

City of Biddeford
City Council
July 18, 2023 6:00 PM Council Chambers & Zoom

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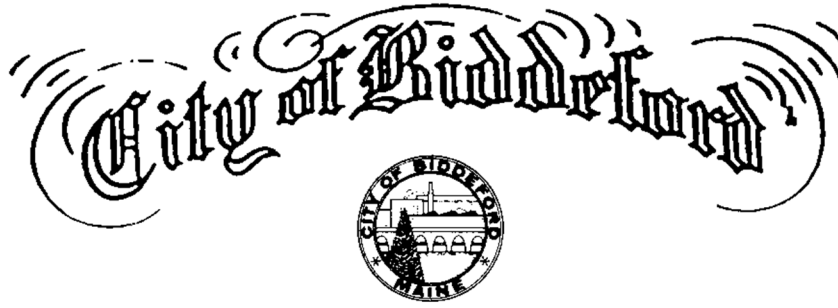
Status:In-Person and via Zoom; Council Chambers; 6:00 p.m.

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Recognition:**
 - 4.a. Swearing in of Fire Department Captain Kiesman
- 5. Appointments:**
 - 5.a. 2023.81) Appointment Jake Pierson to Planning Board
[Jake Pierson-Planning Board Appointment-ORDER](#)
[Jake Pierson -Planning Board Application](#)
 - 5.b. 2023.82) Confirmation of the City Manager's Nomination of JoAnne Fisk for Chief of Police
[2023.82\) Nomination of JoAnne Fisk as Chief of Police](#)
[Fisk.2023.new](#)
- 6. Proclamation:**
 - 6.a. July is Biddeford Parks and Recreation Month
[Parks and Recreation Month July 2023-PROCLAMATION](#)
- 7. Public Hearing - 2023.68) Amend/Code of Ordinances, Chapter 10, Animals, Article II, DOGS, Sec. 10-13. Running at large on public ways prohibited: restraint required. Requiring Dogs to be on leash in Clifford Park**
 - 7.a. Public Hearing: Dogs Off Leash at Clifford Park

- [2023.68\) Clifford Park Dogs Off Leash](#)
8. **Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)**
9. **Consideration of Minutes:**
- 9.a. Consideration of Minutes for June 20, 2023
[City Council 6-20-23 minutes](#)
10. **Orders of the Day:**
- 10.a. 2023.68) Amend/Code of Ordinances, Chapter 10, Animals, Article II, DOGS, Sec. 10-13. Running at large on public ways prohibited: restraint required. Requiring Dogs to be on leash in Clifford Park
[2023.68\) Clifford Park Dogs Off Leash](#)
[Agenda Brief City Council 7-18-2023 Dogs off Leash Clifford Park](#)
[Chapter 10 Animals Sec 10-31- Chapter 46 Parks Sec 46-13](#)
[State and National Park Policies on Dogs 2023](#)
[Clifford Park Online Input Summary.pdf](#)
[Facebook Post-email Dogs in Clifford Park](#)
- 10.b 2023.83) Approval/Clifford Park Rules Extended to conveyed property additions
[Council Order Clifford Park Rules 2023](#)
[Agenda Brief City Council 7-18-23 Clifford Park Rules](#)
[Chapter 46 Sec 46.5 City parks, beaches and athletic fields-facility list](#)
[Map Title-provided by Assessors Office](#)
[Property Record Cards -2](#)
- 10.c. 2023.84) Approval/Adoption of Back Lot Ordinance
[Back Lot Ordinance Council Order 7-18-23](#)
[Back Lot Ordinance Council Transmittal Letter 7-18-23](#)
[2023.24 Back Lot City Council ADOPTION memo 7-18-23](#)
[Back Lot Ordinance Planning Board Final to CC 7-18-23](#)
- 10.d 2023.85) Approval/Lead Hazard Reduction/Housing Rehab Professional Services Contract Award
[LEAD AND HOUSING REHAB PROFESSIONAL SERVICES COUNCIL ORDER 7-18-2023](#)
[LEAD AND HOUSING REHAB PROFESSIONAL SERVICES MEMO 7-18-23](#)
[LEAD HAZARD REDUCTION AND REHAB PROF SERVICES BID PACKET](#)
- 10.e. 2023.86) Approval/MMBB - Maine Municipal Bank Bond approval
[2023.86 Approval - MMBB Maine Municipal Bond Bank approval](#)
[2023.86 MMBB Council Brief](#)
- 10.f. 2023.87) Approval of Capital Committee's recommendation for FY24 CIP
[10.f. 2023.87 Approval - Capital Committee's Recommendation for FY24 CIP](#)
[10.f. Capital Committee Brief](#)
[10.f. - Funding Requests through Capital Committee](#)
- 10.g. 2023.88) Approval/Heart of Biddeford/ River Jam Fringe Fest Special Event Application and Sale of Alcoholic Beverages
[7-18-2023 RiverJam Special Event-Alcohol Service-ORDER](#)
[River Jam Fringe Fest 8-18-2023](#)
- 10.h. 2023.89) Approval/Snowmobile Club Fund Request
[2023.89\) Saco Pathfinders Snowmobile Club -ORDER](#)

2023.89) Saco Pathfinders Snowmobile Club-BRIEF
Saco Pathfinders Snowmobile Club Letter to Biddeford for FY23

- 11. Committee of the Whole**
 - 11.a. Discussion: Additional Protections for Renters
[Committee of the Whole 7.13.23](#)
 - 11.b Discussion: Ninety Foot Frontage for House Lots
- 12. Public Addressing the Council..(5 minute limit per speaker)**
- 13. City Manager Report**
- 14. Other Business**
- 15. Council President Addressing the Council**
- 16. Mayor Addressing the Council**
- 17. Executive Session**
 - 17.a. Executive Session 1 MRSA 405 (6) (C) - Economic Development
 - 17.b Executive Session 1 MRSA 405 (6) (A) Personnel Matters
- 18. Adjourn**



2023.81)

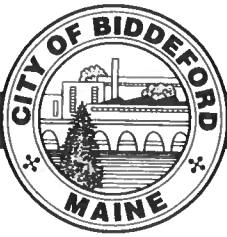
IN BOARD OF CITY COUNCIL...July 18, 2023

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

**Jake Pierson
Ward 6**

to the *Planning Board* for a term to expire December 2025.

Attest by: _____
Robin Patterson, City Clerk



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 6/19/23

Name: Jake Pierson

Street Address: 24 Buzzell Road
Biddeford, ME 04005

Mailing Address:
(if different) _____

Phone Number(s): 207-229-1420

Email Address: Jake.Pierson@biddefordmaine.org, jpierson@piersonnurseseries.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 currently serve on the Policy Committee for the City.

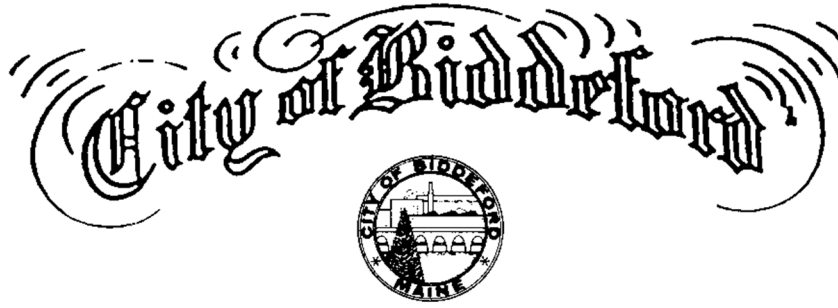
| Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

As a small business owner that works in conjunction with the construction trades, I have an understanding of blueprints as well as an understanding of the terms.

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

I was born and raised in Biddeford. I believe strongly in being involved in local decision making as it gives me the opportunity to steer Biddeford into the future and have it be a better one for my family.

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



2023. 82) **IN BOARD OF CITY COUNCIL... July 18, 2023**
BE IT ORDERED, that the City Council does hereby confirm the City Manager's nomination of JoAnne Fisk as Chief of Police for the City of Biddeford and hereby authorizes the City Manager to enter into an employment agreement.

Attest by: _____
Robin Patterson, City Clerk

EMPLOYMENT AGREEMENT

THIS AGREEMENT originally made as of the 18th day of July 2023 between **JOANNE W. FISK** (hereinafter **Fisk**) and the **CITY OF BIDDEFORD**, Maine, a body politic and corporate located in York County, Maine (hereinafter **City**).

I. WHEREAS,

- A. **City**, acting through its **City Manager**, desires to appoint and thereafter employ **Fisk** as its Chief of Police (hereafter Police Chief), in accordance with the provisions of the Biddeford City Charter (Charter);
- B. **Fisk** desires to be so appointed and employed;
- C. It is the desire of the **City** and **Fisk** to specify the terms and conditions of her employment and tenure as Police Chief;
- D. The Parties have reached an agreement with respect to the same which they wish reduced to a writing.

II. NOW, THEREFORE, for consideration paid, each to the other, including without limitation the mutual covenants and undertakings more fully hereinafter expressed, the parties do hereby agree as follows:

- A. **Appointment and Duties:** By official action, the City Manager, as confirmed by the City Council has appointed **Fisk** as Police Chief, to perform those duties imposed upon the Police Chief under the terms of the City's Charter, Revised Code of Ordinances, or such other action as may lawfully be promulgated by Council, and those assigned by the City Manager.

- B. **Tenure:**

- (1) **Initial and Extended Term:** The **City** acting through its City Manager, initially appointed **Fisk** as its Police Chief on July 18, 2023, and shall continue as a full time salaried employee of the **City**.
 - (2) **City's Right of Termination without Cause.** **City** shall have the right to terminate the Agreement without cause and without prior notice. In the event of such termination, Police Chief shall be paid an aggregate lump-sum payment equal to six (6) months aggregate salary. Said aggregate

lump-sum payment shall increase by one (1) month for each year of service, or part thereof as Police Chief, up to a maximum of twelve (12) months. Payment shall be made in full at time of termination if so desired by **Fisk** or on any other schedule she elects. At the same time, **Fisk** shall be compensated for any vacation accrued to date of termination, calculated at the rate of pay in effect upon termination. In addition, **City** will contribute on behalf of **Fisk** any accrued and unpaid retirement benefits to time of termination; and shall continue at the same rate to provide health insurance coverage for a period of six (6) months from date of termination plus one (1) month for each year of service, or part thereof as Police Chief, for a maximum of twelve (12) months (the “Severance Period”). **Fisk** shall also be entitled to all other economic benefits due under the Agreement for the Severance Period, with the exception of the use of the law enforcement vehicle and any other benefits associated with being an active law enforcement officer, i.e. uniforms, etc.

- (3) **City’s Right of Termination for Cause.** **City** shall have the right to terminate the Agreement for cause as provided in the Charter or state and federal law. In the event **Fisk’s** employment is terminated for cause, the **City’s** only obligation to **Fisk** is to pay all compensation and benefits accrued, but unpaid, at the time of termination.
- (4) **Employee Incapacity.** Should **Fisk** be disabled or otherwise unable to perform her duties because of sickness, accident, injury, mental incapacity or health (verified by her attending physician) for a period of (6) six months despite reasonably accommodation, the **City** shall have the right to terminate the Agreement and the **City’s** only obligation to **Fisk** is to pay all compensation and benefits accrued, but unpaid, at the time of termination.
- (5) **Police Chief Resignation:** **Fisk** shall have the right to resign, upon a thirty (30) day written notice. Upon said resignation, the **City’s** only obligation to **Fisk** is to pay all compensation and benefits accrued, but unpaid, as of the effective date of the resignation.

- C. **Compensation.** Commencing July 18, 2028, **City** shall pay **Fisk** an annual salary of one hundred twenty five thousand dollars and (\$125,000.00) per year. Effective January 18, 2024, **City** shall pay **Fisk** an annual salary of one hundred thirty thousand dollars and (\$130,000.00) per year. The **City** may adjust the annual salary upward or provide a bonus at its sole discretion as a performance adjustment. **Fisk's** salary may be adjusted annually, or from time to time, consistent with the **City** policies and practices for all department heads within the **City**.
- D. **Retirement.** The **City** shall provide **Fisk** with the retirement plan of her chosen, consistent with current **City** policy.
- E. **Health Insurance Coverage.** Consistent with **City** policy, **City** shall provide health insurance coverage to **Fisk** and her family, life insurance and income protection, as provided to other non-union employees of the **City**, effective the date of the agreement as the same may be amended from time to time with regard to all non-union salaried employees.
- F. **Professional Development.** The **City** shall pay for **Fisk's** professional dues for her continued professional growth and for the good for the **City** in approved professional organizations. The **City** may also pay for any other dues, memberships and subscriptions in other professional organizations or local service or civic organizations, subject to approval by the City Manager.
- G. **Vacation, Holidays, Sick Leave, and Other Benefits.** **Fisk** shall accrue vacation allowance consistent with **City** policy, with such accumulation of vacation time occurring annually on her anniversary date. Vacation time is recognized as being in compliance with Maine's Earned Paid Leave Law and up to forty (40) hours annually may be used accordingly,
- Fisk** shall be entitled to all other benefits afforded non-union employees, consistent with the personnel policy, that are not otherwise covered by the Agreement.
- H. **Automobile Use.** The **City** shall provide **Fisk** with a fully equipment law enforcement vehicle for her personal and professional use.
- I. **No Reduction in Benefits.** **City** shall not, at any time during the term of the Agreement, reduce the salary, compensation or other benefits of **Fisk** except in the

event of an across-the-board reduction of all salaried employees of **City**. In such event, **Fisk's** salary, compensation and other benefits shall be reduced by the same percentage or in the same manner as all salaried employees of the **City**.

