

City of Biddeford
Policy Committee
September 09, 2019 6:30 PM

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustments to the Agenda**
- 4. Acceptance of Minutes**
 - 4.1. July 15, 2019 Policy Committee Meeting Minutes
[7-15-2019 Policy Committee Minutes.docx](#)

Discussion Item:

Request by C.M. Cimino Realty, Inc. of Ledgewood Apartments to Waive Code Enforcement Inspection Fees for Multi-Unit Buildings
[6-10-2019 Codes Inspection Prog - Complaint Letter.docx](#)

- 5. Discussion/Review**
 - 5.1. Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Evans Road @ Intersection with Lester B. Orcutt Blvd
[No Parking Evans Road.doc](#)
 - 5.2. Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-89-Stop Intersections/Add on Evans Road @ Lester B. Orcutt Blvd
[Stop Intersection Evans Road.doc](#)
 - 5.3. Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-96-Three-way stop streets/Add Lester B. Orcutt Blvd at Mile Stretch Road and Delete Lester B. Orcutt Blvd at First Street
[Three-way Stop at Lester Orcutt Blvd.doc](#)
- 6. Adjourn**

**Policy Committee Meeting
July 15, 2019**

Committee Chair, Marc Lessard called the meeting to order at 6:28 p.m.

Roll Call: Councilors Marc Lessard and Norman Belanger; Committee Member Nathan Bean
Councilor Laura Seaver and Committee Member Renee O'Neil were excused.

Staff Members present: Carmen Morris, City Clerk and Roger Beaupre, Police Chief

The Committee recited the Pledge of Allegiance.

Adjustments to the Agenda:

- Add: Ch. 42, Sec. 42-88, One-Way Streets – amend on Franklin Street
- Add: Ch. 42, Sec. 42-89, Stop Intersections – add on Franklin St; delete on Federal St

Acceptance of Minutes: **June 10, 2019**

Motion by Councilor Belanger, seconded by Member Bean to accept the minutes as printed.

Vote: Unanimous.

Discussion/Review:

**A. Ch. 42, Motor Vehicles & Traffic/Sec. 42-66-Beach permit parking regulations
enumerated, subsection (1) – extension of parking hours**

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 42, Motor Vehicles & Traffic, Section 42-66 Beach permit parking regulations enumerated, subsection (1)**, be amended by adding or deleting to read as follows:

Sec. 42-66. Beach permit parking regulations enumerated.

In order to assure that the residents of the City shall have access to the beaches of Biddeford, that those beaches and the adjacent areas shall not become overcrowded, and in order to preserve the health and safety of the beach areas for the residents of those parts of the City, it is established that:

- (1) Parking at those areas designated by Subsection (9) during the period from June 15 to Labor Day and between the hours of 8:00 a.m. and 5:00 p.m. shall be by permit only.
There shall be no parking in the aforementioned areas after 9:00 p.m. and until 5:00 a.m.

NOTE: This is being brought before the Policy Committee at the request of the Council.

Staff does NOT recommend any changes to this ordinance since the hours were selected as a way to control gatherings on the beach at night. There have historically been problems with this and eliminating parking at dark has aided in curbing those problems.

The Committee took no action on this item.

B. Ch. 46, Parks and Recreation/Sec. 46-1, Word usage and definitions/Add Athletic Field

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, Parks, **Section 46-1** Word usage and definitions, be amended by adding or deleting to read as follows:

Sec. 46-1 Word usage and definitions.

a) When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(b) For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein:

ATHLETIC FIELD An area of land usually enclosed by a fence or other barrier that includes the playing field, where sports or other events takes place.

CITY The City of Biddeford.

DIRECTOR The Parks and Recreation Director appointed pursuant to § **46-2** of the Code of the City of Biddeford.

DOG PARK An area that has been fenced in and designated for exclusive use by dogs. Dog parks shall have clearly established rules for their use, which shall be posted at all entrances.

PARK Shall be limited to the areas within the boundaries, as described in the records of the City of Biddeford Assessor, of the following City-owned recreational properties and facilities.¹

TOBACCO Includes but is not limited to cigarettes, cigars, snuff, pipes, spit tobacco, and vaping.

TOBACCO-FREE ZONE Includes City-owned playgrounds, athletic fields, sports fields, parks and beaches.

VEHICLE Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include but not be limited to any trailer in tow, automobile, truck, wagon, snowmobile, motor bike, skateboard, motorcycle or trail bike of any size, kind or description. Exception is made for baby carriages, bicycles used at the Clifford Park and Rotary Park, and vehicles used in the maintenance and operation of City parks.

Motion by Councilor Belanger, seconded by Member Bean to recommend approval of the ordinance amendment. Vote: Unanimous.

C. Ch. 46, Parks and Recreation/Sec. 46-13, Parking operating policy/Add Dogs on athletic fields

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, Parks, **Section 46-13** Park operating policy, be amended by adding or deleting to read as follows:

Sec. 46-13 Park operating policy.

