

City of Biddeford
City Council
September 03, 2019 6:00 PM Council Chambers

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Presentation:**
 - 4.a. Update: Heart of Biddeford and Engine - Upcoming Events
- 5. Consideration of Minutes:**
 - 5.a. Council Meeting Minutes...August 20, 2019
[8-20-2019 Council Meeting Minutes.docx](#)
- 6. Second Reading:**
 - 6.a. 2019.90) Amendment/Land Development Regulations/Art. XIV-Shoreland Zoning/Land Use Standards - Essential Services
[8-20-2019 Shoreland - Essential Services-ORDER.docx](#)
[8-20-2019 LDR-Essential Services-Shoreland Zoning-MEMO.pdf](#)
- 7. Orders of the Day:**
 - 7.a. 2019.54) Remove from table: Authorization/Transfer Ownership of Hills Beach Fire Station Land and Building to the Hills Beach Association
[6-04-2019 Transfer of Hills Beach Fire Station to HBA-ORDER.doc](#)
[6-04-2019 Hills Beach Fire Station-HBA LETTER.pdf](#)
[6-04-2019 Hills Beach Fire Station-HBA-citizen submittal.pdf](#)
 - 7.b. 2019.96) Approval/Purchase of Roll-Off/Recycling Truck/Freightliner of Maine
[9-03-2019 Purchase-Roll-off-Recycling Truck-ORDER.docx](#)
[9-03-2019 Purchase-Roll-off-Recycling Truck-MEMO.docx](#)
[9-03-2019 Purchase-Roll-off-Recycling Truck-Fournier Memo.docx](#)
[9-03-2019 Purchase-Roll-off-Recycling Truck-BIDS.docx](#)
 - 7.c. 2019.97) Amendment/Land Development Regulations/Art. VI-Performance Standards, Section 49 - Off-street parking and loading/Address Parking Standards
[9-03-2019 LDR-Sec 49-Off-street parking and loading-parking waivers.docx](#)
- 8. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
- 9. City Manager Report**
- 10. Other Business**
- 11. Council President Addressing the Council**
- 12. Mayor Addressing the Council**
- 13. Adjourn**

**COUNCIL MEETING
AUGUST 20, 2019**

Mayor Casavant called the meeting to order at 6:06 p.m.

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Amy Clearwater, Michael Ready, Marc Lessard

Robert Quattrone, Jr., Norman Belanger and Laura Seaver were excused.

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

Adjustment to the Agenda:

- Add: Executive Session – 1MRSA 405(6)(E)..Consultation with Legal Counsel

*Public Hearing: **Liquor License – Eat’N Park Hospitality Group, Inc. @ UNE***

The Chair opened the Public Hearing at 6:07 p.m.

There were no public comments.

The Chair closed the Public Hearing at 6:07 p.m.

*Consideration of Liquor License: **Eat’N Park Hospitality Group, Inc. @ UNE***

Motion by Councilor McCurry, seconded by Councilor Clearwater to recommend the issuance of a liquor license to Eat’N Park Hospitality Group, Inc. @ UNE.

Vote: Unanimous.

*Special Event Application: **2019 River Jam***

Motion by Councilor McCurry, seconded by Councilor Clearwater to approve the Special Event Permit for **2019 River Jam**.

Vote: 5/1; Councilor Ready opposed.

Councilors Swanton, McCurry, St. Cyr, Clearwater and Lessard in favor.

Motion carries.

Consideration of Minutes: **August 6, 2019**

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

Vote: Unanimous.

Second Readings:

{For a copy of the ordinance amendments and first readings, see the Council Meeting minutes of August 6, 2019}

2019.77) Amendment/Ch. 46, Parks and Recreation/Sec. 46-1-Word usage and definitions/Add Athletic Field

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

Vote: Unanimous.

2019.78) Amendment/Ch. 46, Parks and Recreation/Sec. 46-13-Park operating policy/Add Dogs on athletic fields

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

Vote: Unanimous.

**2019.79) Amendment/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**

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

Vote: Unanimous.

**2019.80) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-92-Limited Parking/
Delete on Elm Street at intersection with St. Joseph Street**

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

Vote: Unanimous.

**2019.81) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-100-Disability
Parking/Delete on Graham Street at intersection with Harding Street**

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

Vote: Unanimous.

**2019.82) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-88-One-Way Streets/
Amend on Franklin Street**

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

Vote: 5/1; Councilor Swanton opposed.

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

Motion carries.

**2019.83) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-89-Stop Intersections/Add
on Franklin Street and Delete on Federal Street**

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

Vote: Unanimous.

Orders of the Day:

2019.50

IN BOARD OF CITY COUNCIL..MAY 21, 2019

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 III (Official Zoning Map),
is amended to rezone a portion of the property (300 feet deep off Guinea Road) at
226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1.**

Motion by Councilor Lessard, seconded by Councilor Swanton to remove the ordinance amendment from the table.

Vote: 5/1; Councilor McCurry opposed.

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

Motion carries.

Vote on first reading: All Opposed.

Ordinance amendment fails.

2019.90

IN BOARD OF CITY COUNCIL..AUGUST 20, 2019

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

**Biddeford Code of Ordinances Part III (Land Development Regulations), Article XIV
(Shoreland Zoning):**

Section 15. Land Use Standards.

B. Principal and Accessory Structures.

1. All new principal and accessory structures shall be set back at least 100 feet, horizontal distance from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and 100 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that:

- a. ~~in~~ In the General Development District the setback from the normal high-water line of the wetland shall be at least 25 feet, horizontal distance;
- b. ~~, in~~ In the Commercial Fisheries/Maritime Activities District there shall be no minimum setback;
- c. The setback for structures associated with Essential Services in the Limited Residential District shall be at least 75 feet, horizontal distance; and
- d. ~~, and~~ The setback for structures from the normal high-water line of the wetland shall be at least 75 feet, horizontal distance, in that portion of the Institutional (IN) Zone subject to the Limited Residential (~~LR~~) Shoreland District described as follows:

A certain lot or parcel of land situated on the easterly side of Hills Beach Road, in the City of Biddeford, County of York, State of Maine, and being more specifically bounded and described as follows:

BEGINNING at a point marking the intersection of the north westerly extension of the south westerly sideline of the UNE wastewater treatment plant and the upper edge of the coastal wetland adjacent to the Saco River, thence southerly along a line through the south westerly sideline of the UNE wastewater treatment plant a distance of 310 feet more or less to the intersection of said line with the city of Biddeford Limited Residential (LR) zone boundary;

THENCE: north easterly along said LR zone boundary a distance of 414 feet more or less to a point;

THENCE: northerly 340 feet more or less to a point on the upland edge of the coastal wetland adjacent to the Saco River.

Meaning and intending to encompass a portion of Lot 4, as shown on City of Biddeford Official Tax Map 52.

Within that portion of the Institutional (IN) Zone subject to a Shoreland Zoning District, existing buildings, structures, and roads may be maintained, modified, or replaced but no new buildings shall be built or located and no existing buildings shall be enlarged (including the replacement of existing buildings) except as follows: The existing buildings and roads may be modified to the extent necessary to meet the requirements of applicable local, state, or federal codes or regulations, the existing sewage treatment plant may be expanded or replaced, and the existing Marine Science Center may be expanded through the construction of one additional building, provided that such changes meet all shoreland requirements and the performance standards of Article XIV.

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

Vote: Unanimous.

2019.91

IN BOARD OF CITY COUNCIL..AUGUST 20, 2019

BE IT ORDERED, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for Heart of Biddeford to serve liquor at the **2019 Fringe Fest** on September 20th at Shevenell Park, providing that the said Heart of Biddeford is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the request.

