

City of Biddeford

City Council

September 06, 2022 6:00 PM

Council Chambers and via Zoom

Please click the link below to join the webinar:

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

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
 - 3.a. REMOVE: Order of the Day 2022.73
ADD: Order of the Day: 2022.76
- 4. Presentation:**
 - 4.a. Swearing-In of Deputy Fire Chief Kenneth Thorpe

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

- 5. Consideration of Minutes:**
 - 5.a. August 16, 2022 Council Meeting Minutes
[8-16-2022 Council Meeting Minutes.docx](#)
- 6. Orders of the Day: (Public Comment - 3 minute limit)**
 - 6.a. 2022.72) Amendment/Land Development Regulations/Density Bonus
[9-06-2022 LDR Bonus Density Amendments-ORDER.pdf](#)
[9-06-2022 Density Bonus Ordinance Amendments-MEMO.pdf](#)
 - 6.b. 2022.73) Acceptance/Land Donation of 99 Mile Stretch Road
ITEM TO BE REMOVED FROM THE AGENDA
 - 6.c. 2022.74) Approval/Carry Forward Funds from FY22 to FY23
[9-06-2022 Carry Forward FY22 to FY23-ORDER.docx](#)
[9-06-2022 Carry Forward FY22 to FY23-MEMO](#)
 - 6.d. 2022.75) Question: Recreational Marijuana
[9-06-2022 Recreational Marijuana Question.doc](#)
 - 6.e. 2022.76) Approval/Construction Engineering & Inspection Services for Pearl Street

Project - Sewall

09-06-2022 Authorization Construction Engineering and Inspection Svcs - Pearl Street
Project - ORDER

09-06-2022 Approval Construction Engineering & Inspection Services for Pearl Street
Project - BRIEF

- 6.f. Committee-of-the-Whole: Reapportionment of City Wards
 - 9-06-2022 Reapportionment of Wards-MEMO.pdf
 - Proposed Changes by Street.pdf
 - 9-06-2022 Reapportionment of Wards-MAP.pdf
 - 9-06-2022 Reapportionment of Wards-State Law.pdf
- 7. **Appointments: (No Public Comment)**
 - 7.a. Matthew Grooms, City Planner.... Transit Committee
 - 9-06-2022 Appt-Grooms-Transit Committee.docx
 - 7.b. James Flint....Historic Preservation Commission
 - 9-06-2022 Appt-Flint-Historic Preservation Commission.docx
 - 9-06-2022 Committee App-Flint-Histocial Preservation Comm.pdf
 - 7.c. Gregg Shapiro...Recycling & Waste Management Commission
 - 9-06-2022 Appt-Shapiro-RSWC.docx
 - 9-06-2022 Committee App-Shapiro-Recycling Waste Comm.pdf
- 8. **Public Addressing the Council..(3 minute limit per speaker)**
- 9. **City Manager Report: (James Bennett)**
- 10. **Other Business: (Councilors' Comments; Updates; Announcements)**
- 11. **Council President Addressing the Council: (Councilor Norman Belanger)**
- 12. **Mayor Addressing the Council: (Mayor Alan Casavant)**
- 13. **Adjourn**

COUNCIL MEETING

AUGUST 16, 2022

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

Mayor Casavant called the meeting to order at 6:12 p.m.

Roll Call: William Emhiser, Scott Whiting, Martin Grohman, Bobby Mills, Amy Clearwater, Norman Belanger, Liam LaFountain, Doris Ortiz, Marc Lessard

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

There were no adjustments to the agenda.

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

A few citizens expressed their support for the formation of the Ad Hoc Coastal Fire/EMS Substation Committee.

Consideration of Minutes: **August 2, 2022**

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

Vote: Unanimous.

Orders of the Day:

2022.70

IN BOARD OF CITY COUNCIL..AUGUST 16, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute a certain option to purchase real estate property on Water Street in Biddeford, upon terms and conditions satisfactory to the City.

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

Motion by Councilor LaFountain, seconded by Councilor Mills to move into Executive Session, per 1 MRSA 405(6)(C)...Acquisition of Property.

Councilor Belanger recused himself from going into Executive Session due to the fact that his law firm has been working on this project.

Vote to move into Executive Session: Unanimous.

Time: 6:30 p.m.

Back from Executive Session at 7:00 p.m.

Motion by Councilor Clearwater, seconded by Councilor Mills to allow Councilor Belanger to abstain from the vote.

Vote: Unanimous.

City Manager James Bennett explained that the vote is for a \$10,000 initial payment when the option is executed; after which the final details and cost will come back to the Council for final approval.

Vote on order: Unanimous.

2022.71

IN BOARD OF CITY COUNCIL..AUGUST 16, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby establish an Ad Hoc Coastal Fire/EMS Substation Committee; as well as the scope of what the Committee will be charged with.