(a) Hours. All parks, as defined herein, shall be open to the public every day of the year from dawn to dusk. In the event that activities are conducted at either the St. Louis Field or Mechanics Park for which there is an admission fee charged or access is otherwise controlled, no member of the public shall have the right to enter said park areas without authorization and/or payment of such admission fee. The Director shall cause notices of the opening and closing hours to be posted in each individual park for public information and enforcement purposes.

(b) Closed areas. Any section or part of any park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals (daily or otherwise).

(c) Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any park, or the closed area of any park, except during the hours and times when such park, or portion thereof, is open to the public as provided in this section.

(d) Dogs, horses and horse-drawn vehicles.

(1) Dogs, horses and horse-drawn vehicles are prohibited from entering or remaining in any park, athletic field or beach areas, as identified herein, except as follows:

a. City beaches: No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are completely prohibited from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park.

b. Rotary Park: Horses, horse-drawn vehicles, or dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.

Motion by Councilor Belanger, seconded by Member Bean to recommend approval of the ordinance amendment.

Motion by Councilor Belanger, seconded by Member Bean to amend the ordinance by striking "as identified herein." Vote: Unanimous.

Vote on ordinance, as amended: Unanimous.

**D. Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Delete on Elm Street and
Add on Elm Street from Biddeford/Saco City Line to Biddeford/Arundel Town Line**

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:

~~Elm Street, both sides (Route 1), from the beginning of the Prescott Metals driveway southerly for a distance of 500 feet~~

~~Elm Street, even-numbered side, from the intersection of Elm Street and South Street back to a distance of 50 feet from the intersection~~

~~Elm Street, even-numbered side, from the Saco City line, thence southerly to the intersection with Main Street.~~

~~Elm Street, even-numbered side, from the intersection with St. Joseph Street, thence southerly to the intersection with South Street.~~

~~Elm Street, odd-numbered side between South Street and Main Street~~

~~Elm Street, from the intersection of Main Street and Elm Street to the intersection of Cutts Street and Elm Street (Steego Auto Parts side)~~

~~Elm Street, 150 feet from Five Points to the Tousignant property and First National Bank property lot line, 325 feet~~

~~Elm Street, westerly (even-numbered) side, from the corner of St. Joseph's Street northerly for a distance of 88 feet~~

Elm Street, except as otherwise authorized under section 42-92 (Limited Parking) of this Chapter, there is No Parking on both sides of Elm Street beginning at the Biddeford/Saco City Line, thence southerly to the Biddeford/Arundel Town Line

Motion by Councilor Belanger, seconded by Member Bean to recommend approval of the ordinance amendment. Vote: Unanimous.

**E. Ch. 42, Motor Vehicles & Traffic/Sec. 42-92-Limited Parking/Delete on Elm Street
at intersection with St. Joseph Street**

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

~~Elm Street, even-numbered side, beginning at a point 180 feet south of the intersection of St. Joseph Street, thence for a distance of 21 feet, 15 minutes. This area is more specifically located in front of 200 Elm Street~~

Motion by Councilor Belanger, seconded by Member Bean to recommend approval of the ordinance amendment. Vote: unanimous.

F. Ch. 42, Motor Vehicles & Traffic/Sec. 42-100-Disability Parking/Delete on Graham Street at intersection with Harding Street

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 42-100 Disability Parking**, be amended by adding or deleting to read as follows:

~~Graham Street, odd-numbered side, beginning at a point 20 feet northeasterly from the intersection with Harding Street, thence northeasterly for a distance of two parking spaces.~~

NOTE: Business for which this ordinance amendment was added is no longer at this location.

Motion by Councilor Belanger, seconded by Member Bean to recommend approval of the ordinance amendment. Vote: unanimous.

G. Ch. 42, Motor Vehicles & Traffic/Sec. 42-88 – One-Way Streets/Amend on Franklin Street

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 42-88, One-Way Streets** be amended by adding or deleting to read as follows:

Franklin Street, from ~~Main Street~~ the 90 degree elbow, thence easterly to Alfred Street.

Motion by Councilor Belanger, seconded by Member Bean to recommend approval of the ordinance amendment. Vote: unanimous.

H. Ch. 42, Motor Vehicles & Traffic/Sec. 42-89 – Stop Intersections/Add on Franklin Street and Delete on Federal Street

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:

Add: Franklin Street at Main Street
and
Delete: Federal Street at Washington Street

Motion by Councilor Belanger, seconded by Member Bean to recommend approval of the ordinance amendment. Vote: unanimous.

I. Ch. 2, Administration/Sec. 2-336-Competitive sealed bidding

Motion by Councilor Belanger, seconded by Member Bean to open discussion on this item for possible amendment.

Councilor Lessard explained that he feels the language of accepting the low bid on purchases and services needs to be addressed. He thinks that specific criteria needs to be set out when the City goes out for Requests for Proposal/Qualifications. His concern is about the optics; and when the City goes with a bidder other than the lowest bidder, it just does not look good. He feels that the language is currently too subjective and would like to see the language buttoned up a little bit.