Vote: 4/2; Councilors Ready and Lessard opposed.

Councilors Swanton, McCurry, St. Cyr and Clearwater in favor.

Motion carries.

2019.92 **IN BOARD OF CITY COUNCIL...AUGUST 20, 2019**
BE IT ORDERED, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for Heart of Biddeford to serve liquor at the **2019 River Jam Festival** on September 21st at Mechanics Park, providing that the said Heart of Biddeford is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the request.
Vote: 4/2; Councilors Ready and Lessard opposed.
Councilors Swanton, McCurry, St. Cyr and Clearwater in favor.
Motion carries.

2019.93 **IN BOARD OF CITY COUNCIL....AUGUST 20, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize an increase in the maximum grant award for the Business Improvement Program (formerly Façade Program) from \$15,000 to \$30,000 with a one-to-one match, enabling projects up to \$60,000 to be completed.

Note: Funding for the program is designated through the CDBG program. The current fund balance is \$102,296.

Motion by Councilor Ready, seconded by Councilor Swanton to grant the order.
Vote: 5/1; Councilor McCurry opposed.
Councilors Swanton, St. Cyr, Clearwater, Ready and Lessard in favor.
Motion carries.

2019.94 **IN BOARD OF CITY COUNCIL... AUGUST 20, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute the attached Exchange Agreement and Master Lease with Draft Room LLC substantially in the form as presented, for the development of the Riverdam Mill Building.

Motion by Councilor Swanton, seconded by Councilor Ready to grant the order.
Vote: 5/1; Councilor McCurry opposed.
Councilors Swanton, St. Cyr, Clearwater, Ready and Lessard in favor.
Motion carries.

2019.95 **IN BOARD OF CITY COUNCIL... AUGUST 20, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby direct the City Manager to prepare and release a request for bid (RFB) for professional services for a qualified parking consultant. The RFB shall address reviewing and providing feedback and recommendations specific to on-street parking time limits and layout, public parking lot parking time limits, integrated parking fee and enforcement technology, and overall parking management plan implementation. The RFB shall be issued no later than seven (7) days from the date of this order.

Motion by Councilor Clearwater, seconded by Councilor Ready to grant the order.
Vote: Unanimous.

Appointment:

IN BOARD OF CITY COUNCIL...AUGUST 20, 2019
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

Jeffrey Dorais
71 May Street
Ward 7

to the *Recreation Commission*, replacing Ronald Ouellette, with a term to expire December 2022.

Motion by Councilor Ready, seconded by Councilor Clearwater to confirm the appointment.
Vote: Unanimous.

Public Addressing the Council..(3 minute limit per speaker; 30 minute total time limit):
A few citizens addressed their comments and concerns to the Council.

City Manager Report:

City Manager, James Bennett addressed comments made during the Public Addressing the Council portion of the meeting. He noted that any issues involving City personnel are not within the purview of the City Council, and should be brought to the attention of the City Manager, or his designee when he is not available. It is per State Law that personnel issues not be handled by elected officials, and certainly not in public for the protection of the public employee.

Other Business:

Councilor Lessard – has been watching the economy and noted that we have recently experienced an inverted yield curve. Generally speaking, once this happens, within an average of 32 months, the economy could see a recession. He explained that this is important to know as he makes future financial decisions for the City.

Councilor Swanton – asked about the issue of the Hills Beach Fire Station, which had been tabled at a previous Council meeting. It was noted that this item will be included on the September 3, 2019 Council meeting agenda.

Council President Addressing the Council: Councilor McCurry shared that he and Mayor Casavant met with representatives of the Ice Arena and have come up with a way to ensure better and fair ice times for both the youth hockey program and the Biddeford High School hockey team.

Mayor Addressing the Council: Mayor Casavant thanked the Biddeford Historical Society and the Heart of Biddeford for organizing the Acadia Music event, with Robert Sylvain performing, that took place at the Meetinghouse Building last week. He believes that these types of events are important for community building.

Executive Session:

- **1 MRSA 405(6)(C)..Development Contract Update**
- **1 MRSA 405(6)(E).. Consultation with Legal Counsel, re: legal matter**

Motion by Councilor McCurry, seconded by Councilor Clearwater to move into Executive Session.

Vote: Unanimous.

Time: 7:19 p.m.

Motion by Councilor McCurry, seconded by Councilor Clearwater to move out of Executive Session.

Vote: Unanimous.

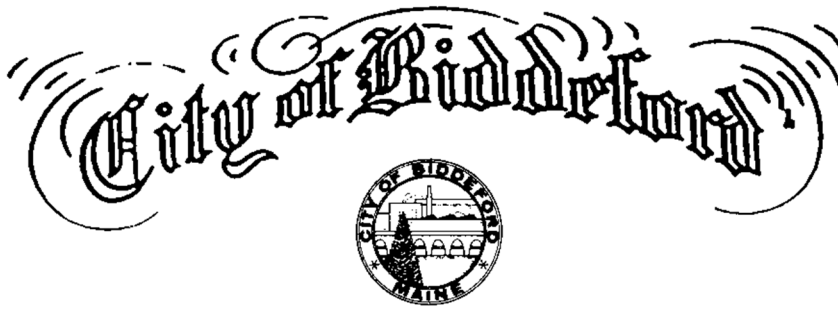
Time: 8:31 p.m.

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

Vote: Unanimous.

Time: 8:31 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



2019.90

IN BOARD OF CITY COUNCIL..AUGUST 20, 2019

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

Biddeford Code of Ordinances Part III (Land Development Regulations), Article XIV (Shoreland Zoning):

Section 15. Land Use Standards.

B. Principal and Accessory Structures.

1. All new principal and accessory structures shall be set back at least 100 feet, horizontal distance from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and 100 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that:
 - a. ~~In~~ In the General Development District the setback from the normal high-water line of the wetland shall be at least 25 feet, horizontal distance;
 - b. ~~In~~ In the Commercial Fisheries/Maritime Activities District there shall be no minimum setback;
 - c. The setback for structures associated with Essential Services in the Limited Residential District shall be at least 75 feet, horizontal distance; and
 - d. ~~and~~ The setback for structures from the normal high-water line of the wetland shall be at least 75 feet, horizontal distance, in that portion of the Institutional (IN) Zone subject to the Limited Residential (LR) Shoreland District described as follows:

A certain lot or parcel of land situated on the easterly side of Hills Beach Road, in the City of Biddeford, County of York, State of Maine, and being more specifically bounded and described as follows:

BEGINNING at a point marking the intersection of the north westerly extension of the south westerly sideline of the UNE wastewater treatment plant and the upper edge of the coastal wetland adjacent to the Saco River, thence southerly

along a line through the south westerly sideline of the UNE wastewater treatment plant a distance of 310 feet more or less to the intersection of said line with the city of Biddeford Limited Residential (LR) zone boundary;

THENCE: north easterly along said LR zone boundary a distance of 414 feet more or less to a point;

THENCE: northerly 340 feet more or less to a point on the upland edge of the coastal wetland adjacent to the Saco River.

Meaning and intending to encompass a portion of Lot 4, as shown on City of Biddeford Official Tax Map 52.

Within that portion of the Institutional (IN) Zone subject to a Shoreland Zoning District, existing buildings, structures, and roads may be maintained, modified, or replaced but no new buildings shall be built or located and no existing buildings shall be enlarged (including the replacement of existing buildings) except as follows: The existing buildings and roads may be modified to the extent necessary to meet the requirements of applicable local, state, or federal codes or regulations, the existing sewage treatment plant may be expanded or replaced, and the existing Marine Science Center may be expanded through the construction of one additional building, provided that such changes meet all shoreland requirements and the performance standards of Article XIV.