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

Councilor Lessard asked to go on record, stating that Fire and EMS coverage for eastern Biddeford should be something that is started sooner than waiting for a committee report scheduled for February 2023.

Vote: Unanimous.

Appointment:

IN BOARD OF CITY COUNCIL..AUGUST 16, 2022

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint the following to the ***Ad Hoc Coastal Fire/EMS Substation Committee:***

Councilor William Emhiser, Chair
15 Seventh Street

Peter McPheeters
1 Bayview Avenue

Karin Gregory
20 Elizabeth Road

William Riggs
32 Sea Spray Drive

Michael Swanton
110 Old Pool Road

Patricia Boston
60 Hills Beach Road

James Emerson
127 Old Pool Road

Kyle Noble
56 Hills Beach Road

Jeffrey Greene
25 Ledgemere Drive

Paul Labrecque
23 Emerald Lane

Daniel Boucher
72 Hill Street, #102

Motion by Councilor Belanger, seconded by Councilor Clearwater to confirm the appointments.
Vote: Unanimous.

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

City Manager Report:

City Manager James Bennett had the following items:

- He shared that Biddeford had the lowest amount of discharge into the Saco River from combine sewer overflow in recent history. He has asked the Public Works Director and Wastewater Treatment Plant Superintendent to do a presentation at an upcoming meeting. He went on to thank the Council and the community for their support on past Bond Referendums funding CSO work.
- Staff is putting together a \$3.9 million request for the Lead Removal Program, which would give the City another 4-year cycle in this program.
- The Communications Coordinator and Community Engagement Specialist have instituted another way for folks to stay informed about what is going on in the City. There is now a Hotline number that folks can call – (207) 571-0695 – to hear an update on the current happenings in the City.
- The Transit Committee recently got notification that they will be receiving \$2,047,407 to replace two of the diesel buses with two electric buses.
- Senator Collins has identified \$7.6 million for Route 1 improvements as one of her earmarks. There is still a process to go through to determine if the funds will be granted.
- After speaking with the Mayor and Council President, it has been decided to move back to the original set up in the Council Chambers, which will eliminate all the temporary hookups and hopefully, the technical difficulties.

Other Business:

Councilor Clearwater: announced that this coming weekend is Fringe Fest (on Friday) and River Jam (on Saturday). There will be lots of music, food and plenty for folks of all ages to enjoy.

She and Councilor LaFountain attended the last Community Dinner and had a lovely time. She encouraged everyone to attend the next one.

She is pleased that Neighborhood Meetings are being organized and will begin soon. It will be nice to connect with constituents directly and hear what their concerns are.

Councilor Mills: has had a couple of constituents reach out to him and ask about installing bicycle lanes on the major thoroughfares. There are also concerns about speeding on certain streets in the City.

He is upset about the flower boxes in the downtown that have been dumped over; as well as the damage done at the community gardens.

Councilor Grohman: is also disheartened by the damage and destruction of the downtown flower boxes and community gardens.

Councilor Lessard: asked if it would be possible to install cameras in locations that can capture vandalism of the downtown flower boxes and community gardens, which would aid the Police Department.

Councilor Lessard deems himself one of the more fiscally conservative Councilors, yet one who wants to do most things quickly. He is finding ironic that other Councilors who seem to be less conservative tend to want to move more slowly on some things.

Mayor Addressing the Council: Mayor Casavant shared that on Thursday, August 18th, there will be a revealing of the Marquis de Lafayette plaque at Deering Lumber in honor of the American Revolution. This has been organized by the Biddeford Cultural Heritage Society.

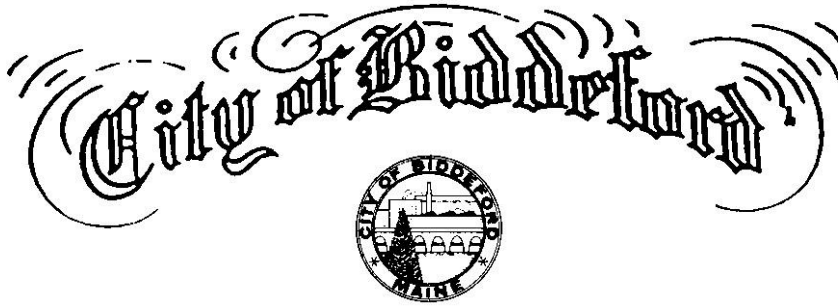
He also spoke about this coming weekend's Fringe Fest and River Jam, encouraging all to check it out.

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

Vote: Unanimous.

Time: 8:00 p.m.