- J. **Indemnification.** The **City** shall defend, save harmless, and indemnify **Fisk** against any tort, professional liability claim or demand or other legal action, whether or not it appears to have merit, arising out of an alleged act or omission occurring in the performance of **Fisk's** duties as Police Chief, except as prohibited by law. **City** will either litigate or compromise and settle any such claim or suit and pay the amount of any judgment or settlement rendered thereon, whether levied against the **City** or **Fisk** personally. Said indemnification shall extend beyond termination of employment, and the otherwise expiration of the Agreement, to provide full and complete protection to **Fisk**, by the City of Biddeford, as described herein, for any acts undertaken or committed in **Fisk's** capacity as Police Chief, regardless of whether the notice or filing of such a claim or lawsuit occurs during or after **Fisk's** employment with **City**.
- K. **Conflict of Interest Prohibition.** It is further understood and agreed that because of the duties of the Police Chief within and on behalf of the City of Biddeford and its citizenry, **Fisk** shall not, during the term of the Agreement, individually, as a partner, joint venturer, officer or shareholder, invest or participate in any business venture conducting business in the corporate limits of Biddeford, except for stock ownership in any company whose capital stock is publicly held and regularly traded, without the prior approval of the City Manager. For and during the term of the Agreement, **Fisk** further agrees, except for a personal residence or residential property acquired or held for future use as her personal residence, not to invest in any other real estate or real property improvements within the corporate limits of Biddeford, without the prior consent of the Council.
- L. **Notices.** Notices, pursuant to the Agreement, shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:
- (1) **City:** City of Biddeford

Attention: City Manager
City Hall

205 Main Street
Biddeford, ME 04005

With a copy to City Clerk
City of Biddeford City Hall
205 Main Street
Biddeford, ME 04005

Fisk: JoAnne W. Fisk
19 Westmore Ave.
Biddeford Maine 04005
or the current address on file

Alternatively, notices given pursuant to the Agreement may be personally served in the same manner as is applicable to civil judicial practice in the State of Maine. Notice shall be deemed given as of the date of personal service or as of the date of deposit in the United States Postal Service.

M. **General Expenses.** *City* recognizes that certain expenses of a non-personal and job-related nature will be incurred by *Fisk*, and hereby agrees to reimburse or to pay such general expenses subject to *City* policies, and the finance director, after receipt of, review of, and approval of appropriate expenses or petty cash vouchers, receipts, statements, or personal affidavits, is hereby authorized to disburse such moneys.

N. **Miscellaneous.**

- (1) The Agreement, supplementing the provisions of the Charter, City ordinance and policies, constitutes the entire agreement between the parties and there are no other promises, covenants or undertakings between the parties with respect to the subject matter of the Agreement which do not appear on the face hereof.
- (2) The Agreement may be amended only by a mutual written agreement authorized by Council and executed by the *City Manager* and *Fisk*.
- (3) If any of the provisions or portions thereof contained in the Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of the

Agreement, or portion thereof, shall be deemed severable and shall not be affected by such determination and shall remain in full force and effect.

In Witness Whereof, the **City of Biddeford**, with confirmation of the City Council, has caused the Agreement to be signed and sealed, in duplicate originals, by its **City Manager**, with further confirmation of the City Council as verified by the Mayor, on the day and year first above written.

Witness:

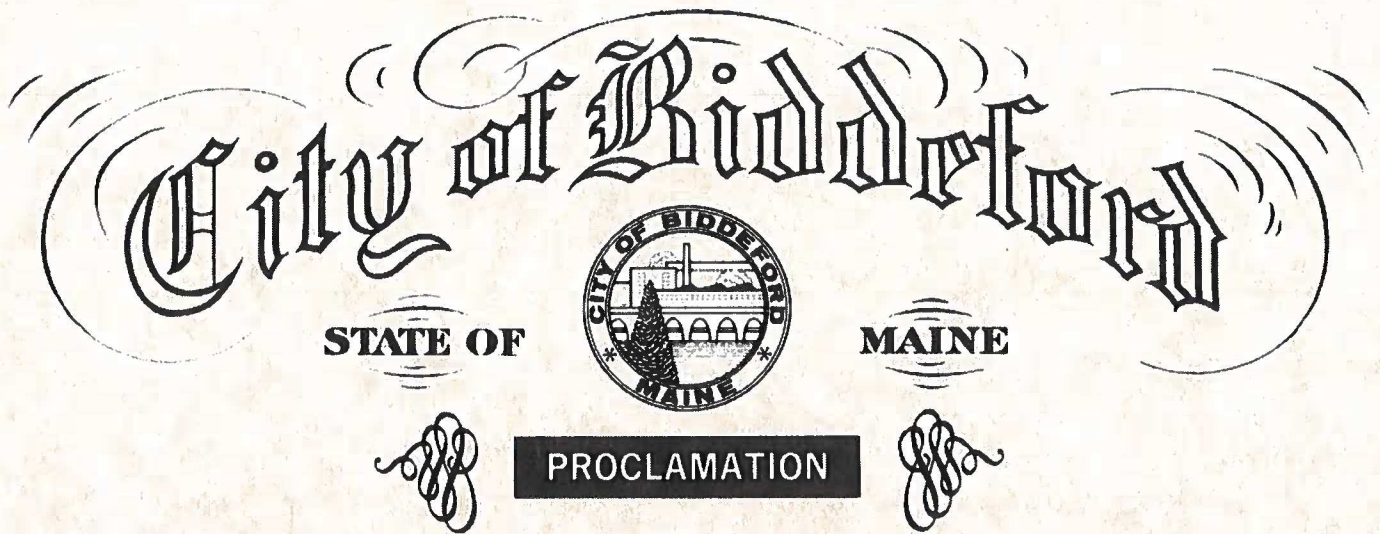
CITY OF BIDDEFORD

James A. Bennett, City Manager

Signed and executed by **JoAnne W. Fisk**, in duplicate originals, on the day and year first above written.

Witness:

JoAnne W. Fisk



Whereas Parks and recreation is an integral part of communities throughout this country, including the City of Biddeford, Maine; and
WHEREAS parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and
WHEREAS parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and
WHEREAS parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and
WHEREAS parks and recreation is a leading provider of healthy meals, nutrition services and education; and
WHEREAS park and recreation programming and education activities, such as out of-school time programming, youth sports and environmental education, are critical to childhood development; and
WHEREAS parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and
WHEREAS parks and recreation is fundamental to the environmental well-being of our community; and
WHEREAS parks and recreation is essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and
WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and
WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and
WHEREAS Biddeford, Maine in York County recognizes the benefits derived from parks and recreation resources.
NOW THEREFORE, BE IT RESOLVED that I, Alan Casavant, Mayor of the City of Biddeford City do hereby observe July as Park and Recreation Month in the City of Biddeford, County of York, Maine

*In Witness Whereof, We, the undersigned, have herewith
affixed our signatures this 18th day of July 2023*

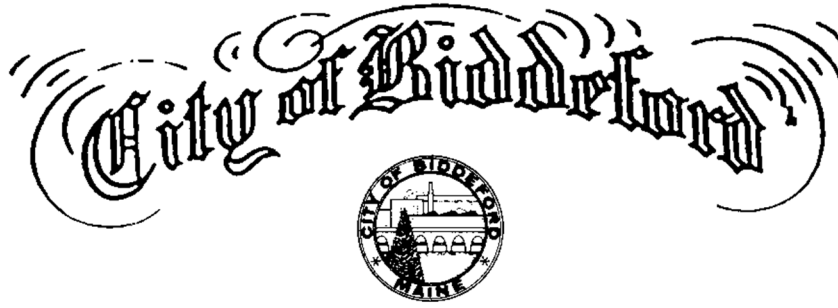


City Clerk





Mayor



2023. 68)

IN BOARD OF CITY COUNCIL... JUNE 6, 2023

BE IT ORDERED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 10, Animals, Article II. DOGS, Section 10-31. Running at large on public ways prohibited; restraint required, be amended by deleting to read as follows:

~~(2) Clifford Park: Dogs may be off leash and under voice command on designated trails in the wooded section of the park. This section is defined as the wooded area of the public park and 100 yards from all trail heads and parking areas.~~

Attest by: _____

City of Biddeford
City Council
June 20, 2023 6:00 PM Council Chambers & Zoom

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

1. Roll Call - all present

Chairman Belanger

Councilor Lessard

Councilor Ortiz

Councilor Emhiser

Councilor Whiting – present via Zoom

Councilor Grohman

Councilor Mills

Councilor Schlaver – present via Zoom

Councilor LaFountain

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

The Juneteenth Proclamation and the Committee of the Whole discussion were discussed at the Council Workshop on June 13, 2023.

4. Proclamation:

4.a. Juneteenth Proclamation

The Mayor read the proclamation at the Council Workshop on June 13, 2023.

5. Presentation:

5.a. Community Development Block Grant Program Compliance Update

City of Biddeford HUD Director Gail Wilkerson, gave an overview of the program, discussed previous compliance issues and the vision for the future.

6. Public Hearing

6.a. CDBG Plan - Community Development Block Grants

Public Hearing began at 6:23 pm

1 Citizen commented on the plans and suggested a wish list of projects that could fit future funding. Also look at the income limits compared to local housing voucher amounts.

Public Hearing closed at 6:26 pm

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

A member of the Saco Pathfinders Snowmobile Club spoke about the work they do on the Biddeford area trails and requested funding from the snowmobile license fees.

8. Consideration of Minutes: - June 6, 2023

8.a. City Council Meeting Minutes June 6, 2023

Motion: Councilor Belanger

Second: Councilor Lessard
Vote: Unanimous in favor. Motion passes.

9. Second Reading:

9.a. 2023.60) Amendment/Part III Land Development Regulations, Article VI - Performance Standards

Motion: Councilor Grohman

Second: Councilor Lessard

Vote: Unanimous in favor. Motion passes.

9.b. 2023.61) Amendment/Part II, Chapter 34 – Environmental, Article VI - Post-Construction Stormwater Discharge

Motion: Councilor Grohman

Second: Councilor Lessard

Vote: Unanimous in favor. Motion passes.

9.c. 2023.62) Amendment/Part II, Chapter 70 – Utilities, Sec. 70-31 – Enforcement of Article; Violations and Penalties

Motion: Councilor Mills

Second: Councilor Lessard

Vote: Unanimous in favor. Motion passes.

9.d. 2023.67) Amendment/Code of Ordinances, Chapter 22 Businesses, Article II Licenses and Permits Generally, Sec 22-11 Fees - Cannabis Business License Fees

Motion: Councilor Mills

Second: Councilor Lessard

Public Comment – asked about Grow Facility License fees for facilities under 10,000 square feet.

Councilor Grohman – would like to check into that.

Councilor Belanger – motion to amend it to:

Cannabis Grow Facility License (Facility Size)

Grow facility Up to 10,000 square feet of floor area = \$1,000.00

Grow facility between 10,001 to 20,000 square feet of floor area = \$2,000.00

Grow facility between 20,001 to 30,000 square feet of floor area = \$3,000.00

Grow facility between 30,001 to 40,000 square feet of floor area = \$4,000.00

Each additional 10,000 square feet of floor area or less = an additional \$1,000.00

Second: Councilor Mills

Vote: Unanimous in favor. Motion passes.

Vote on Ordinance as amended: 8 yeas – Councilors Belanger, Ortiz, Emhiser, Whiting, Grohman, Mills, Schlaver, and LaFountain. 1 nay – Councilor Lessard; Motion passes.

10. Orders of the Day:

10.a. 2023.70) Approval/University of New England Dimensional Standards

Motion: Councilor Mills

Second: Councilor Lessard

Vote: Unanimous in favor. Motion passes.

10.b 2023.71) CDBG Year 5 Action Plan - Amendment 3

Motion: Councilor Mills

Second: Councilor Lessard

Councilor Mills – this is exciting to see the future projects for the funding. A lot of hard work.

Councilor Emhiser – this is a budget for real property. Is the spend down realistic to get done in the next 9 months?

Mayor Casavant – timeliness is important, we do not want to go back to noncompliance in this program.

City Manager Bennett – This needs significant movement in the next 60 days to see what can be realistically done with the spend down and what can be ready for the next year. Need to find projects that can get the property, HUD approval, and an approved developer in place.

Councilor Ortiz – Can we acquire property this year and work on the compliance next year?

Biddeford HUD Director Wilkerson – yes that can happen but the concern is finding developers willing to work with HUD requirements.

Councilor Belanger – What happens if we don't pass it now or make amendments? Should we table it for another month, not waste staff time now only to amend in 30 days?

Director Wilkerson – We have near shovel ready projects in the downtown area that could be funded with the CDBG and then gather more public input as described in the Citizen Participation Plan and plan for more housing units next year.

City Manager Bennett – The Council has previously said what it wants to do. The staff will work to make that happen but it is important to get compliance right. Soon the Council will have an opportunity to review the entire program including the results from the consultant.

Councilors Emhiser and LaFountain asked questions about the RFP process, can it be approved quickly by Council and HUD? Can part of the \$500,000 be carried over to next year?

Director Wilkerson – Yes the timeline is feasible; \$876,000 needs to be spent by April 2024 and we can carry over \$586,000.

City Manager Bennett – A reminder that with the spending limits the RFP would come to Council for approval. As a backup we can spend some of the money on the sidewalks in the mill district, these are ready to go; we can also do much of the ADA compliance projects now and use that amount from the next 5 year plan on the property projects. We could also look at the food pantry and other similar projects.

Councilor Lessard asked the City Manager to clarify his recommendations on this motion. If an amendment is required, he asked Director Wilkerson to write it tonight and they will come back to it.

City Manager Bennett – his preference is to pass it and then try to achieve the goals, they will come back with the results of the RFP or other specific recommendations. Another option is to amend it to accommodate public infrastructure and ADA compliance.

Councilor LaFountain – it is important to stay in compliance and focus on housing.

Councilor Emhiser – the RFP, HUD approval process will provide valuable information, is in favor of the order as written without an amendment.

Councilor Schlaver – agrees with Councilor Emhiser. Also recommends to speak with Biddeford Housing to see if they have any projects that would fit.

Councilors Belanger and Lessard– expressed support for the plan but concerns with the timeline.

Vote: 7 yeas – Councilors Ortiz, Emhiser, Whiting, Grohman, Mills, Schlaver, and LaFountain. 2 nays – Councilors Belanger and Lessard. Motion passes.

10.c. 2023.72) CDBG Year 6 Action Plan

Motion: Councilor Mills

Second: Councilor Belanger

Councilor Belanger: - how is this different from the first plan?

Director Wilkerson - it provides an additional \$250,000 for affordable housing, the rest of the initiatives are the same.

Vote: 7 yeas – Councilors Ortiz, Emhiser, Whiting, Grohman, Mills, Schlaver, and LaFountain. 2 nays – Councilors Belanger and Lessard. Motion passes.