August 20, 2019

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

Vote: Unanimous.



CITY OF BIDDEFORD PLANNING DEPARTMENT

Greg D. Tansley, AICP
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

From: Greg Tansley, AICP, City Planner

A handwritten signature in black ink that reads "Greg Tansley".

Date: August 8, 2019

Re: A zoning amendment to allow for a 75' setback (rather than 100' setback) for Essential Services in the Limited Residential Shoreland Zone.

Please find my memo to the Planning Board attached. I believe this memorandum describes the amendment proposal in full, explaining why this is now before the City Council for consideration.

On August 7, 2019 the Planning Board held a duly noticed Public Hearing on the proposal before you. **Following the Public Hearing the Planning Board voted 4-0 (unanimously) to recommend the proposed amendment before you BE APPROVED by the City Council.**

Note: As recommended by Staff and agreed to by the Planning Board, we ask that the City Council consider this ordinance amendment in as expeditious manner as it considers possible.

Attachments: City Planner's Memo to the Planning Board dated July 30, 2019

Cc: R. Knowlton, Maine Water (via email)
M. Eddy, Planning and Development Director (via email)
K. Buechs, Conservation Commission Chair (via e-mail)
File



CITY OF BIDDEFORD

PLANNING DEPARTMENT

2019.30

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

PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

DATE: July 30, 2019

RE: **NEW BUSINESS ITEM #B - 2019.30 Public Hearing, take comments, and make recommendations to the City Council, regarding a zoning amendment to allow for a 75' setback (rather than 100' setback) for essential services in the Limited Residential Shoreland Zone.**

MEETING DATE: AUGUST 7, 2019 @ 6:00 PM

Maine Water is planning a new water treatment facility on the south side of South Street. The new facility will replace the existing facility, which is north of South Street along the River. This relocation will allow them to upgrade the facility and remove it from potential damage since it is located in the Saco River Floodplain.

In developing their plans, however, it has become apparent to Maine Water that in order to generate enough draw pressure to get the water from the River to the new treatment facility, a pump station is needed.

City Staff and Maine Water discussed the possibility that the water intake system proposed by Maine Water, inclusive of the pump station, is a functionally water dependent use and therefore not subject to the minimum setback. Since it is unclear that the Maine Water facilities fully meet a functionally water dependent use as it is defined in the ordinance, Maine Water and their engineers met officials of the Maine DEP to seek their input. As a result of that meeting, the preference of both the City and the Maine DEP is to amend the ordinance as presented for the sake of clarity.

The proposed pump station will transfer water from the river uphill to the new water treatment facility. Two functional design alternatives exist for such a pumping station and both alternatives were considered. The first option requires placing the pumps below the river level to provide a gravity flow of water to the pumps. On the Maine Water property, this would require a very deep excavation, either adjacent to the river within the Shoreland Zone setback or, with the use of a deep tunnel, further back from the river. This alternative either violates the minimum setback limit or

10

becomes financially impractical due to the distance from the river that a pump station could be placed after accommodating the floodplain limit and a CMP easement that crosses the property. The second design option uses a vacuum priming system to lift the river water to the pumps so that the excavation can be minimized, both on land and in the river. This alternative has hydraulic design limitations, however, as there is a limit to the amount of suction lift that can be created. In this location, the pump station cannot be more than 75 feet from the river and function properly. Working with this setback, Maine Water has also addressed the siting challenges of the CMP easement and the floodplain, so the vacuum priming system has been selected by Maine Water as the desired option.

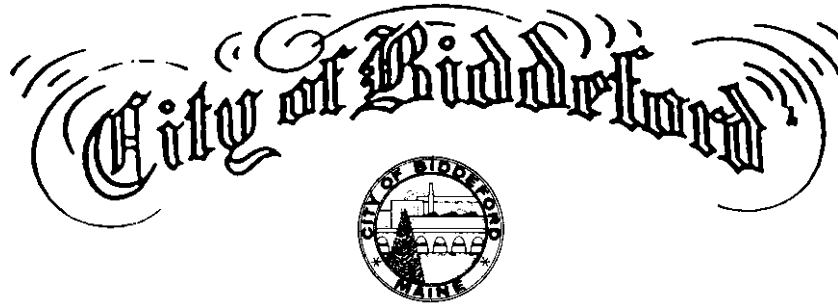
Hence, the Shoreland Zoning Amendment proposal that is before you.

Staff support this amendment. Maine Water is an essential utility in Biddeford and the region. Decreasing the setback in the LR for Essential Services enables the project to happen with no discernable impacts on the River, while maintaining state minimum required setbacks of 75'. Maine DEP have indicated they will approve this amendment should it be approved locally.

Further, staff recommend that when this reaches the City Council, the Council consider ways in which to expedite its approval to move this forward to Maine DEP for their approval in a timely manner.

SAMPLE MOTIONS:

Motion to recommend/not recommend the revised Zoning Change pass at the City Council as expeditiously as possible.



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.

June 4, 2019

Motion by Councilor Seaver, seconded by Councilor Ready to grant the order.

Motion by Councilor Swanton, seconded by Councilor Ready to amend the order to add:
“or the legal entity created by the Hills Beach Association for said purpose...”

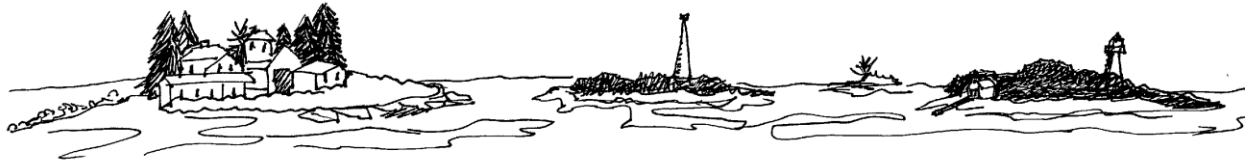
Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Lessard to table the Order until more information can be gathered regarding the transfer of ownership.

Vote: 5/3; Councilors Seaver, Ready and Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Belanger and Lessard in favor.

Motion to table carries.



D. Noble

HILLS BEACH ASSOCIATION

May 29, 2019

City Council
205 Main St.
Biddeford, ME 04005

Dear Mayor Casavant, City Manager Bennett, and City Councilors:

The history of the Hills Beach Fire Station is well-known to many of you. Both the labor and all the funding required for the construction of the building was provided by the Hills Beach community. The station was built on land owned by the City of Biddeford for which the Hills Beach Volunteer Fire and Rescue Unit (HBVFRU) was granted a quit claim deed. The deed included a provision that the title would revert to the City if the premises were no longer used and maintained by the HBVFRU as a fire department. Changes in the demographics of Hills Beach owners and residents, as well as the more stringent requirements to be a volunteer firefighter, led to the inability to retain an active fire department at Hills Beach. The City discontinued water and electric service to the building several years ago.

At the November 9, 2017 meeting, the City Council voted 7-1 in favor of order 2017.122, whereby the council instructed City Staff to “proceed over the next year to discontinue the use of the Hills Beach Fire Station, located on Hills Beach Road, and work with the Hills Beach Association to make recommendations for future use of the property.”

We acknowledge and greatly appreciate the time and attention that city staff have provided us. Members of the Hills Beach Association (HBA) board and an officer of the HBVFRU have: 1 – had several discussions with Mr. Bennett and Chief Gagne regarding the potential disposition of the property; and 2 – met with Roby Fecteau, CEO, to determine what renovations are required for code compliance if ownership is transferred to HBA.