Attest by: _____
Carmen J. Bernier, City Clerk



2022.72

IN BOARD OF CITY COUNCIL..SEPTEMBER 6, 2022

BE IT ORDAINED by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

**Part III (Land Development Regulations), Article V (Establishment of Zones),
Section 2 (General description of zones and allowed uses):**

- B. In order to promote condominium forms of housing and affordable housing in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts the density requirements may be relaxed as follows:
1. Redevelopment of existing structures:
 - a. The Planning Board, or other appropriate approval authority, shall consider granting a density bonus of one residential unit for every 650 square feet of living space within an existing structure, provided the applicant present redevelopment/renovation plans to the Code Enforcement Officer demonstrating how the redevelopment project will **satisfy life/safety codes and** result in the number of residential units with two or more bedrooms being at least, if not more than, the number of units with two or more bedrooms before the density bonus was granted.
 - b. If the project is provided a density bonus, the Code Enforcement Officer shall document the allowable density and number of units, in writing, for the Code Enforcement Office files.
 - c. An applicant ~~provided a density bonus for rental housing~~ shall enter into a **20-year** contractual agreement with the City of Biddeford requiring that at least thirty percent (30%) of the additional units **being created, with the minimum being one unit, shall** be leased **to households earning no more than 80% of the area median income (AMI) such that they do** at a rate not to exceed **80% of** the Fair Market Rent (FMR) per bedroom size, as **established annually** published by the **U.S. Department of Housing and Urban Development (HUD)** Biddeford Housing Authority. The contractual agreement shall be **signed by the applicant, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits. Prior to receiving a Certificate of Occupancy, the applicant shall** recorded the agreement at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office **and Planning and Development Department., prior to the issuance of any building permits.** Rent

restricted units will be annually monitored by the Planning and Development Department for contract compliance.

2. Condominium conversions/development:

- a. A property may be proposed for redevelopment/renovation from apartments into condominiums in accordance with 1. above.
- b. An applicant provided a density bonus for condominiums shall enter into a contractual agreement with the City of Biddeford obligating them to complete the project as condominiums to be offered for sale upon or before completion of the project in return for receiving the density bonus. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits.
- c. The applicant agrees that if the project is converted to condominiums said units shall not be sold for a price that exceeds 125% of the York County median home price affordable to median income households as set annually by HUD for the City of Biddeford.



City Council

Meeting Date: September 6, 2022

Meeting Time: 6:30 p.m.

Agenda Item No: 2022.72

Item Description: Proposed Amendments to Density Bonus Ordinance

Submitted by: Gail Wilkerson, HUD Housing Rehab Programs Director, Planning & Development Dept.

Supporting Information/Documentation:

Current Density Bonus Ordinance with proposed edits included (highlighted in red).

Key Terms: (1) Density Bonus: A prescribed relaxation of density requirements in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts to promote affordable housing within existing structures that are in close proximity to downtown and services. (2) 80% of Area Median Income: The gross household income limit defined by the US Department of Housing & Urban Development (HUD) as "low income." (3) Fair Market Rent: The maximum gross rent established by HUD to be charged to low-income households assisted by federal programs (such as Section 8) for privately owned, decent, safe and sanitary housing of a modest (non-luxury) nature. It is generally calculated as the 40th percentile of gross rents in a local housing market, excluding low-quality units, already subsidized units, and units built in the last 2 years.

Executive Summary:

Clarity in the ordinance is needed to address numerous questions posed by property owners wishing to apply for the density bonus. Requested clarity includes: how long property owners must honor the affordability requirements on the 30% of newly created units; how to assure that low-income households benefit from the new rent-restricted units; and why the maximum rent in ordinance is lower (i.e., only 80% of fair market rent) than that of the Section 8 program (i.e., full fair market rent).

Detailed Review:

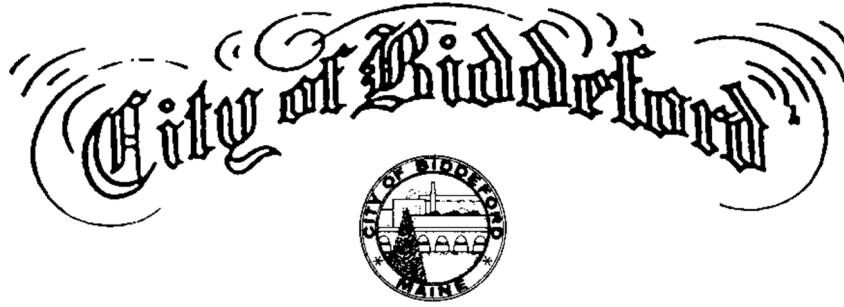
The Density Bonus program has enabled the creation of nearly 50 new units in Biddeford's downtown since 2020. Planning & Development staff who administer the program have spoken with many more property owners who would take advantage of the bonus if only: the rental affordability period had a predictable sunset; full fair market rent could be charged rather than the current 80% of FMR; and only "low-income" households were allowed to rent the newly affordable units. The attached highlighted edits address all these concerns. The proposed **20-year affordability period** aligns with typical rehab financing terms and return on investment horizons; **full fair market rent**, already at the 40th percentile of local rents, represents a significant rental subsidy without further discounting to 80% of FMR; and HUD's **80% of area median income criteria** is a time-tested federal benchmark for identifying low-income households, whom the affordability component of this ordinance was designed to benefit.