10.d 2023.73) CDBG Citizen Participation Plan

Motion: Councilor Belanger

Second: Councilor Mills

Vote: 8 yeas- Councilors Belanger, Ortiz, Emhiser, Grohman, Whiting, Mills, Schlaver and LaFountain. Councilor Lessard was absent for this vote.

Motion passes.

10.e. 2023.25) (A) Amendment/Inclusionary Zoning Ordinance

Motion: Councilor Mills

Second: Councilor LaFountain

Councilor Grohman – very good work by the Policy Committee, Planning Director Mitchell. He can see the effort to adjust to market conditions. Have to find the sweet spot to keep projects moving forward. One comment on the language, references to Medium Income should be Median Income.

Councilor Lessard -provided several hypothetical developments to verify the language and the percentage of affordable units in a project.

Councilor Belanger – the Policy Committee tried hard to make this reasonable, there were several that disagreed so they decided to bring it to the entire Council for discussion. There is a balance between the housing goal and how it gets paid for.

Councilor Ortiz – there is a housing crisis, this ordinance will not solve it but it will be part of the solution. Does not agree with the change from 80% AMI to 100% AMI; she gave statistics of what those rates were for the past few years. She also wants it to address potential short term rentals that could come out of this. Keep the goal of affordable housing.

Councilor Mills – had questions about the reference to the Affordable Housing Trust Fund.

Councilor Belanger – the trust fund has a separate ordinance, this is just to refer to where the \$100,000 would be sent.

City Manager Bennett – the vote tonight would be to send this to the Planning Board, they will have a public hearing, and then it will come back to the Council for 2 readings. There are several opportunities for the Council to amend, this proposal is not the end. He will check the required response time from the Planning Board to the Council and what happens when they don't respond in time.

Councilor LaFountain – would like to see it back to 80% AMI, look at the salaries of those who work in the community. Taxpayers already pay for larger infrastructure that attracts development.

Councilor Belanger – send it to the Planning Board and let them work it out.

Councilor Ortiz – proposed an amendment to change 100% AMI to 80% AMI and a clause for all new Condominiums to be included in the IZ unless their by-laws prohibit short term stays.

Council Lessard – point of order – asked Councilor Ortiz to break it into 2 separate amendments.

Councilor Ortiz – Motion to amend the Inclusionary Zoning Ordinance to change from 100% AMI to 80% AMI.

Second: Councilor Mills

Councilor Schlaver – the Policy Committee had a vigorous debate on the percentage and chose 100% as a developer incentive.

Councilor Emhiser – is against the amendment, wants it to go through the process. The Council will have several chances to amend before it is final.

Councilor Lessard – would like the incentive to allow developers to add units at the affordable rate, not reduce.

Vote on the amendment: 4 yeas – Councilors Ortiz, LaFountain, Mills and Whiting; 5 nays – Councilors Belanger, Lessard, Emhiser, Grohman, and Schlaver. Amendment fails.

Councilor Ortiz – motion to amend the Inclusionary Zoning Ordinance to require all new condominium developments to be included in the Inclusionary Zone unless their by-laws state that short term rentals are prohibited.

Second – Councilor Mills

Councilor Lessard – does not favor this amendment, it will lock the buyer into this situation forever and they may experience changes in circumstances later in life. He mentioned another scenario with owners who live here for six months and then rent the property to help cover costs.

Councilor Schlaver – asked for a definition of short term rental.

Councilor Ortiz – is referring to Airbnb scenarios.

Councilor Belanger – questions whether new condos are being built, this amendment discourages the wrong thing.

Councilor Grohman – this is a significant policy issue, it should go to the Planning Board first.

Vote on the amendment: 3 yeas – Councilors Ortiz, Mills and LaFountain; 6 nays – Councilors Belanger, Lessard, Emhiser, Whiting, Grohman, and Schlaver. Amendment fails.

Vote on the original order 2023.25 (A): 7 yeas – Councilors Ortiz, Emhiser, Whiting, Grohman, Mills, Schlaver and LaFountain; 2 nays – Councilors Lessard and Belanger. Motion passes.

2023.25 (B) Inclusionary Zoning Emergency Order

Motion: Councilor Mills

Second: Councilor Belanger

Vote: 8 yeas - Councilors Belanger, Lessard, Ortiz, Emhiser, Whiting, Grohman, Mills, and LaFountain; 1 nay – Councilor Schlaver. Motion passes.

10.f. 2023.74) Approval/DPW Heating System

Motion: Councilor Belanger

Second: Councilor Lessard

Public Works Director Demers spoke about the age of the existing system.

Councilor Belanger commented that this was discussed in the Finance Committee, the bids were reviewed and they agree with this order.

Vote: Unanimous in favor. Motion passes.

10.g 2023.75) Approval/GPS Field Lining System

Motion: Councilor Mills

Second: Councilor Lessard

Councilor Belanger commented that this was discussed by the Finance Committee, the machine is an additional cost but will save labor.

Vote: Unanimous in favor. Motion passes.

10.h 2023.76) Approval/Pricing Orange Overflow Bags

Motion: Councilor Mills

Second: Councilor Lessard

Councilor Grohman - asked about the price increase of the bags and the rental bins.

Public Works Director Demers spoke about the bag increase, a few cents per bag over the past few years. They are only passing on the cost of the bag. They keep monthly records of bag usage and he can provide those numbers to the Council. They have reviewed prices and policies from surrounding communities and will be doing a comprehensive review of the program this coming year. They have also made it easier for citizens to sign up for the bins at the front desk in Public Works.

City Manager Bennett – the City has not gone up on fees in 3 years even though the disposal cost per ton of solid waste has gone up. They will be able to have a more robust discussion of the program after the two new automated trucks are in place.

Councilor Mills – how does this compare to surrounding municipalities?

Public Works Director Demers – this is in line with other communities and many are struggling with overflow issues.

Vote: Unanimous in favor. Motion passes.

10.i. 2023.77) Approval/Mayor's Monarch Pledge

Motion: Councilor Mills

Second: Councilor Lessard

Vote – 7 yeas – Councilors Lessard, Ortiz, Emhiser, Whiting, Grohman, Mills and LaFountain; Councilors Belanger and Schlaver were absent for this vote. Motion passes.

10.j. 2023.78) Approval/Cancellation of July 4, 2023 City Council Meeting

Motion: Councilor Mills

Second: Councilor Grohman

Councilor Lessard – do we need to reschedule?

Mayor Casavant – this is the same order as last year, they will make a judgement call if a second meeting is needed.

Vote: 8 yeas – Councilors Belanger, Ortiz, Emhiser, Whiting, Grohman, Mills, Schlaver and LaFountain; 1 nay – Councilor Lessard. Motion passes.

10.k 2023.79) Resolve/City of Biddeford proceed with School Bonding Referendum Process

Motion: Councilor Mills

Second: Councilor Lessard

Vote: Unanimous in favor. Motion passes.

11. Committee of the Whole

11.a. Committee of the Whole - Safe Streets for All grant update

This was discussed at the Council Workshop on June 13, 2023.

12. Appointments:

12.a. 2023.80) Appointment Patrick Beacham Wastewater Management Commission

Motion: Councilor Belanger

Second: Councilor Mills

Vote: Unanimous in favor. Motion passes.

13. Public Addressing the Council..(5 minute limit per speaker) - None

14. City Manager Report

Thank you to all of the staff and La Kermesse volunteers for a very successful parade and a fantastic weekend. He was very proud.

15. Other Business

15.a. Consideration of new Contract Zone 608 New County Road

Motion: Councilor Belanger

Second: Councilor Mills

The applicant spoke about the project.
Councilors Mills, Emhiser, and LaFountain spoke in support of the project.

Councilor Emhiser would like the Planning Board to develop clear language for the Contract Zone, to reach out to the neighbors, and to hold a public hearing.

Vote: Unanimous in favor. Councilor Schlaver absent for the vote.
Recommendation passes.

Other Business continued:

Councilor Mills – will the Adult Use Cannabis Ordinance be ready for a Policy meeting soon?

CEO Fecteau – no.

Councilor LaFountain – there was a successful Substance Use Disorder Panel last week and he thanked all those who helped.

Councilors Mills and Grohman would like to discuss the Snowmobile request at the next Finance Committee or Council meeting.

16. Council President Addressing the Council - Councilor Belanger did not address the Council.

17. Mayor Addressing the Council - Mayor Casavant did not address the Council.

18. Executive Session

18.a. Executive Session - 1 M.R.S. 405 (6) (a) Personnel Matters

18.b. Executive Session 1 M.R.S. 405 (6)(c) Real Estate Matters

Motion to go into Executive Session: Councilor Belanger

Second: Councilor Mills

Vote: Unanimous in favor, motion passes.

Executive sessions began at 8:49 pm.

Motion to come out of Executive Sessions by Councilor Mills

Second: Councilor Belanger

Vote: Unanimous in favor, motion passes.

Executive sessions ended at 9:45 pm.

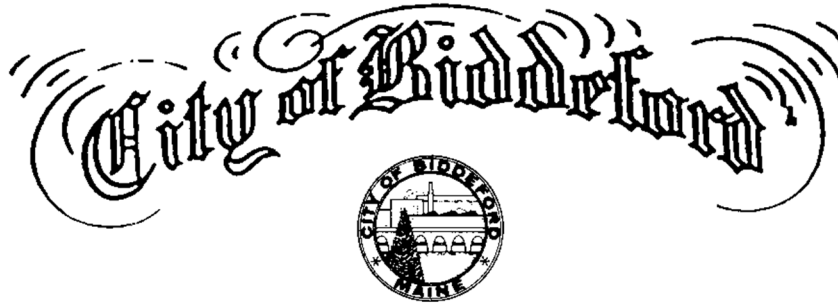
19. Adjourn

Motion to adjourn at 9:45 pm by Council Mills

Second: Councilor Belanger

Meeting adjourned at 9:45 pm

Attested by: _____
Robin Patterson, City Clerk



2023. 68)

IN BOARD OF CITY COUNCIL... JUNE 6, 2023

BE IT ORDERED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 10, Animals, Article II. DOGS, Section 10-31. Running at large on public ways prohibited; restraint required, be amended by deleting to read as follows:

~~(2) Clifford Park: Dogs may be off leash and under voice command on designated trails in the wooded section of the park. This section is defined as the wooded area of the public park and 100 yards from all trail heads and parking areas.~~

Attest by: _____



City Council

Meeting Date: July 18, 2023

Meeting Time: 6:00 PM

Agenda Item No:

Item Description: 2023.68 Requiring Dogs to be on leash in Clifford Park.

Submitted by: Carl Walsh, Recreation Director

Supporting Information/Documentation:

1. Chapter 10 Animals, Article II. Dogs, Sec. 10-31. Running at large on public ways prohibited; restraint required. Chapter 46-13 Park operation policy (see item d)
2. Maine State Parks and National Parks Policies regarding dogs.
3. Facebook Post with comments, email.

Key Terms:

N/A

Executive Summary:

Update the ordinance on dogs in Clifford Park.

Detailed Review:

Discussion at the May 22, 2023 Policy Committee Meeting regarding dogs in Clifford Park. Currently dogs are allowed off leash in the wooded section of the park 100 yards from the trailheads and parking areas while under voice control (see attached current ordinance). The item was previously discussed by the Recreation Commission with the recommendation dogs be on leash in Clifford Park at all times. Concerns shared by members included dogs that startle people when approaching unleashed such as walkers, runners, bikers and others with leashed dogs.

Funding Source:

N/A

Staff Recommendation:

Recreation Commission supports dogs to be on leash at all times in Clifford Park.

Chapter 10. Animals

Article II. DOGS

Sec. 10-31. Running at large on public ways prohibited; restraint required.

Dogs on a public way or place shall be under restraint. For a dog to be "under restraint" as required in this section, it must be controlled by a leash, which shall not be more than eight feet in length, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper, or in specially designated "off leash" areas.

Off-leash areas: All dogs must be within 50 feet of owner or keeper and be under voice control. "Voice control" is defined as being able to immediately call the dog back with one call.

Off-leash areas within the City include:

- (1) Rotary Park: The river bank along the boat launch side of the park. This shall be defined as the area bordered by and including the boat launch, up the river bank to where the access road and the river split. The "river bank," for this purpose, is defined as up to but not including the dirt road in the park. Dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.
- (2) Clifford Park: Dogs may be off leash and under voice command on designated trails in the wooded section of the park. This section is defined as the wooded area of the public park and 100 yards from all trail heads and parking areas.
- (3) City beaches: See Chapter **46**, Section **46-13(d)**.
- (4) A person who violates this section commits a civil violation for which a forfeiture of not less than \$50 nor more than \$250 may be adjudged for the first violation and not less than \$100 and not more than \$500 for any subsequent violations.

Chapter 46. Parks

Sec. 46-13. Park operating policy.

- (a) Hours. All parks, as defined herein, shall be open to the public every day of the year from dawn to dusk. In the event that activities are conducted at either the St. Louis Field or Mechanics Park for which there is an admission fee charged or access is otherwise controlled, no member of the public shall have the right to enter said park areas without authorization and/or payment of such admission fee. The Director shall cause notices of the opening and closing hours to be posted in each individual park for public information and enforcement purposes.
- (b) Closed areas. Any section or part of any park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals (daily or otherwise).
- (c) Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any park, or the closed area of any park, except during the hours and times when such park, or portion thereof, is open to the public as provided in this section.
- (d) Dogs, horses and horse-drawn vehicles.
[Amended 5-16-2017 by Ord. No. 2017.38; 4-16-2019 by Ord. No. 2019.28; 8-20-2019 by Ord. No. 2019.78; 7-20-2021 by Ord. No. 2021.58]
 - (1) Dogs are prohibited from entering or remaining in any playground, schoolyard, athletic field, beach areas or any other area posted under authorization of the Recreation Director, except as follows:
 - a. City beaches. No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are completely prohibited from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park.
 - b. Rotary Park. Dogs may not use any part of the Rotary Park beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year.
 - (2) Horses.
 - a. Horses and horse-drawn vehicles are prohibited from entering or remaining in any park or athletic field. They are restricted from beach areas between the hours of 9:00 a.m. and 5:00 p.m. from May 25 to September 15.
 - b. Horses using the public beaches must utilize a manure catch device.
 - (3) Nothing herein is intended to prohibit the Recreation Commission from creating and maintaining a dog park, as defined herein under Section 46-1(b), and for establishing rules and regulations governing the operation thereof.