We have also been working with Hills Beach owners and full-time residents and have determined that there is overwhelming interest in and support for acquiring the property for use as a community center. The community center function was an integral part of this structure since its conception and construction, like its model and sister facility at Biddeford Pool. The HBA previously leased the second floor of the station from the HBVFRU for this purpose. The community never intended to give up its gathering place and that is still evident.

We request that the council indicate their agreement that the City should proceed to transfer the property at 162 Hills Beach Road to the Hills Beach community – the neighborhood that built the structure that served as a valuable asset to the city for many years – for use as a community center. We hope that the Council will agree that our investment has not been totally in vain and that organized neighborhoods are good for the City in general. Obtaining clear direction from the city will facilitate our proceeding to establish a 501(c)3 nonprofit entity to receive the property, as well as our strategic planning for the necessary fundraising campaign and renovations.

We look forward to speaking with you and providing any additional information you need.

Thank you for your service to our City!

Respectfully,

A handwritten signature in cursive script that reads "Patricia Boston".

Patricia Boston

President, Hills Beach Association

June 4, 2019

Dear Residents and Property Owners of the Hills Beach Community,

First, and most important, please write to our City Fathers ASAP after you have read this to give them your position on the following matter. One email address is all you need and it is stated in this letter.

I am writing to you albeit at the last hour, but with an important message to share with you and please forgive this lengthy letter but this is a very important message that I hope you make the time to read before this evening's City Council meeting.

This letter is regarding the future of the Hills Beach Volunteer Fire & Rescue Unit...and the station.

I read in the press not too long ago that a Biddeford City Official stated: "Perhaps we should just give it back to the Hills Beach Association (HBA). Decisions for the future should be based on accurate facts and the truth here is that the HBA 'never' owned the real estate that the Hills Beach station sits upon...as you will learn herein.

To know the history of the Hills Beach Volunteer Fire & Rescue Unit (HBVF&RU) would hopefully help all of you make a more thoughtful and meaningful decision as to what to do with the HBVF&RU (fire station) corporation's future.

Having said that, I would like to present you with my point of view. Choosing between two different points of views can be helpful...to everyone.

I founded the Hills Beach Association many years ago (I know I am really dating myself). I served as its president for its first two years then I stepped down as I had written into its By-laws that the president shall serve only two years then that position would go to someone else, to give someone else the opportunity to serve, someone with new ideas, new energies, new contacts, etc. that is, to pass the torch onward for the good of the corporation.

I then founded the Hills Beach Volunteer Fire & Rescue Unit and served as its president for two years. I drafted similar By-laws, i.e., for the president to serve a term of two years then to pass the torch on to someone else.

To have a better understanding of how it came about I chose the current site for the fire station because it was centrally located and because the owner had deceased and for some reason the case was stuck and forgotten about in probate court for the past 40 years (at that time). By law, the City owned the property for unpaid taxes, but it had fallen through the cracks until I pursued it.

I began my efforts to acquire it for the Hills Beach fire station when a petition was circulated throughout the Hills Beach community to try and convince the community not to allow me to

acquire it for the fire station; the petition contained falsehoods, i.e. that I would have loud parties there every night, etc., and who made up false rumors in their attempt to stop it because these individuals were encroaching upon this property (per City engineers survey of the property) and may very well have been planning on eventually taking it over altogether. These people are no longer at Hills Beach.

If that wasn't enough the officers and directors of the HBA at that same time voted to oppose my efforts to bring the volunteer fire department to Hills Beach. Obviously, this served to further, negatively compound my efforts to acquire the property for the fire station.

With the good graces of God and hard work I was able to overcome these obstacles and eventually won approval by the City of Biddeford.

In forming the By-laws and my efforts to obtain a not-for-profit status (501-C-3) from the Internal Revenue Service (and succeeded) I had to choose another registered not-for-profit to name to give 'all' the assets to in the event the HBVF&RU may someday dissolve (this is in the Dissolution clause of the HBVF&RU's By-laws) (By-laws attached).

I thought of naming the University of New England knowing that it was a not-for-profit corporation but then figured that the City of Biddeford was generous enough to provide the real estate to the HBVF&RU so I thought it was only fitting to name the City of Biddeford as the beneficiary should we ever dissolve this corporation. (To date the HBVF&RU has not dissolved its corporate status and in fact I arranged to have timely filed its corporate annual report yesterday).

Established in the beginning was a good slate of officers and directors for the HBVF&RU who were hard working and very dedicated to this cause.

I then managed to secure a mortgage loan from Saco & Biddeford Savings Institution (SBSI) to cover the costs of the concrete foundation and for the purchase of the building materials. (See recent correspondence with SBSI attached).

The construction of the station, to my best recollection, was built only by members/volunteers of the HBVF&RU and not from anyone else in the community.

From there we obtained a state-of-the-art fire truck and other miscellaneous equipment.

We had occasional potluck suppers and other, occasional (quiet) miscellaneous events to raise money to pay off the mortgage with the SBSI...and we did pay it in full rather quickly.

Mr. Albert Lamb became the District Fire Chief and his two sons served as part of the team of volunteer fire fighters and served faithfully for many years.

But then the State of Maine changed its training requirements for all volunteer fire fighters, and this took its toll on volunteers throughout the state of Maine...even to this day.

Mr. Lamb reached that time in his life when he decided to retire as our District Fire Chief, then the organization went into limbo from the result of a lack of active leadership...and has been in limbo for the past 5 years.

The fire truck went back to the City and the City in turn used the garage at the station to store various forms of equipment in the HBVF&RU station ever since.

We continued to use the station to accommodate HBA and HBVF&RU annual meetings and one or two other meetings each year.

Meanwhile, while being in this limbo state no upkeep was being made to the station's structure either by the HBVF&RU nor by the HBA and over the years some places in the building are no longer up to code while some sections do need repairs and upgrades.

This station is not ever going to come active again as a bona fide fire station, at least not in my lifetime.

Now interestingly enough, the very entity that once tried to prevent the construction of the fire station from coming into fruition at Hills Beach in the first place now wants to capture ownership of it, that is, to capture ownership of all the real estate of the HBVF&RU, i.e., the land and building that housed the fire station.

Having founded the HBA I am obviously still fond of the HBA, but I am appalled that certain members of the HBA have been meeting with City Officials behind closed doors requesting the city to capture this real estate and to turn it over to the HBA to use as a clubhouse.

Over the many years this property has been under the control of the HBVF&RU this property has increased in value and is now worth \$1/2 million (Biddeford Tax card attached).

Of the letter from the HBA that was recently sent to the HBA membership asking each one of them if they would be interested in acquiring the HBVF&RU's real estate...the answer simply is...in so many words were..." sure, why not?" We would be taking it from the HBVF&RU and it would be for free. What neighborhood wouldn't want real estate for a clubhouse 'for free'?

Yes, the deed does say that if the HBVF&RU stopped operating as a fire station that the real estate would revert to the City of Biddeford. If that occurs, that would be equivalent of putting \$1/2 million into the coffers of the City of Biddeford. The question is would the City Council of Biddeford really want to take the real estate ownership away from the HBVF&RU real estate, convert it into the taxpayers' coffers (even if for a day or two), and transfer it over to the HBA for a clubhouse? Is this about political votes?

Here is my view on this matter: Biddeford has a vast amount of ocean frontage, and, there are unfortunate incidents that occur on occasions when a swimmer is lost to the sea, or from a boating accident, or from a capsized kayak, etc., etc..