Funding Source:

N/A.

Staff Recommendation:

Staff concur with the Planning Board's recommendation to adopt the highlighted edits to the Density Bonus Ordinance, thereby clarifying its requirements, making it easier to administer, and encouraging its use by many more downtown property owners.



2022.74

IN BOARD OF CITY COUNCIL...SEPTEMBER 6, 2022

BE IT ORDERED, that the Finance Director is authorized to create dedicated reserve accounts under the listed fund balance accounts, and transfer remaining funds from the FY 2022 Budget to said dedicated accounts as herein named in amounts not to exceed those stated, as of June 30, 2022 deducting any encumbrances:

10013-30101, General Fund Assigned Fund Balance

<u>Account Description</u>			<u>Amount</u>
Sidewalk Construction / Improvement			\$ 75,000.00
IT Computer Hardware			\$ 109,000.00
City Hall Improvements			\$ 50,000.00
Thatcher Brook Watershed			\$ 80,000.00
Munis Upgrade Planning			\$ 50,000.00
Mechanics Park River Wall Repair			\$ 200,000.00
New Furnace - PWD			\$ 75,000.00
Elm & Pearl Study			\$ 50,000.00
Lincoln St. Electric			\$ 150,000.00
			<u>\$ 839,000.00</u>

BE IT FURTHER ORDERED, that the City Manager be authorized to expend from the above dedicated reserves for expenses related to on-going project costs as approved in accordance with the Purchasing Code.

NOTE: The Finance Committee will consider this item at the September 6, 2022 meeting and vote on recommendation for approval by the City Council.



City Council

Meeting Date: September 6, 2022

Meeting Time: 6:00 pm

Agenda Item No: 6.d.

Item Description: 2022.74) Approval/Carry Forward FY22 to FY23

Submitted by: Nichole Wood, Finance Director

Supporting Information/Documentation:

Order 2022.74

Key Terms:

N/A

Executive Summary:

Due to a number of unfinished projects at the end of fiscal year 2022, staff requests to carry forward \$839,000 for the purposes identified in Order 2022.74.

Detailed Review:

Each year, unspent funds roll over to the Undesignated Fund balance if not allocated for a specific purpose.

The City Manager directs staff to review end of year fund balances to determine the reason for such balances and to determine if funds should be carried forward for specific purposes.

The attached Order request carry forward of \$839,000 from FY22 funds in support of the named project accounts. Most of the carry forward is the result of the inability to perform the work/service identified in the FY22 budget. However, one of the items is the result of changing needs or priorities.

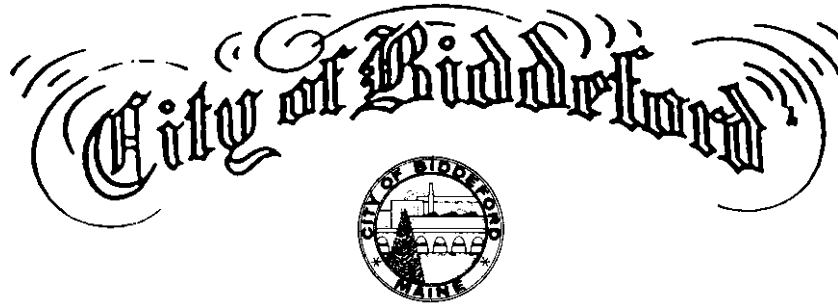
- **Munis Repair and Reconfiguring.** During FY22 staff performed extensive work with Tyler implementation consultants to establish a plan for rebuilding the underlying data tables for the purpose of better utilization of the ERP software, and plans to roll out those fixes no later than January, 2023. Work continues on this front and although administrative in nature this continues to be a “big lift”. With significant work required through completion, this account would serve as a contingency account, spending only as needed with appropriate authorization in accordance with the purchasing rules.