Maine State Parks

Bureau of Parks and Lands

Leashes - Pets must be on a leash under the physical control of the pet handler and must not be left unattended.

No pets are allowed in the Sebago Lake State Park campground. Pets are not allowed on beaches between April 1 and September 30. Pets must be on a leash under the physical control of the pet handler and must not be left unattended. Pet owners must immediately clean up any fecal deposits left by their pets. Pet owners may be assigned picnic or campsites in a less congested area of the park.

[Pets in the Parks: Reservations: State Parks and Public Lands: Maine DCF](#)

National Parks

Information provided taken from the National Park Service B.A.R.K. program.

A = Always Wear a Leash

- Pets must be restrained on a leash no longer than 6 feet (2 m); retractable leashes extended beyond this limit are prohibited.
- Leashes protect dogs from becoming lost and from wilderness hazards such as porcupines.
- Not everyone is a dog person no matter how friendly and well behaved your dog may be. Dog friendly areas are a privilege would could be lost if leash regulations are not followed.
- Many people, especially children, are frightened by dogs, even small ones. Uncontrolled dogs can present a danger to other visitors. Leashes also protect the experience of other visitors who may be afraid, allergic, or who do not want a dog approaching them.
- Unfamiliar sights, sounds, and smells can disturb even the calmest, friendliest, and best-trained dog, causing them to behave unpredictably or bark excessively.

R = Respect Wildlife

- Dogs can chase and threaten wildlife, scaring birds and other animals away from nesting, feeding, and resting sites.
- Be especially careful around the nests of loons and turtles.
- The scent left behind by a dog can signal the presence of a predator, disrupting or altering the behavior of park wildlife. Small animals may hide in their burrow the entire day after smelling a dog and may not venture out to feed.
- Please keep your dog at a respectful distance from any animals you may encounter.

[Be an Acadia Bark Ranger \(U.S. National Park Service\) \(nps.gov\)](#)

While required minimum distances vary across national parks, be aware that if your presence changes the behavior of any wild animal, you are too close.

Title	Comment	Author Name	Likes
Leashes Please!	I take my dog here often and we have had multiple instances of dogs running up to us. Not all dogs appreciate being approached buy an unleashed dog/dogs while they are on a leash. Also, not all dogs are good with other dogs and saying "they're friendly" doesn't mean that every dog is! As a compromise, having certain hours where they can be off leash could be a good idea.	Anonymous	2
Why are electronic leashes for dogs being ignored?	I emailed all councilors the plea below. I was stunned to read Bob Mills' reply to my letter as follows: "... I feel responsible pet owners don't take their dogs to a park." - Bob Mills Councilor, Ward 4. Here is what I wrote: I'm a Biddeford taxpayer who owns two trained, well-behaved dogs which I walk in Clifford Park and elsewhere in Biddeford as permitted. My dogs are not only always under voice control but also wear electronic control collars ("shock collars") on their runs. The purpose of this technology is to allow dog-owning taxpayers to exercise our pets properly by allowing them healthy runs while at the same time controlling them electronically, just as effectively as if they were restrained by physical leashes. But at present the City is unreasonably recognizing only physical leashes, ignoring the existence of electronic control technology. This is unfair to taxpayers whose tax dollars contribute to the upkeep of our public spaces and who choose to run their dogs under the control of electronic collars. I vehemently oppose any ordinance that requires my dogs to be physically leashed at Clifford Park and similar open spaces that I support financially. Physical leashes don't allow my dogs to receive the exercise and mental stimulation they need. Dogs are sentient creatures and it's downright cruel to subject them to arbitrary constraint. I understand that some people will not be moved by any argument about the health and well-being of animals. To those who feel this way, I assert my rights as a taxpayer. Why should I constrain my pet unreasonably to satisfy the whim of someone who chooses not to recognize the existence of electronic pet control technology? Don't enforce leashes, please. It's not fair. Not healthy. Not necessary. And the evasive argument that I should take my dogs elsewhere is unacceptable. Not all spaces are suitable to run all dogs, and in any case I choose to run my dogs at Clifford. Please help me to stand up for my rights and for logic, reasonability and common sense. Yours sincerely, Mirlea Saks	Mirlea Saks	1

Dogs Off Leash	Please don't take this away from us. There is no where else in Biddeford dogs can be off leash. My two well behaved dogs love being able to romp through the woods.	Theresa Phillips	2
Good leashes make good neighbors	Everyone should feel safe in the park. All too often my dog and I are threatened by a dog who's owner claims thier dog is friendly. A dog that is completely under voice control is extremely rare. Too many people don't pay attention to what dogs are doing and fail to clean up after them.	Laura Seaver	2
Dogs are dogs and it's the owners you should be concerned about	Letting dogs run where they please in popular recreation spots is disrespectful to people (and other dogs) who may be concerned by them or who simply want to enjoy the space and trails undisturbed. You don't want your pet scaring a little kid but neither do you want her distracting a service animal or bothering a dog who's kept on-leash because he doesn't play well with others. It's a matter of common sense. The pups are innocent. As a responsible dog owner I support leash law requirements for all of our public spaces.	Ben Neveux	2
Unfortunately needed	There are way too many ppl letting their big "friendly" dogs run up to ANYONE with zero recall. Unfortunately these people have ruined it for everyone, and you can't even bring a dog here for fear of a strange dog running up to them.	Anonymous	2
Leashes please	I have two Chihuahua's that I walk on leash in the park. They are frequently trampled by off leash dogs. The owners of the off leash dogs frequently yell out, "he is friendly" as the dog is running over my dogs. The leash law will help keep this situation from happening to me and other small dog owners.	Anonymous	1
Leashes Please	Majority of dogs that are brought and allowed off leash have no recall. Not all people or other dogs want to be approached. If your dog is indeed friendly then take it to the dog park. I shouldn't have to put myself in between my leashed dog and a random loose dog that is running towards us. Thanks	Anonymous	2
Dogs on leash	I've walked the park extensively and never experienced a dog issue. I see no need for a required leash ordinance.	George Lozier	3

Dogs on Leash - For the Birds & Wildlife	First - I think it would be great for there to be a dog park or enclosed dog run at or near Clifford Park, as I agree with many that dogs having space to free run & explore is vital to their health and wellbeing! But, I strongly support leash laws at Clifford Park. As one of our largest green spaces in Biddeford, it is also one of the largest areas where local birds & native wildlife live and/or stopover on migrations. Though domesticated, when dogs interact with wild animals/enter wild animals' spaces, they are perceived by those animals as predators. Unleashed dogs are less predictable to prey animals. They can unknowingly crush or disrupt low-lying or ground-level nests, scare off birds & small animals foraging (even if they are chasing them "just for fun") - even causing the animals birds to abandon the area or their young entirely. Additionally, like cats, they do hunt small prey animals - but they do not have to literally kill a bird or squirrel to cause serious pattern disruptions. Studies in Australia have shown that bird-roosting areas that switched from unleashed to leashed dog laws saw survival rates for chicks jump from 12% to 40%. In Santa Barbara, researchers saw a 25% reduction in bird stress/harassment rates when dogs were leashed. And that's just birds! These numbers are similarly replicated across other animals such as squirrels, chipmunks, amphibians, etc. The Nature Institute found that across the board, bringing a predator animal into green spaces (dog, cat, etc) causes an impact on animal behavior, health, and longevity. Leashing dogs does not eliminate the impact they have on wildlife - but it does reduce the impact significantly. Essentially, leashing is a compromise, between the dog and the native animals of the green space the dog is walking through. Leashed dogs are better neighbors to their wild counterparts. Further reading/sources: https://www.audubon.org/news/why-leashing-dogs-easy-way-protect-birds-and-their-chicks https://www.thenatureinstitute.org/wp-content/uploads/2019/02/The-impact-of-dogs-on-wildlife.pdf https://www.cambridge.org/core/journals/bird-conservation-international/article/managing-a-breeding-population-of-the-hooded-plover-thinornis-rubricollis-in-a-high-use-recreational-environment/D6A23920BBB410BBF308401D31D8CB6D https://academic.oup.com/bioscience/article/61/2/125/242696?login=false	Eben Thomas	1
Dogs off leash	I love taking my dog there. It can be hard to properly exercise a dog in a small dog park or on a leash. I understand not everyone has their dog on voice control, so maybe leash dogs only on the black (story) trail.	Robert Fritz	1

Support for leashes	I am IN Support of dogs needing to be leashed on the trails. Doing the story walk with my children and having unleashed dogs approach us with owners not in sight has been a scary event for my children who are afraid of dogs. It has made us stay away from the trails. I would be in support of leashed (storywalk trail) vs unleashed trails as a compromise.	Anonymous	2
Please keep off leash	I only tend to take my dog off leash during the winter deep in the trails. I think the black trail should be leashed, but there's not many parks that allow letting your dog off leash in the woods. Yards and dog parks aren't the same as letting your dog run up and down the cliffs.	Anonymous	1
Supporting Off-Leash Access	I walk the park twice a day, every day, and the majority of people I encounter are walking dogs, with the majority of those being off-leash — and I have never had an issue. I support the continued off-leash access in the park. I believe that rather than banning off-leash access, there needs to be increased awareness for dog owners as to what "recall" means and why it's something they need to work on before they let their dog(s) off-leash. This is a people problem, and simply changing the off-leash access is not going to prevent people from letting dogs run around. We were all taught to drive with our hands at 10/2 and none of us do that - we develop our own habits, and I see this as an opportunity to remind dog owners in the park to question their habits and work to be good neighbors in the park, without the need to remove off-leash access entirely. As others have noted, there are plenty of places in the area people can walk dogs on a leash. There are few to none where you can walk off-leash, and based on my observations, the majority are off-leash users and the park should remain that way. Lastly, the Conservation Commission and Recreation Department are planning to meet and discuss the leash policy in more detail — looking at the park as a whole, as well as trail-by-trail in a way that could make recommendations with certain compromises for all park users instead of an outright ban.	Erik Heumiller	3

I see both sides	As a smaller dog owner I can see why some dogs should be kept leashed. Most owners are pretty quick to recognize when it's safe to let their dogs loose. I think leashes should be on hand at all times, but also that dog owners need to respect that they are sharing a public space with others who may not be comfortable with loose dogs. The people who take the time to train their dogs how to behave off leash shouldn't be punished, but others whose dogs are not trained definitely need to have a leash.	Anonymous	0
Dogs off leash	I strongly urge you to consider continuing to allow dogs to be off leash in this park - at minimum. If an agreement should be reached to reduce the freedoms of our four legged friends - I would suggest dog being off leash at certain hours. Dogs are better than people- not this sentiment sways me in any way... thank you.	Anonymous	0

Let's work together and train our dogs better!	While I understand both the safety and wildlife concerns of having dogs off leash, I think that our existing rules (voice control in off-leash areas of the park) SHOULD prevent the worst of these concerns. I am aware that they don't necessarily do that, as I have had encounters with unruly dogs as well. I do not think that an all-dogs-on-leash-at-all-times rule would solve the problem, however. I do not think that changing the rules will change the behavior unless there is regulation, which would likely be prohibitively expensive and a waste of resources. I also know that having a safe place to take a dog off leash in the woods in town is a great way for dogs and humans to exercise together and to build trust for adventures farther afield. There is already a rule that dogs should be under voice control if they are off leash. I believe we should try to encourage and enforce the existing rule before implementing a heavier-handed rule that will also be hard to enforce. Let's try to encourage dog people to train their dogs better and/or follow the rules. If you're not on voice control, don't let your dog off leash. We could also offer resources for training dogs to be better with recall. Surely we can work together as a community to solve this problem without infringing on existing freedoms. Some ideas on how to do this: * Improve signage. There's not signage at every entrance to the park. The signage about leash rules could be clearer where it is signed. * Send out information with dog registration about places to take your dog (off leash, on leash, dog parks, training facilities) and what Voice Control means. Maybe a flyer that could be shared with local veterinarians. * Partner with some dog trainers to offer some community lessons * use the adult education system to offer affordable training For those of us with dogs who DO have a voice control relationship with those dogs -- and dogs who more or less stay on the trail -- the freedom of movement afforded is a great benefit to the health of the dog and our relationship with the dog. Dog parks aren't a great fit for all dogs.	Chrystina Gastelum	2
Why not a dog park?	Here's a compromise..... Take a segment, maybe the tennis courts, and make it into a dog park. Its already fenced in and you can throw as many unleashed dogs in there as you want. It works at Rotary Park. While it would be nice to own some land to let my little guy roam free..... I try not to infringe on others enjoyment of the park, so I keep him leashed at all times when not in our back yard.	Antonio	2
In Support of Off-Leash Clifford Park	There are so few options for dogs to be off-leash in Southern Maine. I am in support of Clifford Park continuing to be off-leash or at the very least having specific off-leash hours.	Erin White	1

Dog's on leash please!	I am for this. Why do some dog owners not understand that not all people like dogs... or that there are some people that have fear of dogs (regardless of size and temperament). There are some places where it makes sense for dogs to be off-leash, like a dog park or in your yard. There are some places where it does not, trails, parks, beaches, etc. Places where you have many people and tight spaces. How is it fair for those that wish to us the park for what it was intended for, to have to deal with unleashed pets. While there are dogs that behave, there are just as many that don't, and selfish owners. If you can't put a leash on your pet, then maybe you shouldn't have one, or move to the countryside where there are fields large enough to warrant it. I have a newborn. I do not take him to restaurants, ballgames, movies, etc.... why? Because that is potential for causing a rousus, plus I don't know how he'll react to others in such a loud, crowded space. If I can contain myself with a newborn, you can contain yourselves with a pet.	Anonymous	2
Please keep dogs off leash	There are not many places in the city where dogs and their companions can enjoy open spaces without being on leash. Please do not add another location where such a restriction is imposed. I also find the summer leash rule at the beaches to be burdensome, especially since dogs are limited at the beaches during particular hours in the summer. If the council feels it must impose a leash restriction at Clifford Park, perhaps it should have certain hours of the day where dogs can be off leash. The best of both worlds. Hours of the day where people don't have to fret about off leash dogs and then hours of the day where dogs get to be off leash. I think the same should be the case at the beaches. If dogs can only be there during certain hours in the summer, let them be off leash. When I go to the beach in the summer during the dog hours, it is mostly people walking their dogs. And many people don't follow the restriction anyhow. Meanwhile, our dogs who have been conditioned in the spring/fall to expect to run free (for the tennis ball) are amped up to run but are prevented by the leash. Pretty unpleasant experience for us dog owners. In conclusion, please don't adopt a leash requirement. However, if you must, at least designate certain hours where dogs can go to Clifford without being leashed. If you are feeling adventurous, perhaps, you might even consider relenting on the leash rules at the beach in the summer given dogs are only allowed at certain hours anyhow. Thanks!	Ryan Fecteau	1

Walsh, Carl

From:
Sent: Wednesday, March 2, 2022 7:05 PM
To: Walsh, Carl;
Subject: Clifford Park Dog Post on FB

Bryan

This is a bit of a plea and rant. I'm not looking to start an argument, though I'm well aware this topic usually does. If you are taking your pups through Clifford Park, keep them on a damn leash! If you actually have single-command recall, then this isn't for you. But I have yet to encounter any other dogs with that level of recall. I felt the need to speak up after yet another encounter with an off-leashed dog. For those that don't know dog psychology, off-leash dogs meeting on-leash dogs is risky. There is a power imbalance because they are all aware that one party is free while the other is tethered to their human. This time, I ended up backing up as far as I could with my dogs in a grove of trees to put distance between the approaching dogs that did not listen to a single recall command and us. It took the owner physically removing the dog to get it away. I then stayed there for a little bit to calm my dogs before heading back out.