When such incidents occur, Biddeford has embarrassingly little in the way of sea rescue equipment. For example, today Biddeford has only 1 rescue boat and you wouldn't believe what it is. It is a 13' aluminum boat. That's incredible. Ever been out in rough seas in a 13' aluminum boat? Pray you never have to; I've been there in a 15' aluminum boat when a storm came out of nowhere and sank our boat. It's a near miracle I and my buddy survived it. My buddy and I swam 2 miles in rough seas to shore and landed on the ledge in front of President George Bush's house (though not president at that time). Barbara Bush told us she saw the entire incident, called the coast guard and gave us warm clothes. Nice outcome but a terrifying incident.

If an ocean rescue is needed a mayday call to the U.S. Coast Guard will put you in touch with the Coast Guard in Portland and that is a ½ hour trip on a calm day to the areas off Hills Beach. And the nearest U.S. Coast Guard helicopter is stationed at Cape Cod.

My answer to the future of the HBVF&RU is the following:

Drop the "F" from the name HBVF&RU and have it renamed HBVRU because it likely will never, ever be a fire station again.

Instead of a fire truck in the station I highly suggest a seaworthy inflatable watercraft, such as, a Zodiac with a reliable engine for rescues. Coupling this with a 4-wheel ATV to pull the inflatable craft and launch it either at the launching site at the Park in the Pines or to pull it to the beach or road leading to Basket Island.

Saving even 1 life would make it all worthwhile...and that life might be your own...or a member of your family.

A lost person at sea would be like searching for a needle in a haystack so having more vessels searching in the rescue is better than not enough.

Many people could easily and quickly become trained on the use of this rescue boat. I had met with Mayor Alan Casavant, with Mr. James Bennett (Biddeford City Manager) and Mr. Scott Gagne (Biddeford Fire Chief) to discuss the future of the HBVF&RU and I have suggested that in the event the City's Fire Department personnel reaches the Hills Beach Station before any volunteers to take the rescue boat out and run with it.

There is a life lost every so often in Saco Bay. See the following link of a boat sinking not far from shore off Ferry Beach (on Saco side of the Saco River channel) about two weeks ago when the boat struck submerged ledge and sank and it had 4 people on board:

<https://fox23maine.com/news/local/boat-hits-rocks-runs-aground-in-saco>

Fortunately, all four were rescued by several boaters who happened to be nearby; lucky for them but the next such event may not turn out so favorable. Furthermore, what could have been achieved with a 13' aluminum boat from the City of Biddeford to rescue 4 men?

The second floor of the Hills Beach station can be brought back up to code (just as if the HBA would need to do if it captured control of the real estate) and there are inexpensive 2 story elevators for those who would have difficulty getting to the second floor of the station. Even the Colony Hotel in Kennebunkport has such a basic, but very reliable, inexpensive, exterior elevator.

As I did many years ago when I approached the SBSI for a mortgage loan for the station, I have reached out to them again recently and the reception was warm and encouraging (see the attached correspondence from S&BSI).

I talked about needing approximately \$50,000 for the necessary improvements and to be amortized over a 30-year period but the response was that it would likely be more in line with a 20-year mortgage. I suggested a one annual mortgage payment each year which could be raised from fund raising events during the summer months (as we used to do) and possibly donations.

In other words, it was a painstaking effort to bring the HBVF&RU into reality and the volunteer members have earned this property and, in my view, it shouldn't be taken away from this already recognized not-for-profit corporation by the IRS to turn it into a clubhouse. We don't have to apply and hopefully get approved as a not-for-profit corporation...we are already approved.

It should serve a higher and better primary function, i.e., I think of it as SSS (search, secure & shelter) to save lives and properties at Hills Beach while still accommodating a friendly rapport with the residents of Hills Beach and with the members of the HBA for occasional community meetings and functions.

It is time to revitalize the Hills Beach Volunteer station with great leadership. A great leader who is experienced and loves boating needs to step forward for the Hills Beach Volunteer station and to rejuvenate it into an active rescue center to assist the Biddeford rescue departments located downtown.

Remember, if the City takes this property away from the HBVF&RU corporation ownership it is taking a \$1/2 million worth of taxpayer value.

As the founder of the HBA and founder of the HBVF&RU it is my opinion that the HBA should be focusing its attention on matters other than taking property away from the HBVF&RU organization to turn it into a clubhouse.

Instead of seeking a clubhouse the Association at Camp Ellis, Saco worked hard and succeeded in obtaining 'ALL' of the sand that came from the dredging operation of the Saco River channel. Hills Beach got "0". The sand in the Saco River channel came mostly from the sandy beaches at Hills Beach.

The Association at Camp Ellis worked hard and succeeded in obtaining \$27 million for its ocean front properties to preserve their new beach...all for free! Hills Beach property owners received nothing and must endure costly repairs to their seawalls.

In closing, the HBA needs to think of more important issues than focusing on taking away a hard-earned community benefit and with its strong potential of being revitalized with strong leadership to help rescue lives and save properties rather than turning it exclusively into a clubhouse.

I don't expect to reach an agreement with all of you but your comments would very much be appreciated.

Please let me know, however, if you agree with pursuing this avenue or if you prefer that the station at Hills Beach become exclusively a clubhouse.

If you agree with keeping it as a rescue station I will be seeking strong leadership and people who have a big heart and love boating at the ocean.

Of course, I will be disappointed if you want it to change hands and have it become exclusively a clubhouse but I will honor and respect your position.

If you do wish to respond, please enter "FOR RESCUE STATION" OR "FOR CLUBHOUSE" in the subject line of your email when and if you should respond to this email.

And please, if you still have the time, please send your comments to each of the members of the City Council, to James Bennett (the City Manager), and to Mayor Alan Casavant and you can do so by sending one email to: contactallcouncilors@biddefordmaine.org and it will be received by all of them.

For the Biddeford City Councilors who may read this letter I urge you to table any decision this evening about the Hills Beach station for a minimum of six (6) months to give time for the installation of new leadership and to formalize a process of transferring the building that was once a fire station to a boat/sea rescue station.

Thank you.

Sincerely,

s/ Raymond Cronkite

Raymond Cronkite

125 Hills Beach Rd.

Biddeford, ME 04005

Ps. As you likely already know the Biddeford City Council will be making its decision this evening at their 6:00 PM Council meeting being held at City Hall council chambers.

Whatever your position is on this, for or against my recommendations...I will respect your decision and ask that you most importantly send your comments to the City Council directly and hopefully a cc to myself.