Funding Source:

FY22 General Fund Assigned Fund Balance Carry Forward

Staff Recommendation:

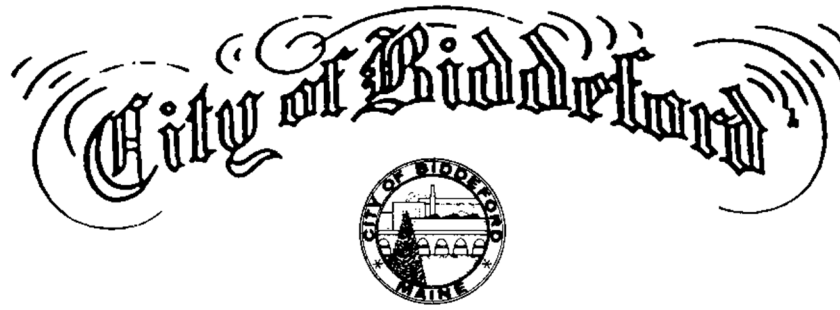
Authorize the creation of reserve account for the purposes listed.



2022.75

IN BOARD OF CITY COUNCIL..SEPTEMBER 6, 2022

QUESTION: Do you wish to have further considerations/discussions on recreational marijuana policy and ordinance language?



2022.76

IN BOARD OF CITY COUNCIL...SEPTEMBER 6, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into an agreement with Sewall of Yarmouth, Maine for construction management services associated with the Pearl Street Reconstruction Project in an amount not-to-exceed \$150,000.

Funding Note: Funding for the project will be covered under the Inspection and Contingency funds (\$325,000) established for the Pearl Street Project.



Biddeford City Council

Meeting Date: September 6, 2022

Meeting Time: 6:00 pm

Agenda Item No: 6.f.

Item Description: 2022.76) Approval/Construction Engineering & Inspection Services for Pearl Street Project - Sewall

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

2022.76 - Order

Key Terms:

N/A

Executive Summary:

Staff requests authorization to engage Sewall, the design engineer to serve as project manager overseeing the construction phase of the project. Sewall served as the design engineer and has the expertise to continue with the construction management phase. The services will be charged on a time and materials basis not-to-exceed \$150,000 without prior authorization. The time and material rates are consistent with design service rates.

Detailed Review:

As referenced at the June 21st meeting, staff reviewed the Pearl Street Reconstruction Project funding and RFP overage implications. The Council subsequently approved the project cost of \$3,520,950 as referenced below.

Funding Statement:

The Pearl Street Reconstruction Grant is a reimbursement grant.

EDA Grant Award.....	\$ 1,156,015
Paving Account (Order 2021.21).....	\$ 250,000
CSO Account (Order 2021.21).....	\$ 50,000
Rt.111/Downtown TIF Fund (Order 2021.21).....	\$ 856,015
Pearl Street Bid Overage (Excess Funds 03/22).....	\$ <u>883,920</u>
Total Construction	\$ 3,195,950

Project Management (includes, mgt, inspections, and contingency).....	\$ <u>325,000</u>
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Total Authorization	\$ 3,520,950
Municipal Portion	\$ 2,364,935

At the time of the authorization it was referenced that staff would return at a later date to address any expenditure from the \$325,000 appropriated for project management. At this time staff requests authorization to engage Sewall, the design engineer to serve as project manager overseeing the construction phase of the project. The services will be charged on a time and materials basis not-to-exceed \$150,000 without prior authorization. The time and material rates are consistent with design service rates.

The grant award specifies completion of construction within 245-days of construction contract award. Due to project approval delays associated with EDA requirements it is anticipated that the project construction will start in earnest but will not be completed until the spring of 2023 due to the inability to install pavers in the winter months. EDA is aware of the schedule impact and allows for project stops with commencement of counted construction days once the project restarts.

Staff Recommendation:

Approve as presented.



City Council

Meeting Date: September 6, 2022

Meeting Time: 6:00 p.m.

Agenda Item No: Committee-of-the-Whole

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

Submitted by: Carmen Bernier, City Clerk

Supporting Information/Documentation:

Biddeford Street/Ward Listing with Proposed Changes

Detail of Proposed Changes

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

Key Terms:

N/A

Executive Summary:

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

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

Detailed Review:

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

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

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

Funding Source:

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

Staff Recommendation:

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

Redistricting 2022

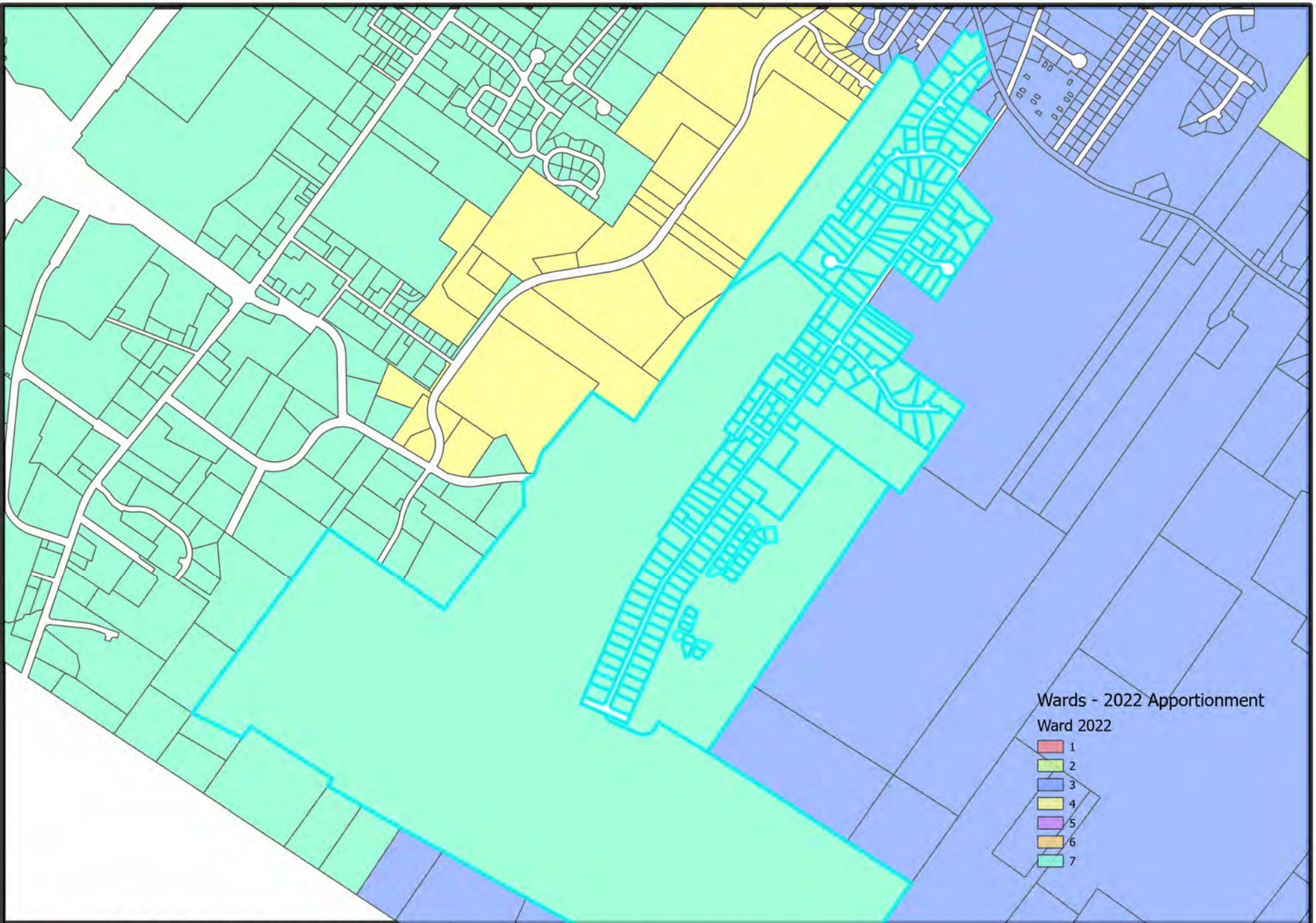
Proposed Changes

<u>Move from Ward 5 to Ward 4:</u>	<u>Number of Voters</u>
93 – 289 Alfred Street (odd side only)	127

<u>Move from Ward 3 to Ward 7:</u>	<u>Number of Voters</u>
216 – 356 Granite Street (both sides)	181
Pine Cone Circle	11
Cherryfield Avenue	20
Bond Street	10
Breton Street	31
Cornerstone Drive	16
Jacqueline Drive	18
Ponderosa Lane	46
Ben Avenue	8
Lizotte Avenue	2
Charles Avenue	23
Vital Avenue	3
Dechene Avenue	6
Fleetwood Drive	5
Colony Drive	5
Merrill Street	11
Astro Lane	5
Commodore Drive	28
TOTAL:	429

Change in Registered Voters by Ward

<i>Ward</i>	<i>Current Registered Voters</i>	<i>Registered Voters after proposed changes</i>
1	2297	2297 (no change)
2	2300	2300 (no change)
3	2553 - 429	2124
4	2007 + 127	2134
5	2463 - 127	2336
6	2376	2383 (no change)
7	1736 + 429	2165