The thing is, I'm not so much afraid for myself or my dogs. I don't want them to hurt another dog. A 2-on-1 fight between usually a Golden Retriever and my German Shepherd and St. Bernard mix is not a fair fight. That being said, if an off-leash dog makes contact with mine, I will have to drop my leashes for my own safety. I don't want to hear it about how "oh but my Fido loves to run free" or "let the dogs be dogs" or any other irresponsible lines. Because a dog's place is by their human, they are a companion animal. Is your dog a trained hunting/tracking/or other types of working dog? No? Then they will absolutely love being by your side. If not, well, you are boring, and it's on you to provide enrichment.

I leash my pups every single time we are in Clifford. I am also very vocal with my pups - not so much for them, but so other people are warned that I'm in the area with 2 dogs. My pups absolutely love hiking through the trails there; it's one of their favorite things ever. Yes, they enjoy the great outdoors while leashed. Don't let your irresponsibility and selfishness ruin it for others that are just trying to follow the posted laws.

Again, if your dog listens to a single command recall every time, then, by all means, let them off-leash. You put in the time and went above and beyond standard training. So you get the reward of letting them be free because they will come back to you immediately every damn time.

Heck, people ride their bikes through Clifford all the time. What if they make a quick turn on a trail and your dog is there? They have a split second to decide between possibly killing the dog or themselves. Not everyone likes dogs also, so sure, your fluffy puppy might be a bouncing bundle of joy, but not everyone will see it that way. You need to think about more than yourself.

Dogs are like toddlers, so they are like your kids. Be the responsible parent. Leash your damn dogs.

Responses

Rachel

Dogs need to have bomb proof recall or be on a leash- there shouldn't be anymore to this discussion than that! Folks need to think about others as well! Being approached by an off leash dog is AWFUL when you have a reactive dog. And going someplace tha...

See more

- Reply
- Share

- [1h](#)

•

[Bryan](#) _____

Author

[Rachel](#) , exactly! I've been approached so many times at this point. My pups are dog friendly also, but it has to be on even ground.

- Reply
- Share
- [1h](#)

•

[Rachel](#) _____

[Bryan](#) yes definitely! Our (amazing, fantastic, force free) trainer taught us that meeting face to face is difficult for dogs (like you've stated), it's best for them to both be off leash on neutral ground.

[Terri](#) _____

[Rachel](#) THIS!!!

[Carol](#) _____



[Donna](#) _____

Well said

[Jean](#) _____

I agree and agree. Though I let my old hound off leash in orange at times while hiking. He does stay by outside though and returns when told. I agree ppl with dogs need to take ownership and train said dog. I'm so over the ppl whining at there dog to s...

See more

[Tabitha](#) _____

Whenever we have our kids in Clifford Park it's nerve wracking to be approached by an unleashed dog. I want to grab them and get them up on my shoulders, as I've been bitten and get anxious around any unknown dog.

- Reply
- Share
- [1h](#)

•

[Amy](#) _____

[Tabitha](#) my pup lovvvvvesssss babies, any age, which is why she's leashed. I feel so bad when we scare someone from even her excitement this is super understandable.

- Reply
- Share
- [1h](#)

•

[Tabitha](#) _____

[Amy](#) I would never push my insecurities onto my kids but I do make sure they're aware and if the owner is okay with it we stop and pet them. I treat it just as I would a strange person. ❤️

[Amy](#)

[Tabitha](#) exactly 🎯 I totally agree. ❤️

[Mary](#)

Very well communicated!!!

[Jessica](#)

Well said and in complete agreement!

[Michael](#)

Sounds like maybe Long Island is better for you

[Heathe](#)

Very well said!!

[Cynthia](#)

I agree

[Jaye](#)

Hear hear! Loose dogs on hiking trails is a pet peeve of mine.

[Chris](#)

Nicely done. I could agree more.

[Amy](#)

I love this post and 100% agree. I have 2 dogs one recalls very well, that's taken A LOT OF TRAINING and he still slips sometimes for a squirrel. One does not she's leashed if a dog she don't know runs up to her friendly or not she has the right on our...

See more

- Reply
- Share
- [1h](#)

•

[Michael](#)

Delusional

- Reply
- Share
- [38m](#)

•

[Amy](#)

[Michael](#) probably but 🙄 if your dog listens to you and isn't mean than this wouldn't offend 🙄

[Brandie](#)

Yes please well said my pup is very skittish around dogs/people that just come up to him so he gets scared very easily so I'm always telling ppl to leash there dogs!!

[Ken](#)

Well said

[Ho](#)

But where else in the Biddeford/Saco area do people have for their dogs to run free off a leash/ to release some of their wild for a bit? 🤔

- Reply

- Share
- [51m](#)
- Edited

•

[Jennie](#)

[Hoi](#) _____ the dog park over at Rotary!

[Elizab](#) _____

[Hc](#) _____ ; dog park

- - Reply
 - Share
 - [43m](#)

[Carrie](#) _____

The worst is when they tie them to a tree and leave them there. I've seen it happen more than once.

[Brenda](#) _____

There is a leash law and it's on the books for a reason. For the safety of other pets and humans.

[Julie](#) _____

I have a rescue and for many reasons I 100% agree with this. Humans need to be more responsible and reach their children as well as well as learn the proper way of introducing self and other dogs to your leashed ones. Not all dogs are approachable.

[Jennie](#) _____

Agree. Dogs should be leashed in the park. Can't believe this has to be said!!

[Britt](#) _____

Yes yes yes!!! 🙌🙌🙌

[Brian](#) _____

I think that if someone wants to take their dogs in a park and they already know that the dog is socialized and friendly then I see no problem, but then again I don't worry about every single thing in life I'd be pretty miserable if I did. Even before I...

See more

- Reply
- Share
- [40m](#)
- Edited

•

[Christina](#) _____

[Brian](#) did you read the post? He is worried about his dog doing harm to your off leash friendly dog. You don't need to shelter your dogs in every moment of their lives, but you shouldn't let them run around off leash and charge up to a leashed dog because...

See more

[Alexan](#) _____

I am very happy to see this! I have a cane corso, while working to make him single command dog ... I'd like to add ... I would never use that as my training grounds ... he's been cornered, he's going to be a big boy and just like my kids, I don't want him to...

See more

[Sam](#)

Totally agree to the author!! If someone want to let their dog run off leash they either need to go to a dog park or buy a house with enough yard to let them run around at home. Love the toddler analogy. I carry my toddler in a parking lot despite he w...

See more

[Doreen](#)

I agree with you 110. I have a small dog. We have been attacked before a couple times. My dog is always on a leash. I don't go to dog parks. Dogs are unpredictable. Mine is very unpredictable.

[Tricia](#)

Well said!

[Sue](#)

Thank you!! Thank you!!

I don't walk my dog in any area that irresponsible dog owners let them off leash when the leash law is clearly stated! It can sometimes be terrifying which is why I don't put myself in that situation! And there's a reason why t...

See more

[Terri](#)

Don't forget the 🐾

[Ear](#)

This is such a solid public service announcement. Thank you.

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- Reply
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- [1h](#)

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- Reply
- Share
- [8m](#)

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Reply

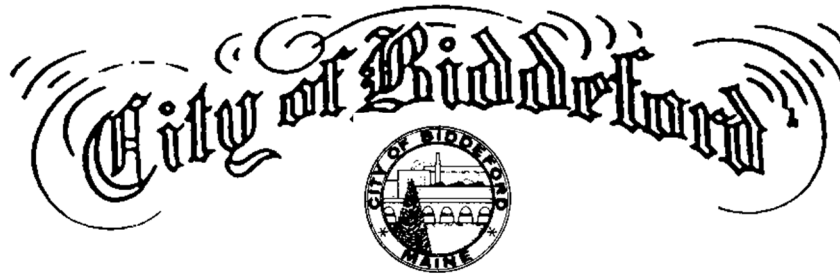
- Share
- [1h](#)

Walsh, Carl

From:
Sent: Tuesday, September 27, 2022 8:25 AM
To: Walsh, Carl
Subject: Another comment on fb

I'm not one to be a "Karen" about these things, but 2 out of 3 hikes over the past 3 days at Clifford Park in the mornings, a man's dog came running up to me, barking and not being friendly. He was also not listening to his owner and this scared me too. The second morning I saw this man with his dog I turned around to go home.

Are dogs supposed to be unleashed on the trails? I'm kind of scared to go walk there in the mornings now, which is a shame.



2023.83

IN BOARD OF CITY COUNCIL... 7-18-2023

BE IT ORDERED, that **BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46 Parks, Sec. 46-5 City parks, beaches and athletic fields be amended by including parcels 30-58 and 8-3. to Clifford Park.

Attest by: _____



City Council

Meeting Date: July 18, 2023

Meeting Time: 6:00 PM

Agenda Item No: 2023.83

Item Description: Clifford Park Rules Extended to conveyed property additions.

Submitted by: Carl Walsh, Recreation Director

Supporting Information/Documentation:

1. Chapter 46 Sec 46.5. City parks, beaches and athletic fields. (facility list)
2. Map Title provided by the Assessor's Office.
3. Property Record Cards (2).

Key Terms:

N/A

Executive Summary:

Purpose is to update the park list in Chapter 46 to include the parcel numbers of the property recently conveyed that borders Clifford Park. Policy Committee reviewed this on April 25, 2023.

Detailed Review:

In order to include current park rules in the newly conveyed properties; the request is to update the park list located in the code of ordinances, Chapter 46 Parks, Sec. 46-5 City parks, beaches and athletic fields to include the newly acquired parcel numbers incorporating them into Clifford Park. Park rules would then apply to the Clifford Park additions as outlined in Chapter 46. Parcels to be added to Clifford Park are; 30-58 (former Dube property conveyed to the city) and 8-3 (the property conveyed by E&R Development).

Funding Source:

N/A

Staff Recommendation:

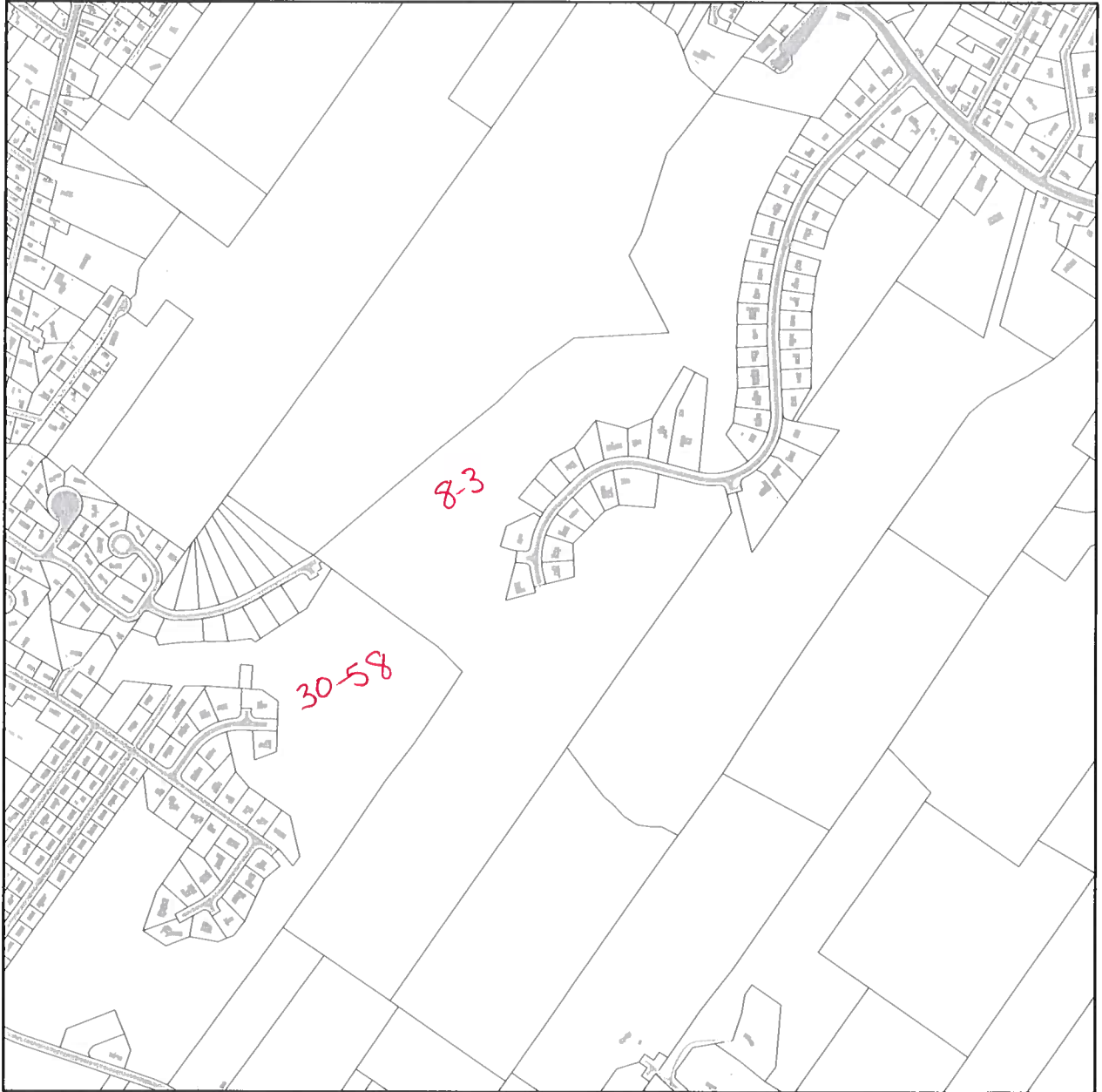
Include the additional property as part of Clifford Park thereby extending the established park rules to the new sections outlined above.