190604 Hills Beach Volunteer Fire+Rescue Unit-HISTORY



BIDDEFORD, ME

162 HILLS BEACH RD

Location

162 HILLS BEACH RD

Mblu

55/ 65/ / /

Acct#

Owner

HILLS BEACH VOLUNTEER FIRE &

Assessment

\$488,100

Appraisal

\$488,100

PID

5739

Building Count

1

Current Value

Appraisal

Valuation Year	Improvements	Land	Total
2018	\$144,000	\$344,100	\$488,100

Assessment

Valuation Year	Improvements	Land	Total
----------------	--------------	------	-------

2018	\$144,000	\$344,100	\$488,100
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Owner of Record

Owner HILLS BEACH VOLUNTEER FIRE &
Co-Owner EMERGENCY RESCUE UNIT
Address 162 HILLS BEACH RD
 BIDDEFORD, ME 04005-9532
Sale Price \$0
Certificate
Book & Page 02733/0066
Sale Date 12/10/1980

Ownership History

Ownership History

Owner	Sale Price	Certificate	Book & Page	Sale Date
HILLS BEACH VOLUNTEER FIRE &	\$0		02733/0066	12/10/1980

Building Information

Building 1 : Section 1

Year Built: 1980
Living Area: 1,274
Replacement Cost: \$232,239
Building Percent Good: 62
Replacement Cost
Less Depreciation: \$144,000

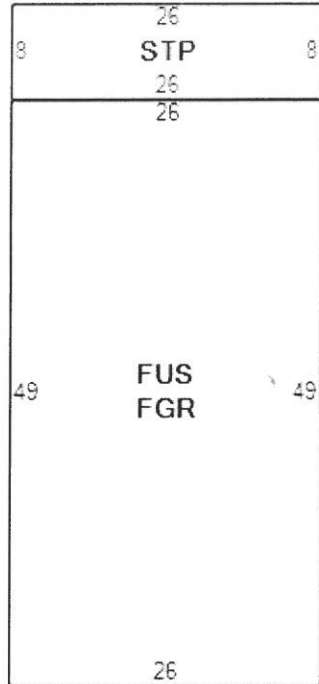
Building Attributes

Field	Description
STYLE	Fire Station
MODEL	Industrial
Grade	Below Average
Stories:	2
Occupancy	1.00
Exterior Wall 1	Wood Shingle
Exterior Wall 2	

Roof Structure	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	Wall Brd/Wood
Interior Floor 1	Concr-Finished
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Hot Water
AC Type	None
Struct Class	
Bldg Use	CHARI/BENO MDL-96
Total Rooms	
Total Bedrms	00
Total Baths	2
Usrflid 218	
Usrflid 219	
1st Floor Use:	910I
Heat/AC	NONE
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEILING ONLY
Rooms/Prtns	AVERAGE
Wall Height	10.00
% Comn Wall	0.00

Building
Photo





Building Layout

Building Sub-Areas (sq ft) Legend

Code	Description	Gross Area	Living Area
FUS	Upper Story, Finished	1,274	1,274
FGR	Garage	1,274	0
STP	Stoop	208	0
		2,756	1,274

Extra Features

Extra Features Legend

No Data for Extra Features

Land

Land Use

Use Code 910I
Description CHARI/BENO MDL-96
Zone CR

Neighborhood 0005

Alt Land Appr No

Category

Land Line Valuation

Size (Acres) 0.26

Frontage 0

Depth 0

Assessed Value \$344,100

Appraised Value \$344,100

Outbuildings

Outbuildings Legend

No Data for Outbuildings

Valuation History

Appraisal

Valuation Year	Improvements	Land	Total
2017	\$144,000	\$344,100	\$488,100
2016	\$144,000	\$314,600	\$458,600
2015	\$144,000	\$314,600	\$458,600

Assessment

Valuation Year	Improvements	Land	Total
2017	\$144,000	\$344,100	\$488,100
2016	\$144,000	\$314,600	\$458,600
2015	\$144,000	\$314,600	\$458,600

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closecloseclose

----- Original Message -----

From: Bryan Christoforo <BChristoforo@sbsavings.bank>

To: 'Raymond Cronkite' <rc@kennebunkportrealty.com>

Date: May 31, 2019 at 3:57 PM

Subject: Hills Beach Volunteer Fire & Rescue Unit

Hi Raymond,

It was nice talking to you this afternoon. As a follow up on our conversation I am attaching an amortization schedule based on our discussions of a \$50,000 loan to Hills Beach Volunteer Fire & Rescue Unit. This loan would be secured with a first mortgage on the Hills Beach Fire and Rescue Unit's Garage at Hills Beach with the funds being used for property repairs. The bank would have interest in underwriting your requests. I am also attaching a business loan application with this email. I will need the first page filled out and a signature on page 4. Pages 2-3 do not need to be completed as I don't anticipate the bank requiring any personal guarantees.

To move forward we will also need historical financials and/or projections demonstrating Hills Beach Volunteer Fire & Rescue Unit's ability to repay the loan. I will also need meeting minutes and a vote from the volunteers / members indicating their approval to move forward with the loan. This vote needs to be in compliance with your By-Laws.

Please contact me with any questions.

Thanks,
Bryan Christoforo

From: Raymond Cronkite <rc@kennebunkportrealty.com>

Sent: Thursday, May 23, 2019 2:22 PM

To: Bryan Christoforo <BChristoforo@sbsavings.bank>

Subject: [EXTERNAL] Information on the Hills Beach Volunteer Fire & Rescue Unit

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Christoforo,

Please find attached some respective information about the HBVF&RU.

I will email you a copy of our latest bank statement for this not-for-profit corporation hopefully within 24 hours for your consideration.

Thank you.

Raymond

Raymond E. Cronkite, Broker

Kennebunkport Realty

24 Ocean Avenue

PO Box 107

Kennebunkport, ME 04046

Tel. 207-967-0600

AND at:

Kennebunkport Realty

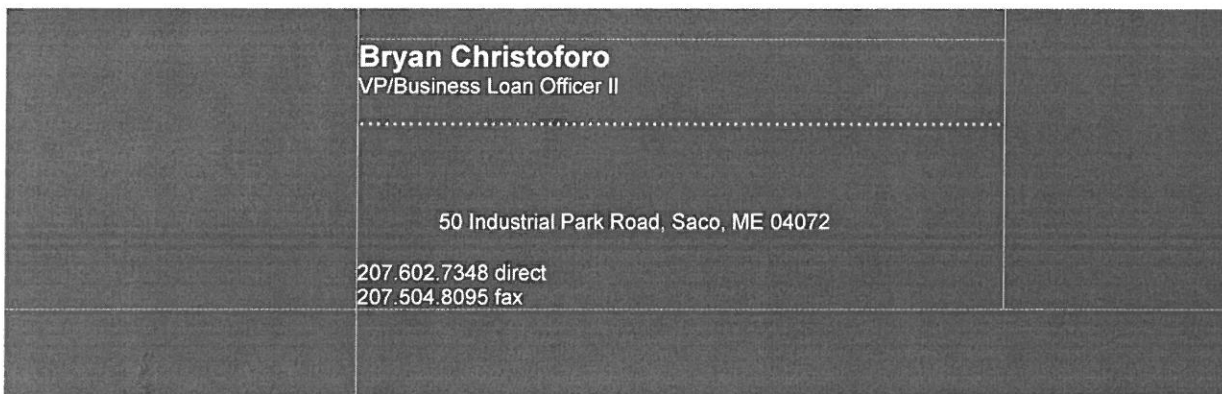
Branch Office

125 Hills Beach Rd.

Biddeford, ME 04005

Tel. 207-282-2299

Cell:207-467-5906



Disclaimer

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BY-LAWS
OF
THE HILLS BEACH VOLUNTEER FIRE AND EMERGENCY RESCUE UNIT

ARTICLE I

NAME

The name of this Corporation shall be THE HILLS BEACH VOLUNTEER FIRE AND EMERGENCY RESCUE UNIT.

ARTICLE II

PURPOSE

Section 1.

The purpose of this Corporation shall be the extinguishment of fire and the preservation of life and property from destruction by fire and the elements.

Section 2.

To give emergency aid and support to the injured and others requiring emergency assistance.

Section 3.

To increase the communities ability to deal with emergencies through instruction and training programs.

Section 4.

Whenever the City of Biddeford Fire Department; the City Emergency Medical Technician Team; and the City of Biddeford Police arrive at a fire, emergency, or disaster scene, the Hills Beach Volunteer Fire and Emergency Rescue Unit shall immediately relinquish control and command to the Biddeford Fire, Medical and Law Enforcement groups, and assist wherever requested.