The City of Biddeford, Maine

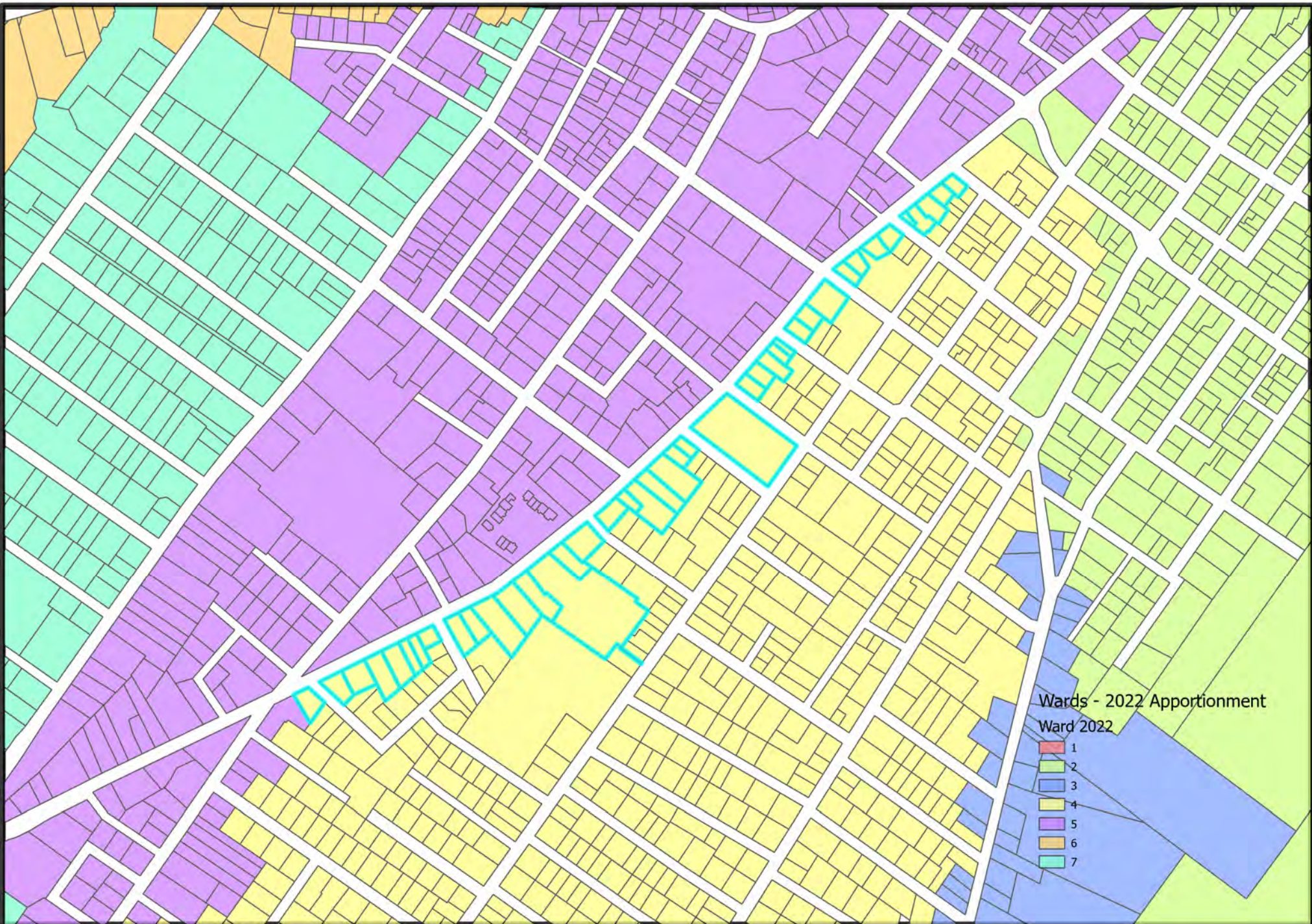
Technologies Department - GIS Mapping

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



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Ward Reapportionment - Ward 3 to 7



The City of Biddeford, Maine
Technologies Department - GIS Mapping
 205 Main Street • P.O. Box 586 • Biddeford, Maine 04005-0586
 Tel. 207-571-0660 • Email gis@biddefordmaine.org



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Ward Reapportionment - Ward 5 to 4

§2503. Reapportionment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YES / / NO / /"

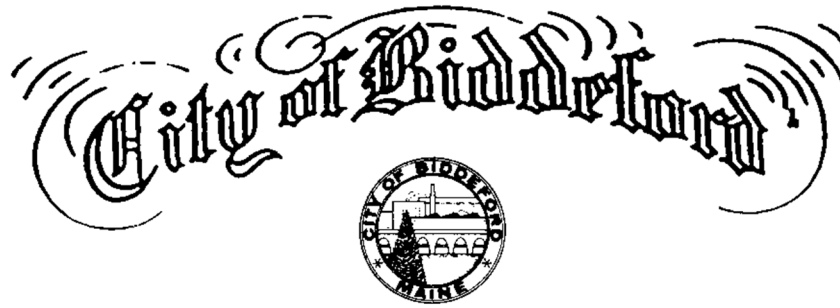
(The voters shall indicate their choice by a cross or check mark placed in the appropriate box opposite the words YES or NO.)