Chapter 46. Parks

Sec. 46-5. City parks, beaches and athletic fields.

Name	Assessor's Map and Lot Numbers
Biddeford Pool Bath House/Gilbert Boucher Park Gilbert Place	GIS
Biddeford Pool Mini-Park 0 Lest B. Orcutt Blvd.	GIS 59-117
Cannon Plaza 59 South Street	GIS 39-201
Canopy Park 65 Bacon Street	GIS 39-129
City Square Park 58 Lincoln Street	GIS 38-132
Clifford Park 130 Pool Street	GIS 39-334, Parcels 8-1 and 8-3-1
Doran Field 314 South Street	GIS 32-4
F.O.A.V. Court Park 2 FOAV Court	GIS 39-137
Fortunes Rocks Beach	
J. Richard Martin Community Center Playground 189 Alfred Street	GIS 34-228
Liberty Park 2 Water Street	GIS 41-129
Pierson's Lane Community Park 40 Pierson's Lane	GIS 39-116 GIS 30-117
Mechanics Park 3 Main Street	GIS 41-1
Memorial Park 130 May Street	GIS 27-34
Middle Beach	
Park in the Pines 194 Hills Beach Road	GIS 55-51
River Walk Plaza/River Walk Phase 2 2 Main Street	GIS 71-11
Rotary Park 550 Main Street	GIS 32-2
St. Louis Field	GIS 28-270
Shevenell Park 149 Main Street	GIS 38-372
Veteran's Memorial Park 2 Pool Street	GIS 38-419
Vines Landing End of Lester B. Orcutt Boulevard	GIS 59-117
Washington Street School Park 75 Washington Street	GIS 38-312-1
Williams Court Park South Street and Green Street	GIS 183, 182 169-1

MAP TITLE



Department 1

Department 2



[illegible]

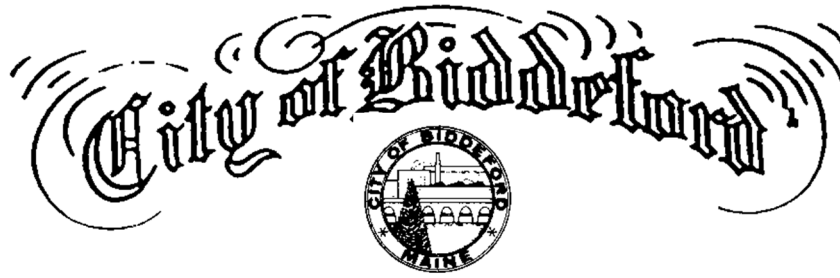
CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd	Description	Element	Cd	Description		
Bid Style: Model Grade: Stories: Occupancy Exterior Wall 1 Exterior Wall 2 Roof Structure: Roof Cover Interior Wall 1 Interior Wall 2 Interior Flr 1 Interior Flr 2 Heat Fuel Heat Type: AC Type: Total Bedrooms Total Bthrms: Total Half Baths Total Xtra Fixtrs Total Rooms: Bath Style: Kitchen Style: MH Park	99 00	Vacant Land Vacant					
CONDO DATA							
Parcel Id		C		B	S		
Adjust Type		Code		Description	Factor%		
Condo Flr							
Condo Unit							
COST / MARKET VALUATION							
Building Value New							
Year Built				0			
Effective Year Built				0			
Depreciation Code							
Remodel Rating							
Year Remodeled							
Depreciation %				0			
Functional Obsol				0			
Economic Obsol				1			
Trend Factor							
Condition				0			
Condition %							
Percent Good				0			
RCNLD							
Dep % Ovr							
Dep Ovr Comment							
Misc Imp Ovr							
Misc Imp Ovr Comment							
Cost to Cure Ovr							
Cost to Cure Ovr Comment							
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)							
Code	Description	L/B	Units	Unit Price	Yr Blt		
				Cond.	Cd		
				% Gd	Grade		
				Grade Adj.	Appr. Value		
BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost		
					Undeprec Value		
Ttl Gross Liv / Lease Area							
		0	0	0	0		

No Sketch

CURRENT OWNER				TOPO		UTILITIES		STRT / ROAD		LOCATION		CURRENT ASSESSMENT			
E & R DEVELOPMENT CORP PO BOX 444 BIDDEFORD ME 04005-0444				1	Level	2	Public Water		2	Suburban		Description	Code	Assessed	
						3	Public Sewer				RES LAND	1300	249,200	249,200	
				SUPPLEMENTAL DATA											
				Alt Prcd ID Sub-Div Photo Ward Prec. Tract GIS ID											
ME 04005-0444				2											
				99											
				919											

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)							
Element	Cd	Description	Element	Cd	Description						
Bid Style: Model Grade: Stories: Occupancy Exterior Wall 1 Exterior Wall 2 Roof Structure: Roof Cover Interior Wall 1 Interior Wall 2 Interior Flr 1 Interior Flr 2 Heat Fuel Heat Type: AC Type: Total Bedrooms Total Bthrms: Total Half Baths Total Xtra Fixtrs Total Rooms: Bath Style: Kitchen Style: MH Park	99 00	Vacant Land Vacant									
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			Condo Flr								
			Condo Unit								
			COST / MARKET VALUATION								
			Building Value New								
			Year Built								
			Effective Year Built								
			Depreciation Code								
			Remodel Rating								
			Year Remodeled								
			Depreciation %								
			Functional Obsol								
			Economic Obsol								
			Trend Factor								
			Condition								
			Condition %								
			Percent Good								
			RCNLD								
			Dep % Ovr								
			Dep Ovr Comment								
			Misc Imp Ovr								
			Misc Imp Ovr Comment								
			Cost to Cure Ovr								
			Cost to Cure Ovr Comment								
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)											
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond.	Cd	% Gd	Grade	Grade Adj.	Appr. Value
BUILDING SUB-AREA SUMMARY SECTION											
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprac Value					
Ttl Gross Liv / Lease Area											
0 0 0 0 0 0 0											

No Sketch



2023.84

IN BOARD OF CITY COUNCIL

BE IT ORDERED, that the attached Back Lot Ordinance, as written and attached, be adopted as Article VI, Performance Standards, Section 7A Back Lots (new section) as written and recommended for adoption by the Planning Board.

Attest by:_____



City Council

Meeting Date: July 18, 2023

Meeting Time: 5:00 pm

Agenda Item No: 10.c 2023.84

Item Description: Approval/Adoption of Back Lot Ordinance

Submitted by: David C.M. Galbraith, Deputy Director / City Planner

Supporting Information/Documentation:

1. Staff Memorandum – Attachment 1
2. Planning Board Recommended Ordinance Adoption as written

Key Terms:

Back Lot / Flag Lot: Means a lot located behind a frontage another lot, plus a strip out to the street for an access drive. A flag lot results from the subdivision or partitioning of a lot or parcel which is more than twice as large as the minimum allowed in the underlying zone, but has insufficient frontage to allow two dwellings to front along a public street.

Executive Summary:

On April 11, 2023 the City Council held a Workshop ((discussion # 1.1) to discuss the adoption of a Back Lot Ordinance similar to the existing City of Saco Ordinance and other Maine municipalities. The purpose of “back lots” is to allow residential property owners the ability to create additional density on their parcel, behind or in front of, their existing dwelling by relaxing the Zoning Ordinance frontage requirements while maintaining the minimum lot dimensional requirements of the zoning district. The Council forwarded the task of drafting an ordinance of this nature and the attached Ordinance is recommended for adoption as written.

Detailed Review:

The attached Council Memorandum outlines the topic and the reasoning behind particular aspects of the recommended Ordinance.

Funding Source:

No additional funding is required beyond Staff time.

Staff Recommendation:

The Council had expressed their desire to develop a Back Lot Ordinance and the attached Ordinance is the result of a multi-departmental created document which has been reviewed by the Planning Board and their comments included. The Ordinance, as written, is recommended for Council Adoption. As this is the first time the City is adopting an Ordinance of this nature, the Ordinance should be adopted as is, and revaluated in the future to determine how the Ordinance is working and what, if any, improvements can be made. The Board and City Staff believe it is better to adopt a stricter Ordinance at initial adoption and relax / modify the standards in the future based upon how the Ordinance is working.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@Biddefordmaine.org

City Council Memorandum

TO: Mayor Alan Casavant and Members of the City Council

FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: July 13, 2023

RE: **Agenda Item #: 10.c 2023.84 Approval/Adoption of Back Lot Ordinance**

MEETING DATE: July 18, 2023

I. Ordinance Overview:

On April 11, 2023 the City Council held a Workshop ((discussion # 1.1) to discuss the adoption of a Back Lot Ordinance similar to the existing City of Saco Ordinance and other Maine municipalities such as Brunswick, Gorham, Lisbon, and Readfield. The purpose of "back lots" is to allow residential property owners the ability to create additional density on their parcel, behind or in front of, their existing dwelling by relaxing the Zoning Ordinance frontage requirements while maintaining the minimum lot dimensional requirements of the zoning district. At the conclusion of the workshop the City Council forwarded the issue to the Planning Board and City Staff for the development of a Back Lot Ordinance.

As a starting point, the Planning Department used the City of Saco Back Lot Ordinance as a basic framework and then worked with other departments (Code, Engineering, E-911 / Addressing, Police, and Fire Departments) to expand upon the draft Ordinance. The draft Ordinance went through a number of revisions with Staff and the Planning Board and the attached Ordinance is the end result. The Planning Board is recommending the City Council adopt the attached Ordinance as written.

II. Major Issues Discussed:

The Planning Board was supportive Back Lot Ordinance concept and the Ordinance which is recommended for Council approval. However, there were major two (2) issues that were discussed, that the Board directed Staff to share with the Council, which are outlined below:

1. Stormwater Management: As the Council is aware, the City recently amended our land use regulations to comply with the State's MS4 stormwater regulations. The Board and Staff discussed requiring owners to provide wetlands delineation, prepared by a State of Maine Professional Licensed Engineer, be submitted as part of the building permit process to ensure the property development would not increase the amount of stormwater runoff from the site nor cause environmental degradation. It should be noted that this not currently a requirement for construction

of single-family or two-family dwellings. After deliberations the Board agreed to the Ordinance language be adopted which allows City Staff the flexibility of evaluating each requested permit, on a case by case basis, rather than requiring all back lots to meet this higher standard. As such the recommended Ordinance language reads:

“Prior to issuance of a building permit, the Code Enforcement Officer, Director of Engineering or City Planner may require that a wetlands delineation, prepared by a State of Maine Professional Licensed Engineer, be submitted to verify that the proposed building lot and proposed structures are adequate for building construction and the septic system installation consists of upland areas. If an area of wetlands equal to or greater than Maine Department of Environmental Protection Natural Resource Protection Act (NERPA) thresholds for development review is proposed for alteration, a copy of the NRPA permit shall be submitted prior to issuance of a building permit.”

2. **Rural Farm (RF) Zone:** The item that generated the most discussion was regarding the inclusion, or not, of the City's Rural Farm (RF) zoning district. The Ordinance was originally drafted as allowing back Lots within the Rural Farm (RF) zoning district. However the Ordinance was modified to exclude back-lots within the Rural Farm (RF) district. It should be noted that property owners within the RF district are not precluded from creating a lot, but new lots would be required to meet the frontage requirements. The Planning Board was split on this particular issue, although ultimately the Board voted to exclude and the Board recommended wording reads:

Planning Board Recommended Ordinance Language:

- A. Back lots. One new back lot may be created from any lot of record that existed on (Ordinance adoption date) and conforms to the lot requirements of Table B Dimensional Requirements except for the lot frontage requirement, provided that:
 1. A new back lot may only be created on residentially zoned properties identified as “growth areas” in the City's Comprehensive Plan.
 2. Backlots are prohibited on residential lots in the City's Rural Farm (RF) and Coastal Residential (CR) Zoning Districts.

The above language was ultimately recommended to the Council for the following reasoning:

1. The City's recently adopted (State approval pending) 2023 Comprehensive Plan designates the City's Rural Farm (RF) district as a low growth area.
2. The majority of the lots in the Rural Zone are larger in area than inner-city lots so there are additional opportunities to subdivide.

MEETING: City Council Regular Meeting
Agenda Item #: 10.c 2023.84 Approval/Adoption of Back Lot Ordinance
MEETING DATE: July 18, 2023

3. The Back Lot Ordinance should focus development in the urban areas of the City where services can best and most cost effectively be provided.

III. Conclusion / Recommendation:

Attached is the Draft Back Lot Ordinance which is proposed to be a new Ordinance within Section 7 (Performance Standards) Section 7A. The Planning Board recommends the Council adopt the proposed Ordinance as written.