ARTICLE III

MEMBERSHIP

Section 1.

Any person eighteen years of age or older shall be eligible for membership in the Corporation.

Section 2.

Every candidate for membership must make application in writing to the chairman of the Membership Committee on a form provided by the corporation.

Section 3.

The Membership Committee shall investigate all applications for membership, and shall report their recommendation to the general body for action.

Section 4.

The votes of two-thirds of the members present and voting, shall be necessary for the election of a new member.

Section 5.

Any member may be removed from membership by a two-thirds vote of the members present at any annual meeting or at any meeting of the members called for that purpose for conduct deemed prejudicial to this Corporation provided that such member shall have first been served with a written notice of the accusations against him (or her) and shall have been given an opportunity to produce his (or her) witnesses, if any, and to be heard at the meeting at which such vote is taken.

Section 6.

Membership Dues. Each member upon receipt of notice of his (or her) election shall pay the sum of \$5.00 as an entrance fee and \$2.00 as dues for the current year.

Section 7.

The dues for each year shall be due and payable January 1st, and no later than January 31st.

Section 8.

Members admitted between October 1st of each year and the ensuing January 1st, shall be exempt from dues during this period.

Section 9.

Voting privileges shall be extended only to those members who have paid their dues.

Section 10.

All members must abide by a code of ethics as set forth by the Corporation.

ARTICLE IV

EXECUTIVE BOARD

There shall be an Executive Board composed of the President, Vice-President, Secretary, Treasurer, and three other members of the Corporation who hold no other elective office.

ARTICLE V

EXECUTIVE BOARD - DUTIES

Section 1.

The Executive Board shall formulate and determine the policies for the Corporation consistent with ARTICLE II.

Section 2.

Executive Board members shall be elected annually by written ballot at the annual meeting of the Corporation and shall serve for the term of one year or until their successors are elected.

Section 3.

Vacancies occurring in the Executive Board shall be filled by the said Board until the next annual meeting of the Corporation or until others are elected.

Section 4.

The Executive Board shall appoint a ^{DISTRICT} Chief and Assistant Chief who shall serve during the pleasure of the Executive Board.

Section 5.

Subject to these By-Laws, the Executive Board shall have general control, care and management of the Corporation, its policy and finances, its activities and its property. They may make or authorize all necessary contracts, but shall have no power to make the Corporation liable for any debt beyond the amount of money which shall at the time of contracting, be in the Treasurer's hands and not needed for the discharge of prior debts or liabilities. They shall have the power to lease, sell or mortgage any real estate belonging to the Corporation for the benefit of the Corporation, only with authority of a two-thirds vote of the members, at a meeting called for that purpose.

Section 6.

The Executive Board shall audit the accounts of the Treasurer and conduct a complete physical inventory of all equipment belonging to the Corporation prior to the annual meeting. Said audit and inventory shall be conducted not more than thirty (30) days prior to the annual meeting.

Section 7.

All matters of business pertaining to operation of the Corporation must be referred to the Executive Board for their approval.

ARTICLE VI

OFFICERS

The Officers of this Corporation shall consist of a President, Vice-President, Secretary and Treasurer.

ARTICLE VII

DUTIES OF OFFICERS

Section 1. President.

It shall be the duty of the President to preside at all meetings of the Corporation and the Executive Board and to enforce all by-laws and regulations of the Corporation.

Section 2. Vice-President.

It shall be the duty of the Vice-President to assist the President in the discharge of his (or her) duties, and in his (or her) absence, to officiate in his (or her) stead. In the event of the absence or disability of the President and Vice-President, a President pro tempore may be chosen by hand vote.

Section 3. Secretary.

It shall be the duty of the Secretary to keep a true record of all meetings and proceedings of the Corporation, and of the Executive Board meetings, and after their approval as read, or as corrected, they shall be copied into a permanent bound record book belonging to the Corporation, and make returns he (or she) is required to by the laws of the State of Maine; to keep an accurate roll of all members in a book provided for that purpose; to maintain an accurate list of all equipment used by the Hills Beach Volunteer Fire and Emergency Rescue Unit; to attend to all official correspondence of the Corporation; to report at the annual meeting the general records of the Corporation; and to perform such other duties as these By-Laws or that the Executive Board may prescribe. The Secretary shall notify all regular members of every meeting of the Corporation by notice delivered or mailed to their last known address at least ten (10) days before the meetings and shall state in the notice, the purpose for which meetings are called. Included in the notice of the annual meeting shall be a detailed financial report of the Corporation. The Secretary shall notify the Treasurer of any new members accented or any members dropped from the rolls. The Secretary shall have custody of the Corporation By-Laws and records. The Secretary shall see that all Corporation records of meetings, By-Laws, membership records and equipment records are present at each meeting.

Section 4. Treasurer.

It shall be the duty of the Treasurer to collect all monies payable to the Corporation, to have custody of all funds of the Corporation and to disburse the same, as ordered by the Executive Board. He (or she) shall keep in a ledger belonging to the Corporation, an accurate account of all receipts and expenditures, and shall present to the Corporation a detailed report thereof at the annual meeting, and also make known any funds received after printing the Treasurer's financial report. Monies of the Corporation shall be held in an interest bearing bank account designated by the Executive Board.

ARTICLE VIII

DUTIES OF CHIEF

Section 1.

^{DISTRICT}
The Chief shall appoint such Captains, Lieutenants, Drivers and other special positions from the membership as he deems advisable, all of whom shall serve during the pleasure of the appointed Chief.

Section 2.

^{DISTRICT}
The Chief shall have general management, supervision and control of all fire fighting and emergency rescue apparatus and equipment; of the engine house; and of all members of this organization when they are engaged in training or are on active duty carrying out the principal purposes of this Corporation.

ARTICLE IX

MEETINGS

Section 1.

Regular meetings shall be held on the second Thursday of each month at a place designated by the President.

Section 2.

The annual meeting shall be held on the second Thursday of January. At this meeting the report of the Secretary, Treasurer, and Committees shall be read and Officers and Executive Board members elected.

Section 3.

Special meetings must be called by the President within thirty (30) days after receiving a request in writing, stating the purpose thereof, signed by at least five (5) voting members of the Corporation.

Section 4.

Executive Board meetings shall be held immediately prior to all properly called meetings.

Section 5.

The President may call Special Meetings at his (or her) discretion, and must be called by him (or her) when requested by majority vote of the Executive Board.

Section 6.

No business, except that specified, shall be acted upon at Special Meetings.

Section 7.

Notice of the annual and all special meetings shall be given to the members in person, by mail or telephone at least ten (10) days before such meetings are held.

Section 8.

Five voting members shall constitute a quorum at any and all meetings for the transaction of business. Proxies shall not be allowed.

Section 9.

The President, or the Executive Board, may change the date of any meeting provided the members are notified at least five (5) days in advance of such meeting.

Section 10.

The Order of Business at all meetings shall be as follows:

1. Roll Call of Officers.
2. Reading of Minutes of Previous Meeting.
3. Reports of Secretary and Treasurer.
4. Report of Executive Board.
5. Report of the Membership Committee.
6. Reports of Standing Committees.
7. Reports of Special Committees.
8. Election of New Members.
9. Unfinished Business.
10. New Business.
11. Good of the Corporation.
12. Adjournment.

Section 11.

The above Order of Business shall be followed at Special Meetings as it may be applicable.

ARTICLE X

NOMINATING COMMITTEE

Section 1.

A Nominating Committee of three (3) members shall be appointed by the President at the regular October meeting.

Section 2.

