered this item at their September 9, 2019 meeting and voted unanimously to forward to Council for approval.

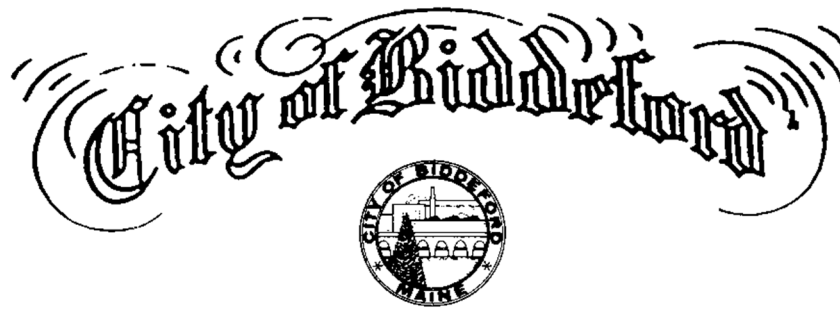


2019.104 **IN BOARD OF CITY COUNCIL..SEPTEMBER 17, 2019**
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-96 Three-way stop streets**, be amended by adding or deleting to read as follows:

Lester B. Orcutt Boulevard at Mile Stretch Road

~~Lester B. Orcutt Boulevard at First Street~~

NOTE: The Policy Committee considered this item at their September 9, 2019 meeting and voted unanimously to forward to Council for approval.



2019.105 IN BOARD OF CITY COUNCIL... SEPTEMBER 17, 2019

BE IT ORDERED, that the City Manager and City Solicitor be and hereby are authorized to negotiate a Joint Development Agreement (“JDA”) with Treadwell Franklin Infrastructure Capital LLC (“TFIC”) and James W. Sewall Company (“Sewall”) (and/or its appropriate designee) for the construction and subsequent operation and maintenance of a privately financed municipal parking garage and existing pay-per-use surface lots. The City Council specifically directs that the JDA must include the following critical terms and conditions:

Garage

- The garage shall be located on a designated lot at the 3 Lincoln Street site as specified by the City
- Garage shall be 640± spaces in accordance with Desman Design Management plans

Costs:

- Project construction cost shall be confirmed by a formal bid process through TFIC with such costs identified in the JDA.
- Selection of operator determined through an agreed selection process with such costs identified in the JDA.
- Expected construction cost to be \$22,297,158 to include up to \$3,000,000 for the construction of the RiverWalk and pedestrian connections
- Construction cost capped at \$24,631,350, based on formal bid process.
- Initial construction costs above \$22,297,158, based on bid results, limited to an additional City obligation of no greater than \$16,500/\$250,000 increment.
- Financing for no greater than a 25-year term.
- Construction costs shall be subject to open-book accounting review by the City.
- No taxpayer support required.

Project Options

- After year 10, the City shall have the option to buy the garage at fair market value (“FMV”), sell the garage to TFIC at FMV, refinance the garage, or continue with established terms.
- After year 25, the ownership of the garage shall revert to the City for \$1.

Cost Sharing:

- Any project cost savings resulting from a lower than expected construction bid shall go to the direct benefit of the City to reduce Support Payments; such reduction shall be reflected in the JDA.
- If NOI is greater than 110% of projections, on a six-month basis, income above 100% of projections shall go to the City until such time as the City's sunk costs are recouped in full. Thereafter, the City shall share future revenue with TFIC - \$0.90 of every dollar to the City, \$0.10 of every dollar to TFIC.

Revenue and NOI Projections

- Prepare and include as part of the JDA, net operating income (NOI), revenue, operation and maintenance, and other projections to serve as the basis for revenue sharing, Opex Reimbursement, Support Payments, Stabilization Payments, and garage/lot pricing calculations utilizing the most advantageous construction and operator bids.

Support Payments from TIF:

The JDA shall limit the City's financial obligations to Support Payments, operating expense reimbursements (Opex Reimbursement), and Stabilization Payments from TIF resources. No property tax dollar commitment shall be included.

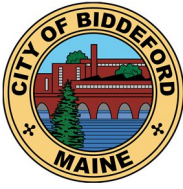
- Support Payments
 - Support Payments shall begin no earlier than six months after the date of garage opening.
 - Support Payments shall be capped at \$650,000, \$700,000, \$750,000, \$800,000, \$850,000, \$900,000, for years 1-6 respectively.
 - Support Payments shall increase annually thereafter subject to the lesser of a negotiated escalator or the local CPI.
 - Support payments may be increased incrementally by no more than \$16,500 for every \$250,000 increment over \$22,297,158 based on received construction bids up to a construction cap of \$24,631,350. Such calculations, if required, shall be established and finalized in the JDA.
- Opex Reimbursement
 - Opex Reimbursement shall include operating and maintenance expenses, beginning no sooner than one month after the date of garage opening.
 - Opex expense payments shall be established in the JDA.
- Stabilization Payment
 - The need for Stabilization Payments shall be assessed on a semi-annual basis.
 - Stabilization Payments shall only be required in the event net operating income (NOI) falls below 90% of projections, and only to the extent that the NOI shortfall is a result of deviations in operation and maintenance expenses or garage/lot revenues relative to projections established in the JDA.
 - Stabilization Payment calculations shall be subject to review by the City through an open-book accounting system. Such payments are intended to maintain a targeted 10% IRR.
 - A Stabilization Payment shall be no greater than the amount of the NOI shortfall.
 - The JDA shall include a provision for review of rate increases in an effort to limit the need for municipal Stabilization Payments.

- o The City shall make such Stabilization Payments, as needed, and at its sole discretion, establish a mechanism for reimbursement of such payments, for example, through a Special Assessment District or any other mechanism authorized by the City Council.

Specific Protections:

- The JDA shall include construction dates and penalties for delivery of a parking structure.
- The City shall have the right to review and if desired, buy down any rate increases.
- No rate increases in existing lots through the date of garage opening.
- TFIC shall bear risk for all-in costs of financing and project execution including project overrun costs and delays.
- All other customary administrative terms and conditions.

BE IT FURTHER ORDERED, that the City Manager shall execute a JDA which includes the above terms and conditions provided, however, that the City Manager shall not be authorized to execute the JDA unless the City Council has reviewed the JDA to confirm that the JDA includes the City Council's directives regarding the above critical terms and conditions.



City of Biddeford

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Support materials for this Order include multiple documents, video records, and other published materials. This information is available at <https://biddefordmaine.org/parkinggarage> .