ATTACHMENTS

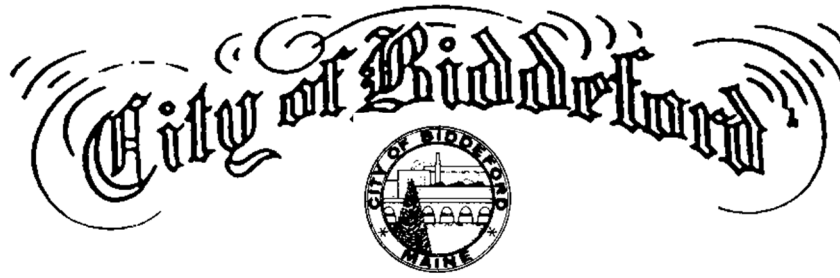
1. Attachment # 1: Planning Board Recommended Ordinance

DRAFT BELOW:

- A. Back lots. One new back lot may be created from any lot of record that existed on (Ordinance adoption date) and conforms to the lot requirements of Table B Dimensional Requirements except for the lot frontage requirement, provided that:
1. A new back lot may only be created on residentially zoned properties identified as “growth areas” in the City’s Comprehensive Plan.
 2. Backlots are prohibited on residential lots in City’s Rural Farm (RF) and Coastal Residential (CR) Zoning Districts.
 3. Back lots are prohibited in previously approved subdivisions without subdivision amendment review and approval by the Planning Board. Projects / divisions of this nature need to adhere to all subdivision standards, dimensional regulations and stormwater management regulations.
 4. Lots utilizing the Back Lot Ordinance may not be further subdivided including the creation of additional “back lots”.
 5. Each will be limited to one single or one two-family dwelling.
 6. The back lot and front lot will conform to the minimum lot area and minimum lot area per dwelling unit required in the district.
 7. The back lot is at least as wide at the site of the proposed dwelling as the frontage measurement required in the district.
 8. The back lot has a deeded access to a publicly accepted street. This access may be obtained by:
 - a) A right-of-way / easement that is a minimum of 25 feet wide across the front lot that is deeded to the owner of the back lot; or
 - b) Extension of the back lot to the public street so that the back lot has at least 25 feet of frontage on the street. The creation of the back lot shall not make the front lot more nonconforming in street frontage or make the front lot nonconforming with respect to street frontage if it is conforming.
 - c) The 25 foot right-of-way (ROW) / easement area shall be designed to meet the following:
 - 1) There shall be a five (5) foot wide minimum driveway setback from the existing master lot to the existing structure.
 - 2) There shall be a five (5) foot wide minimum, driveway setback the length of the proposed driveway, along the abutting property line. This area shall remain vegetated.
 - 3) The proposed driveway shall be a minimum of twelve feet (12) in width, must remain unobstructed.
 - 4) The driveway width may be required to exceed the twelve foot (12’) width if necessary to accommodate passage of emergency vehicles. Driveway/s exceeding 150’ in length may

- be required to provide an emergency vehicle turn around. This determination and approval of access designs shall be made in writing by the Biddeford Fire Department.
- 5) For safety reasons, driveways may be required to meet “private road construction requirements”, Table 6-50, as determined by the City’s Code Enforcement Office, Planning Director and Fire Department.
 - 6) The Code Enforcement Office may require additional information / studies to be provided by the Applicant prior to the issuance of a building permit.
9. The back lot and the front lot may share the same driveway and driveway roadway entrance providing the following conditions are met:
- a) Proof of a recorded non-exclusive access easement, a minimum of twenty-five (25) feet in width, which will run with the land in perpetuity; the interior lot of record may only utilized as a single-family or two-family **Use** and shall meet all dimensional requirements within the zoning district in which they are located).
 - b) The access easement shall include provisions for snow removal, access maintenance, driveway replacement / reconstruction and maintenance responsibilities of each party of the lot division.
 - c) If 3 or more units are created, Subdivision review by the Staff Review Committee (SRC) may be required.
10. The driveway shall be maintained in a passable condition, free of potholes, ruts, debris, snow, and shall not cause damage to municipal vehicles nor hinder emergency vehicle access.
11. A turnaround area may be required, by the Biddeford Fire Chief, or their assignee, for the safe maneuvering of public safety vehicles. Written approval from the Department shall be submitted to the Code Enforcement Office with building permit application.
12. Street numbering shall be approved by the City’s E-911 Addressing Officer prior to the issuance of any required permits are issued. A sign or mailbox clearly stating the assigned street number shall be posted at the street, prior to issuance of the required Building Permit.
13. If a public sewer line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the sewer, and be functional and operational, to the satisfaction of the City, prior to the issuance of a Certificate of Occupancy Permit being issued.
14. If a public water line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the public water, and be functional and operational, to the satisfaction of the City, prior to the issuance of a Certificate of Occupancy Permit being issued.

- B. Lot standards. The following apply to new lots created after (insert Ordinance Passage Date):
1. Narrow strips of land along a street with a depth of less than the minimum front yard requirement for the zoning district in which the lot is located shall not be counted in meeting the minimum street frontage requirement.
 2. Prior to issuance of a building permit, the Code Enforcement Officer, Director of Engineering or City Planner may require that a wetlands delineation, prepared by a State of Maine Professional Licensed Engineer, be submitted to verify that the proposed building lot and proposed structures are adequate for building construction and the septic system installation consists of upland areas. If an area of wetlands equal to or greater than Maine Department of Environmental Protection Natural Resource Protection Act (NERPA) thresholds for development review is proposed for alteration, a copy of the NRPA permit shall be submitted prior to issuance of a building permit.
- C. Existing interior lots of record without any road frontage as of (Ordinance passage date), shall be eligible for a building permit, notwithstanding the absence of street frontage, providing the lot has a dedicated right-of-way (ROW) / Easement, meeting the standards of this Ordinance, to a City accepted street.
- D. All driveways serving the master lot and back lot shall be paved.
- E. Multiple dwellings or uses on one lot.
1. Except as permitted under Subsection 2 below, no more than one single-family or two-family dwelling may be located on a lot, except in the case of multiunit residential projects that meet all other applicable sections of this chapter.
 2. A second single-family dwelling, or two-family dwelling in the same ownership as the first, may be located on a lot only if the street frontage requirement is met, and the placement of the buildings would allow division of the lot in conformance with the minimum lot and setbacks specified in Table B - Dimensional Requirements. An accessory dwelling unit (ADU) permitted under Article VI – Performance Standards, Section 78 Accessory Dwelling Units shall not be considered a single-family residence for purposes of this section.



2023.85

IN BOARD OF CITY COUNCIL... July 18, 2023

BE IT ORDERED, that RFB#2023-05-30-CDBG/LD, *Lead Hazard Reduction & Housing Rehabilitation Professional Services*, be awarded to Credere Associates, LLC., of Westbrook in a contract amount not to exceed \$253,000 to help the City's HUD-funded Lead Hazard Reduction and CDBG Housing Rehabilitation Programs meet unit production and timely expenditure goals.

Attest by: _____



Finance Committee/City Council

Meeting Date: July 18, 2023
Meeting Time: 5:00 and 6:00 PM Respectively
Agenda Item No: 10.d.
Item Description: 2023.85 Lead Reduction & Housing Rehabilitation Professional Services Bid
Submitted by: Gail Wilkerson, Director of HUD Housing Rehab Programs

Supporting Information/Documentation:

See attached request for bid, tabulation sheet, and sole proposal received from [Credere Associates of Westbrook](#).

Key Terms:

HUD: US Department of Housing & Urban Development.

Lead Program: HUD grant awarded to the City to create 100 lead-safe living units in 1- to 10-unit eligible properties by November 2026.

CDBG: The HUD-funded FY24 Community Development Block Grant award, a portion of which is budgeted for needed rehabilitation of eligible Biddeford properties of between 1 and 7 units.

Executive Summary:

The City published a bid notice for *Professional Lead Hazard Reduction & Housing Rehabilitation Services (RFB#2023-05-30-CDBG/LD)* on 6/7/23. Services will help staff meet HUD program goals to: (1) make 100 eligible housing units lead safe by 11/30/2026; and (2) perform necessary CDBG housing rehab in @20 eligible units by 4/2024. The notice was emailed to 5 state-licensed lead design consulting firms, but only one proposal was received from a qualified firm (Credere Associates, LLC) by the bid due date. The bid received is within the division's estimated budget, is from a qualified firm, and includes the professional services required. Staff recommends awarding the bid to Credere.

Detailed Review:

Lead and housing rehab inspections, project work scope development, and final project approval services performed by a qualified third party will help the City meet FY24 CDBG timeliness goals while offering needed training to the newly hired Lead Risk Assessor/Rehab Coordinator position. A Maine lead design consulting license is a minimum criterion for delivering these services. Only 6 firms had this license at the time of the bid notice, and only 5 serve the Biddeford area. Credere is a qualified firm that is known to staff, recommended by fellow Maine HUD Lead Grantees, and whose proposal meets the City's budget, staff training, and professional service needs. Credere is a woman-owned business registered

with the US government's System for Award Management (SAM.gov) and is not excluded from participating in any federal contracting opportunities.

Funding Source:

The 2022-26 HUD Lead Grant and FY24 CDBG Housing Rehab Activity Delivery Account, as applicable to each property.

Staff Recommendation:

Staff recommends acceptance of the Credere Associates, LLC bid in an amount not to exceed \$253,000 to support the City's Lead Hazard Reduction and Housing Rehabilitation Programs' professional service needs and to meet HUD's housing unit production goals.

RFB# 2023-05-30-CDBG/LD

Lead Hazard Reduction & Housing Rehabilitation Professional Services

Bid Tabulation

June 20, 2023 2:00 PM

#	Bidder Name	Bidder Address	Bid: Lead Reduction	Bid: Housing Rehab	Total Bid	Budget	Variance	Var %
1	Credere Associates, LLC	Westbrook, ME	\$126,500	\$126,500	\$253,000	\$ 256,000	\$ 3,000	1.17%
2	Clarity Property Services	Biddeford, ME	No Response	No Response	N/A		N/A	
3	Community Concepts, Inc	Lewiston, ME	No Response	No Response	N/A		N/A	
4	Haley Ward	Bangor, ME	No Response	No Response	N/A		N/A	
5	William S. Conlogue	Fayette, ME	No Response	No Response	N/A		N/A	

- * The RFB notice was sent via email to all the above Maine-licensed Lead Design Firms on June 7, 2023.
- * The RFB notice was not sent to Penquis, as it does not provide grant-funded services in York County
- * Credere Associates, LLC was the sole bidder
- * Total bid varies less than 10% from independent cost estimate/budget.
- * Recommendation: Award the bid to Credere Associates, LLC in an amount not to exceed \$253,000.



Gail Wilkerson, HUD Housing Rehab Programs Director

June 20, 2023

Date of Certification



Michael Koerner, Lead Risk Assessor/Rehab Consultant

June 20, 2023

Date of Certification



**CONTRACTOR'S NOTARIZED APPLICATION &
BID SUBMITTAL
RFB# 2023-05-30 CDBG/LD**

The undersigned contracting firm hereby submits this notarized application and bid submittal in response to RFB #2023-05-30-CDBG/LD to the City of Biddeford's Housing Rehabilitation Office for the purpose of performing work paid in whole or in part by Federal funding from the US Department of Housing & Urban Development (HUD). The undersigned further certifies that the information provided in this application is complete, factual, and that no unfavorable information has been withheld.

Business Name: Credere Associates, LLC

Business Address: 776 Main Street, Westbrook, ME 04092

Description of Services: Environmental consulting including lead assessment services
(please attach any relevant licenses/certifications)

Phone Number: 207-828-1272 Cell Phone: _____

Fax Number: 207-887-1051 How long in Business 15 years

Email: tpatten@credere LLC.com

Contractor's IRS Reporting Number or Owner's Social Security Number: 26-1102597
please attach a copy of your firm's IRS Form W-9

Firm's Unique Employer Identification # XSL5LUMQL6U5 as obtained from SAM.gov.

Are you/is your firm currently debarred from contracting with the Federal Government? No

Please provide the name, addresses, and years of construction experience of **all owners, partners, and stockholders**. Use an additional sheet if necessary.

Name	Address	Experience
Theresa Patten	776 Main Street, Westbrook, ME	<u>25</u> yrs
Robert Patten	776 Main Street, Westbrook, ME	<u>29</u> yrs
		____ yrs

Is your firm a Section 3 business entity? No Is your firm woman- or minority-owned? Yes
Has your firm ever received HUD funding? Yes If so, from what municipality and when? City of Portland 2017-2023
Are you/is any member of your firm an employee, manager, or elected official in the City of Biddeford? No
Do you/does your firm have any conflict of interest to disclose in bidding for City contracts? No

Please provide the names and contact information for **three references** for whom you have done similar work over the past three years. Use an additional sheet if necessary.

Name	Address	Work Performed	Date	Contact's Cell # & Email
See attached				

The undersigned firm further agrees that, if their bid is awarded, he/she will comply with the following conditions on all work performed on properties located within the City of Biddeford, regardless of whether federal financing is or is not used by the owner.

1. To use only processes/tools/documents approved by the City of Biddeford and the Department of Housing and Urban Development.
2. That work will be performed in accordance with the Scope of Services herein, subject to such approvals as deemed necessary by the City of Biddeford and the Department of Housing and Urban Development.
3. That if work performed by the Contractor is found to be unsatisfactory by the City of Biddeford and the Department of Housing and Urban Development or if contract relations between the contractor, homeowner, City, or other parties is found to be unsatisfactory, the City of Biddeford and the Department of Housing and Urban Development may move to debar the Contractor from federal contracting opportunities.
4. That the contractor will abide by Equal Opportunity provisions of the Civil Rights Act.
5. To provide copies of adequate insurance: Workman's Compensation; and a Certificate of Insurance (as required by the City of Biddeford and the Department of Housing and Urban Development) naming City as additional insured.
6. To submit proof of your firm's State of Maine Licenses / Certificates to perform the work described in the Scope of Services herein for the current fiscal year, as applicable.

Date: 6/15/2023 Credere Associates, LLC

Firm's Name (Please Print)

By:

R. Patten
Authorized Signature

Rip Patten
Print Name

Vice President
Title of Authorized Signature

Sworn before me this 15th day of June, 2023.