This committee shall nominate candidates for all elective offices to be filled at the next annual meeting and shall post the names of such candidates on the meeting house bulletin board at least two (2) weeks prior to the annual meeting.

ARTICLE XI

ELECTIONS

Section 1.

The Officers and Executive Board members shall be elected by ballot at the annual meeting and shall hold office thereafter until successors have been elected.

Section 2.

In the event of an unopposed candidate, the Secretary shall be empowered to cast one ballot for said candidate.

Section 3.

A majority of votes cast shall be necessary to elect.

ARTICLE XII

AMENDMENTS

These By-Laws may be amended or revised only by a two-thirds vote of the members present and voting at any meeting called for that purpose, providing a written notice of the proposed changes shall have been made ten (10) calendar days prior to the meeting.

ARTICLE XIII

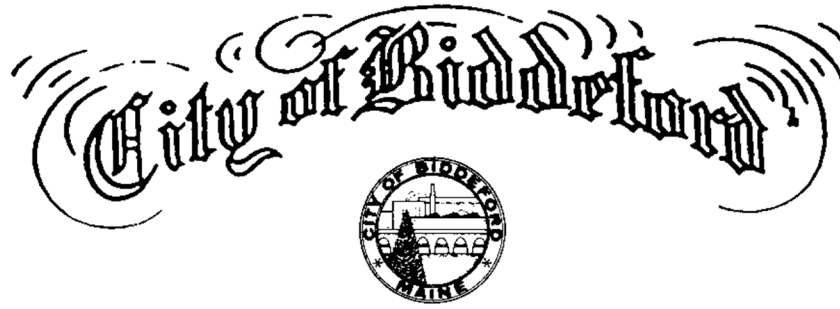
PARLIAMENTARY AUTHORITY

The rules contained in "Robert's Rules of Order" shall govern in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and special rules.

ARTICLE XIV

DISSOLUTION

Upon dissolution of the Corporation any assets belonging to it shall be distributed to the City of Biddeford.



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.

August 29, 2019

To: All Councilors

From: Public works Department

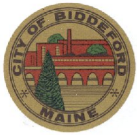
RE: Roll-Off truck

Councilors,

In the budget process we talked about adding a roll-off truck to the fleet instead of trading in our current truck. Since then we went out to bid and asked the bidders to give us a trade in value so we could analyze whether or not it makes financial sense to keep it. After seeing the value of the trade (\$90,000.00) and the projected cost for maintenance, fuel, and insurance it makes more sense to trade in our truck and outsource the hauling when our truck is down or if we fall behind.

Sincerely,

Carl Marcotte



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

August 29, 2019

To: City Council

From: Cheryl Fournier, Finance Director

Re: Roll-off Truck and Paver

The FY2020 budget includes the roll-off truck and the paver as part of the capital funding. The roll-off truck bids came in lower than budget; however, the paver came in over the budgeted amounts.

	<u>Roll-off Truck</u>	<u>Paver</u>
Budgeted Amount	\$210,000	\$38,000
Actual Amount	<u>\$191,665</u>	<u>\$44,000</u>
Variance	\$ 18,335	\$(6,000)

The idea is to use the under budget of the roll-off truck to pay for the additional funding needed for the paver. This will still keep us under the budgeted amount.

Along with the purchase of the roll-off truck, the old roll-off truck is being traded in for \$90,000. We are requesting in the order to use that trade in amount to pay off the old lease with Suntrust on the traded vehicle, and pay the additional monies needed for the paver. This is make us need to finance the following:

Roll-off net bid amount	\$101,665
Payoff of the old lease	62,386
	75,451
Additional funding for paver	<u>6,000</u>
Subtotal	\$170,051
	\$183,116
Down payment (21204-60306)	<u>32,000</u>
Subtotal	\$138,051
	\$151,116
Less: FY2020 lease payment in budget	<u>18,932</u>
Total amount of lease	\$132,184
Budgeted amount of lease	\$178,000

Bid Opening for A Roll-off Truck 08/23/2019

PRESENT:	Carl Marcotte-Public Works	Pat Murphy- N.E. Kenworth
	Michelle LeVasseur-Public Works	Brian Hallowell-Freightliner
	Dan Campbell-Hews	Bob Tardiff-Messer
	Rob Cyr-Whited Peterbilt	Richard Morrison-Portland North
	Jason Lamprecht- Daigle & Houghton	

Bids were opened at the Public Works Department on August 23, 2019 at 11am. Staff is recommending the low bid from Freightliner of Maine with the Hews hook lift unit with trade in the amount of \$101,665.00. This truck was approved in the FY/20 CIP budget line 21204-60303.

<u>Freightliner/Messer</u>	\$199,656.00
Trade:	\$90,000.00
Total:	\$109,565.00

<u>Freightliner/Hews</u>	\$194,950.00
Trade:	\$90,000.00
Total:	\$104,950.00

<u>Freightliner/Hews Alternate</u>	\$191,665.00
Trade:	\$90,000.00
Total:	\$101,665.00

<u>Whited Peterbilt/Messer</u>	\$213,075.00
Trade:	\$75,000.00
Total:	\$138,075.00

<u>Whited Peterbilt/Hews.</u>	\$208,460.00
Trade:	\$75,000.00
Total:	\$133,460.00

<u>Whited Peterbilt/Hews Alternate</u>	\$205,175.00
Trade:	\$75,000.00
Total:	\$130,175.00

<u>Western Star/Hews</u>	\$205,197.00
Trade:	\$90,000.00
Total:	\$115,197.00

<u>Western Star/Hews Alternate</u>	\$201,912.00
Trade:	\$90,000.00
Total:	\$111,912.00

<u>Western Star/Messer</u>	\$209,812.00
Trade:	\$90,000.00
Total:	\$119,812.00

<u>N.E.Kenworth/Hews:</u>	\$204,985.00
Trade:	\$92,500.00
Total:	\$112,485.00

<u>N.E.Kenworth/Hews Alternate</u>	\$201,700.00
Trade:	\$92,500.00
Total:	\$109,200.00

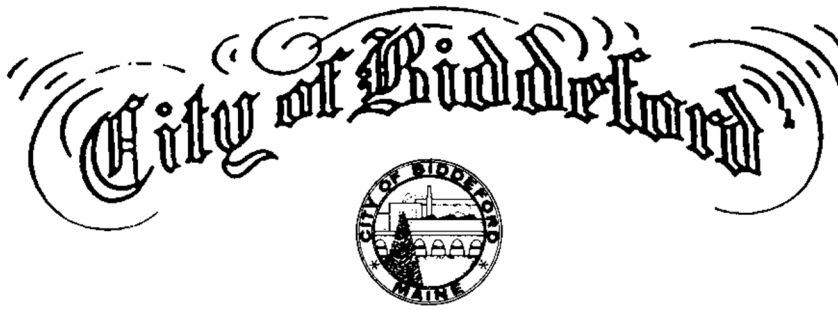
<u>Portland North/Messer:</u>	\$210,215.00
Trade:	\$40,000.00
Total:	\$170,215.00

<u>Portland North/Hews</u>	\$205,600.00
Trade:	\$40,000.00
Total:	\$165,600.00

<u>Portland North/Hews Alternate</u>	\$202,315.00
Trade:	\$40,000.00
Total:	\$162,315.00

<u>Daigle Houghton/Messer</u>	\$201,200.00
Trade:	\$75,000.00
Total:	\$126,200.00

<u>Daigle Houghton/Western Star</u>	\$207,900.00
Trade:	\$75,000.00
Total:	\$132,900.00



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:
- 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.