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

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

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

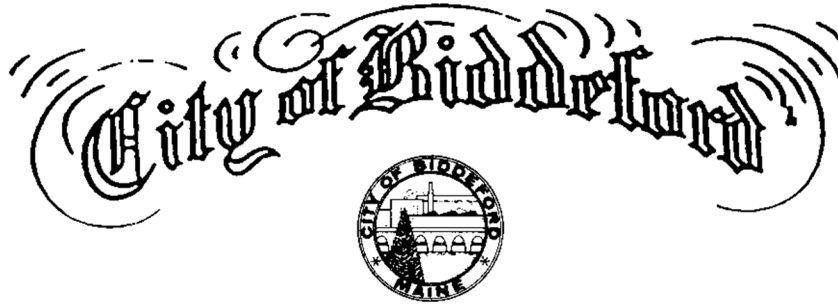
[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]



IN BOARD OF CITY COUNCIL...SEPTEMBER 6, 2022
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Matthew Grooms
City Planner

to the *Tri-City Transit Committee*.



IN BOARD OF CITY COUNCIL...SEPTEMBER 6, 2022

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

**James Flint
360 South Street
Ward 6**

to the *Historic Preservation Commission*, replacing Jessica Muise, for a term to expire December 2024.

Carmen Bernier

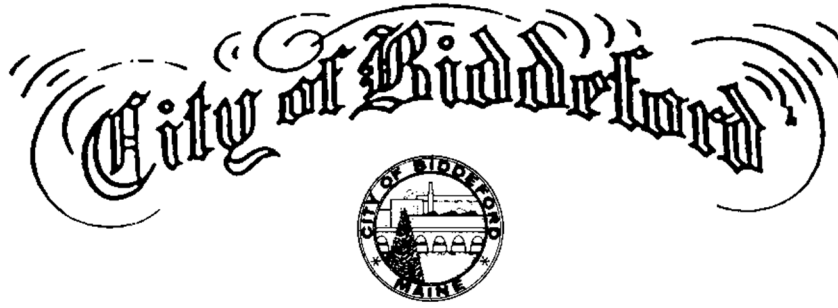
From: noreply@civicplus.com
Sent: Friday, August 26, 2022 2:52 PM
To: Carmen Bernier
Subject: Online Form Submission #15918 for Committee, Board, and Commission Application Form

Committee, Board, and Commission Application Form

Name	James R. Flint
Street Address	360 South Street, Biddeford
Mailing Address (If Different)	<i>Field not completed.</i>
Phone Number(s)	(207) 590-0458
Email Address	jflint@maine.rr.com

(Section Break)

Which City Committee, Board or Commission do you request to be appointed to?	Historic Preservation Commission
If other, please list below.	<i>Field not completed.</i>
Why are you interested in serving the City of Biddeford?	Historic preservation has been among my interests for a long time.
Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve.	I used to write a monthly article for "The Courier" about individual buildings in both Biddeford and Saco, but I have no formal training in architecture or preservation. My own house has architectural significance which I have tried to honor in what I have done to it.
Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates).	Decades ago, I served on the Vestry of St. Luke's Episcopal Cathedral in Portland. I was elected to two terms. As a vestry member, I also served on the Buildings & Grounds sub-committee which was charged with oversight of the building's maintenance and the administration of the proceeds from the dedicated endowment. In addition, as an employee of the USPS, I served on a number of committees in various

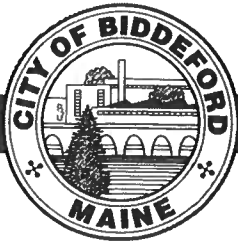


IN BOARD OF CITY COUNCIL...SEPTEMBER 6, 2022

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

**Gregg Shapiro
9 Horrigan Court
Ward 6**

to the *Recycling & Waste Management Commission*, replacing Lisa Brunelle, for a term to expire December 2024.



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: August 8, 2022

Name: Gregg Shapiro

Street Address: 9 Horrigan Court
Biddeford, ME 04005

Mailing Address: _____
(if different) _____

Phone Number(s): (207) 831-1438

Email Address: greggrshapiro@gmail.com

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

- | | |
|--|---|
| ☐ • Airport Commission | ☐ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☒ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☐ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

I do not have any prior experience on public boards, commission or committees.

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

Over 30 years as a sales professional in the area of business-to-business media (print, digital, events and sponsorships). Success has required me to be a strong communicator, organized, and well versed on key issues in the industries I have served.

I have also volunteered for Engine in Biddeford back in 2018 in support of its Makers' Faire for the Compass Project. Currently volunteering with Planned Parenthood as part of its Maine Action Team doing canvassing in Southern Maine

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

As a new member of the community, I purchased my home on Horrigan Court just under a year ago, I am eager to lend my talents, experience and enthusiasm to my new home town. Further, given the challenging times we are living in, I personally believe it is important for each of us to become a force of good in the world and that begins here at home.

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