Member Bean is hesitant to eliminate any discretion from the Council and feels they need to have that option. He also feels it is a complicated matter with too many consequences to changing the current language. Councilor Lessard suggested including language that gives a range, i.e., if the lowest bidder is not selected, the bidder that is selected needs to be within 10% of the lowest bidder amount. This was given by way of an example. He wants to take away the cart blanc mentality to selecting bidders.

Councilor Belanger is also concerned about taking away Council discretion. He does agree that there needs to be a specific reason given by the Council when the lowest bidder is not selected.

Motion by Councilor Belanger, seconded by Member Bean to adjourn.

Vote: unanimous.

Time: 6:53 p.m.

April 8, 2019

Mayor Alan Casavant
City of Biddeford
PO Box 586
Biddeford, ME 04005

Dear Mayor Casavant,

This letter is in response to the invoice sent to our office, dated 3/15/19 regarding the City of Biddeford's new code enforcement multiple unit annual fees.

C. M. Cimino Realty Inc. has owned and operated Ledgewood Apartments since 1974. For 45 years our property has been operating elderly housing under the supervision of the Maine State Housing Authority (now Maine Housing) and Housing and Urban Development (HUD).

Our property has been under a strict and rigorous inspection program since its inception and has continually passed these inspections with a nearly 100% rating upon each yearly inspection. These inspections include, but are not limited to, review of selected apartments, inspection of all electrical, mechanical, fire, smoke detection and sprinkler systems.

In addition to the yearly inspections from Maine Housing and random inspections from the Federal authorities (HUD), our facility has quarterly inspections of all sprinkler systems, and is routinely inspected by the Biddeford Fire Department. Our building is monitored 24/7 by Seacoast Security.

We understand why this program was developed within the City of Biddeford. We have spoken to our local City Councilor and with various staff at City Hall. It is our belief that the program did not take into account a building like Ledgewood Apartments.

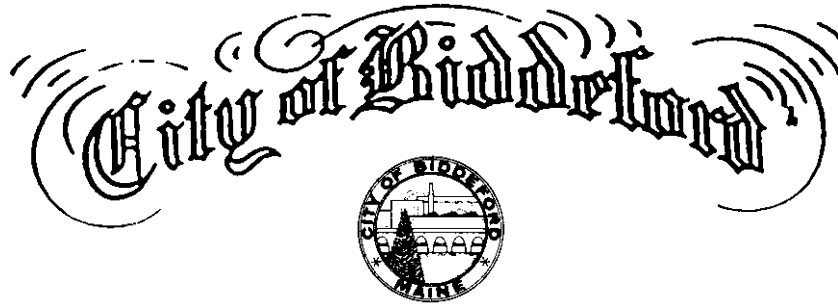
C. M. Cimino Realty Inc. is proposing that Ledgewood Apartments be provided a waiver from the existing program. In return we will provide the City of Biddeford with our Maine Housing yearly inspection reports as well appropriate quarterly inspection reports. We expect to pay a small administrative fee for processing this work on an annual basis.

I hope you will consider our proposal and recognize the unique aspect of Ledgewood Apartments. We have maintained our building and its systems to the highest quality for 45 years and hope we can work together to resolve this matter.

Regards,

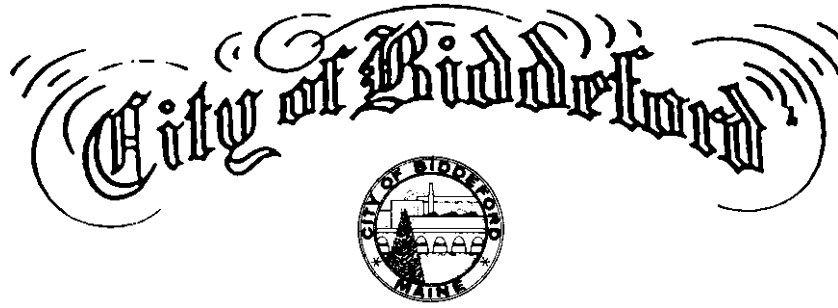
Christopher M. Cimino
Executive Vice President

Cc: Ms. Amy Clearwater



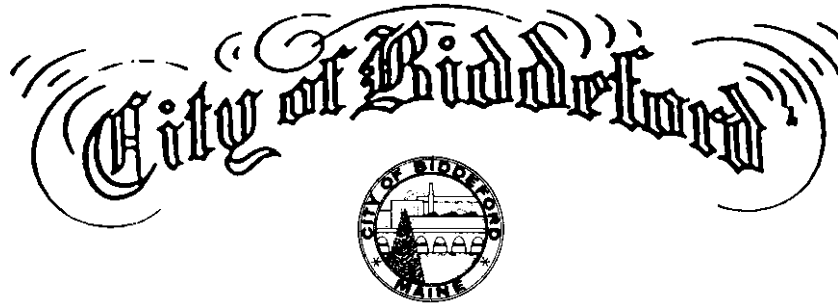
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or deleting to read as follows:

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



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.



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~~