Notary Public: Jennifer S. Taliani

Please return this completed application to:

City of Biddeford
ATTN: Housing Rehabilitation Office
205 Main St, Biddeford, ME 04005
207-571-0637

Embossed Hereon Is My
State Of Maine Notary Public Seal
My Commission Expires September 12, 2023
JENNIFER S. TALIANI



**LEAD HAZARD REDUCTION & HOUSING REHABILITATION
PROFESSIONAL SERVICES**

RFB #2023-05-30 CDBG/LD

Housing Rehab Program Bid Items	Description	Per-Unit Cost	Estimated Units	Bid Total
Inspections	<i>Physically inspect each housing unit to identify Health/Safety Improvements & Necessary Repairs</i>	\$ 725	20	\$ 14,500
Inspection Report	<i>Create report of Health/Safety Improvements & Necessary Repairs discovered during the inspection</i>	\$ 1,150	20	\$ 23,000
Scope of Work	<i>Create a work scope and design specifications for making Health/Safety Improvements & Necessary Repairs outlined in the inspection report</i>	\$ 925	20	\$ 18,500
Cost Estimate	<i>Create a cost estimate for the scope of work and design specifications for necessary improvements and repairs</i>	\$ 575	20	\$ 11,500
Bid Walk	Host construction bidders at the residential project site for walk-through of units / answering questions about the scope of work/design specifications. Issue bid document addenda as needed after bid walk.	\$ 450	20	\$ 9,000
Pre-construction conference	Host pre-construction meeting with winning contractor(s), City Rep, and property owner to assure all understand the scope of work, project timelines, and order of work.	\$ 300	20	\$ 6,000
Answer Contractor inquiries	Respond to construction contractor questions regarding the scope of work and design specs as needed during construction	\$ 225	20	\$ 4,500
Progress inspections	Perform progress inspections of the work to assure scope and specifications are followed and all work is performed in keeping with contract and local/state/federal regs. Inspect work related to contractor invoices to assure quality work performed according to scope and contract. Keep City informed of construction progress weekly.	\$ 475	20	\$ 9,500
Final inspection/ Project completion signoff	Perform final inspection of the work and approve final invoices for payment by City. Sign off that all items are complete and of quality, in keeping with the contract. Assure all required Code inspections are performed and results in project file.	\$ 1,500	20	\$ 30,000
Total Bid, Housing Rehabilitation Program, 20 units =				\$ 126,500



**LEAD HAZARD REDUCTION & HOUSING REHABILITATION
PROFESSIONAL SERVICES**

RFB #2023-05-30 CDBG/LD

Lead Hazard Reduction Bid Items	Description	Per- Unit Cost	Estimated Units	Bid Total
Lead Inspection	Room by room, surface-by-surface inspection to identify lead-based paint hazards using the 2012 HUD guidelines & ME DEP. Identify other Health/ Safety Improvements using City inspection tool.	\$ 725	20	\$ 14,500
Risk Assessment Report	Create report of lead hazards identified during the lead inspection, as well as XRF findings, substrates, etc in keeping with HUD Guidelines & ME DEP. Note Health/Safety Improvements discovered during the Health/Safety inspection	\$ 1,150	20	\$ 23,000
Lead Design / Healthy & Safety Scope of Work	Create a HUD and DEP-compliant lead abatement design work scope & design specifications for addressing identified lead hazards. Create a Health/Safety Improvements work scope to address identified health/safety issues.	\$ 925	20	\$ 18,500
Cost Estimate	Create a cost estimate for the Lead scope of work and design specifications as well as for the Health/Safety Improvements scope of work.	\$ 575	20	\$ 11,500
Bid Walk	Host lead abatement firm bidders at the residential project site for walk-through of units / answering questions about the Lead & Health/Safety scopes of work/design specifications. Issue bid document addenda as needed after bid walk.	\$ 450	20	\$ 9,000
Pre-construction conference	Host pre-construction meeting with winning abatement firm, City Rep, and property owner to assure all understand the scopes of work, project timelines, and order of work.	\$ 300	20	\$ 6,000
Answer Contractor inquiries	Respond to lead abatement firm questions regarding the Lead and Health/Safety scopes of work and design specs as needed during construction	\$ 225	20	\$ 4,500
Progress inspections	Inspect progress of Lead & Health/Safety work to assure scope & specifications are followed and all work is in keeping with contract, HUD, DEP, and all other local/state/federal regs. Inspect work related to contractor invoices to assure quality work according to scope and contract. Keep City informed of construction progress weekly.	\$ 475	20	\$ 9,500
Final inspection/dust clearances/ Project completion	Perform final inspection of the work, lead dust clearances, final punch-list, and approval of final invoices for payment by City. Sign off that all items are complete and of quality, in keeping with the contract. Assure all required Code inspections are performed and results in project file. Create letter of lead clearance and essential maintenance plan for property owner.	\$ 1,500	20	\$ 30,000
Total Bid, Lead Hazard Reduction Program, 20 units = \$ 126,500.				

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Credere Associates, LLC	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate ☒ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► S Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. ☐ Other (see instructions) ►	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ (Applies to accounts maintained outside the U.S.)	
	5 Address (number, street, and apt. or suite no.) See instructions. 776 Main Street	Requester's name and address (optional)
	6 City, state, and ZIP code Westbrook, ME 04092	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number									
				-			-		
or									
Employer identification number									
2	6		-	1	1	0	2	5	9 7

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign
Here

Signature of
U.S. person ►

Theresa Patten

Date ► **2/2/2023**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

January 4, 2023

Attn: Theresa Patten
Credere Associates, LLC
776 Main Street
Westbrook, Maine 04092

Dear Licensee:

Your renewal application for a **Lead Consultant** has been received and **approved**. Your license number remains at **LO-0003**. This license is in effect for one year and will expire on **December 31, 2023**. Enclosed is your actual license suitable for framing.

Thank you for your completed application and for providing a needed service for the people of the State of Maine. All lead forms can be found on our DEP website at <http://www.maine.gov/dcp/rwm/lead/appforms.htm>.

Please feel free to contact me with any questions at (207) 242-0877 or e-mail sandy.j.moody@maine.gov.

Sincerely,

Sandra J. Moody, Environmental Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 387-7688 FAX: (207) 387-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANTON ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6305

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0470 FAX: (207) 760-3111

ePhone: www.maine.gov/dep



State of Maine
Department of Environmental Protection

LICENSE

Credere Associates, LLC

Lead Consultant

License Number: LO-0003

Expiration Date: 12/31/2023



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MELANIE LOYZIM
COMMISSIONER

February 18, 2023

Attn.: Christopher R. Beahm
Credere Associates, LLC
776 Main Street
Westbrook, Maine 04092

Dear Mr. Beahm,

Your lead application for certification has been received and **approved**. You have been granted certification as a **Lead Risk Assessor LR-0427**. Enclosed is your wallet card, with an expiration date of **January 18, 2024**. All employees working on a lead abatement project must carry this photo ID wallet card. The card is property of the individual to whom it is issued. Your responsibility as a licensee is to ensure delivery of the card to person in your employment. This letter should be retained for your company files as record of certification. **Please attach 1 updated passport size photo with every application.**

Thank you for your cooperation and your completed application(s). Applications can now be found on our DEP webpage at the following:

<https://www.maine.gov/dep/waste/lead/forms/index.html>

If you have any questions on this certification or on any other aspect of DEP's lead abatement licensing program, please call Sandy Moody (207) 242-0877 or email sandy.j.moody@maine.gov

Sincerely,

Sandra J. Moody, Environmental Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Enclosure

State of Maine
Lead Abatement Program

Christopher R. Beahm

Lead Risk Assessor

Cert No. LR-0427

Trn. Exp. Date 01/18/2024

Expiration Date 01/18/2024

This is not a legal form of official certification



AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANETT T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

January 19, 2023

Attn.: Moira A. Wentworth
Credere Associates, LLC
776 Main Street
Westbrook, Maine 04092



Dear Ms. Wentworth,

Your lead application for certification has been received and approved. You have been granted certification as a **Lead Risk Assessor LR-0422**. Enclosed is your wallet card, with an expiration date of **January 05, 2024**. All employees working on a lead abatement project must carry this photo ID wallet card. The card is property of the individual to whom it is issued. Your responsibility as a licensee is to ensure delivery of the card to person in your employment. This letter should be retained for your company files as record of certification. **Please attach 1 updated passport size photo with every application.**

Thank you for your cooperation and your completed application(s). Applications can now be found on our DEP webpage at the following:

<https://www.maine.gov/dep/waste/lead/forms/index.html>

If you have any questions on this certification or on any other aspect of DEP's lead abatement licensing program, please call Sandy Moody (207) 242-0877 or email sandy.j.moody@maine.gov

Sincerely,

Sandra J. Moody, Environmental Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
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PRESQUE ISLE, MAINE 04679-2094
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web site: www.maine.gov/dep



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

January 24, 2023

Attn.: Connor M. Duffy
Credere Associates, LLC
776 Main Street
Westbrook, Maine 04092

Dear Mr. Duffy,

Your lead application for certification has been received and **approved**. You have been granted certification as a **Lead Inspector LI-0492**. Enclosed is your wallet card, with an expiration date of **January 04, 2024**. All employees working on a lead abatement project must carry this photo ID wallet card. The card is property of the individual to whom it is issued. Your responsibility as a licensee is to ensure delivery of the card to person in your employment. This letter should be retained for your company files as record of certification. **Please attach 1 updated passport size photo with every application.**

Thank you for your cooperation and your completed application(s). Applications can now be found on our DEP webpage at the following:

<https://www.maine.gov/dep/waste/lead/forms/index.html>

If you have any questions on this certification or on any other aspect of DEP's lead abatement licensing program, please call Sandy Moody (207) 242-0877 or email sandy.j.moody@maine.gov

Sincerely,

Sandra J. Moody, Environmental Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-2688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep



Client References

Credere has been working with the City of Portland Lead-Based Paint Hazard Control and Lead Hazard Reduction Demonstration Grant Program since 2017 to conduct lead risk assessments, hazard control designs, conduct contractor walkthroughs, and perform post abatement clearances on properties in the program. Work was performed under prior Program Coordinator Theresa Galvin.

Client Reference:

Valerie Johnstone, Program Coordinator
207-541-6957
vjohnstone@portlandmaine.gov

Credere has been working with Portland Housing Authority since 2015 on multiple properties including Riverton Park (133 units) performing environmental consulting and hazardous building material services including lead inspection and risk assessments.

Client Reference:

Tyler Plante, Development Officer
207-221-8028
tplante@porthouse.org

Credere has been working with Avesta since 2010 on multiple properties including Livermore Terrace (10 units), Deering Place (75 units), and Southgate House (14 units) performing environmental consulting and hazardous building material services including lead inspection and risk assessments.

Client Reference:

Patrick Hess, Director of Real Estate Development
207-245-3342
PHess@AvestaHousing.org



CREDERE ASSOCIATES, LLC

Unique Entity ID XSL5LUMQL6U5	CAGE / NCAGE 53PS6	Purpose of Registration All Awards
Registration Status Active Registration	Expiration Date Nov 30, 2023	
Physical Address 776 Main ST Westbrook, Maine 04092-3419 United States	Mailing Address 776 Main Street Westbrook, Maine 04092-3419 United States	

Business Information

Doing Business as (blank)	Division Name (blank)	Division Number (blank)
Congressional District Maine 01	State / Country of Incorporation Maine / United States	URL https://www.crederellc.com

Registration Dates

Activation Date Dec 2, 2022	Submission Date Nov 30, 2022	Initial Registration Date Jun 5, 2008
---------------------------------------	--	---

Entity Dates

Entity Start Date Sep 17, 2007	Fiscal Year End Close Date Dec 31
--	---

Immediate Owner

CAGE (blank)	Legal Business Name (blank)
------------------------	---------------------------------------

Highest Level Owner

CAGE (blank)	Legal Business Name (blank)
------------------------	---------------------------------------

Executive Compensation

Registrants in the System for Award Management (SAM) respond to the Executive Compensation questions in accordance with Section 6202 of P.L. 110-252, amending the Federal Funding Accountability and Transparency Act (P.L. 109-282). This information is not displayed in SAM. It is sent to USAspending.gov for display in association with an eligible award. Maintaining an active registration in SAM demonstrates the registrant responded to the questions.

Proceedings Questions

Registrants in the System for Award Management (SAM.gov) respond to proceedings questions in accordance with FAR 52.209-7, FAR 52.209-9, or 2. C.F.R. 200 Appendix XII. Their responses are displayed in the responsibility/qualification section of SAM.gov. Maintaining an active registration in SAM.gov demonstrates the registrant responded to the proceedings questions.

Exclusion Summary

Active Exclusions Records?

No

SAM Search Authorization

I authorize my entity's non-sensitive information to be displayed in SAM public search results:

Yes

Entity Types

Business Types

Entity Structure Corporate Entity (Not Tax Exempt)	Entity Type Business or Organization	Organization Factors Limited Liability Company
Profit Structure For Profit Organization		

Socio-Economic Types**Self Certified Small Disadvantaged Business****Women-Owned Small Business****Women-Owned Business****SBA Certified 8(a) Program Participant**Entrance Date: **Jun 11, 2014**Exit Date: **Jun 30, 2024**

Check the registrant's Reps & Certs, if present, under FAR 52.212-3 or FAR 52.219-1 to determine if the entity is an SBA-certified HUBZone small business concern. Additional small business information may be found in the SBA's Dynamic Small Business Search if the entity completed the SBA supplemental pages during registration.

Financial Information

Accepts Credit Card Payments

No

Debt Subject To Offset

No

EFT Indicator

0000

CAGE Code

53PS6**Points of Contact****Electronic Business**

✎

THERESA Patten, Owner**776 Main Street****Westbrook, Maine 04092****United States**

RIP Patten

776 Main Street

Westbrook, Maine 04092

United States

Government Business

✎

RIP Patten**776 Main Street****Westbrook, Maine 04092****United States**

RIP Patten

776 Main Street

Westbrook, Maine 04092

United States

Past Performance

✎

RIP Patten**776 Main Street****Westbrook, Maine 04092****United States**

RIP Patten

776 Main Street

Westbrook, Maine 04092

United States

Service Classifications**NAICS Codes**

Primary

Yes

NAICS Codes

541330**238910****541350****541380****541620****541690****541713****541714****541715****541990**

NAICS Title

Engineering Services**Site Preparation Contractors****Building Inspection Services****Testing Laboratories And Services****Environmental Consulting Services****Other Scientific And Technical Consulting Services****Research And Development In Nanotechnology****Research And Development In Biotechnology (Except Nanobiotechnology)****Research And Development In The Physical, Engineering, And Life Sciences (Except Nanotechnology And Biotechnology)****All Other Professional, Scientific, And Technical Services**

562910

Remediation Services

Product and Service Codes

PSC	PSC Name
B510	Special Studies/Analysis- Environmental Assessments
B513	Special Studies/Analysis- Feasibility (Non-Construction)
B517	Special Studies/Analysis- Geological
B519	Special Studies/Analysis- Geotechnical
C213	Architect And Engineering- General: Inspection (Non-Construction)
C214	Architect And Engineering- General: Management Engineering
F110	Environmental Systems Protection- Development Of Environmental Impact Statements And Assessments, Technical Analysis And Environmental Audits

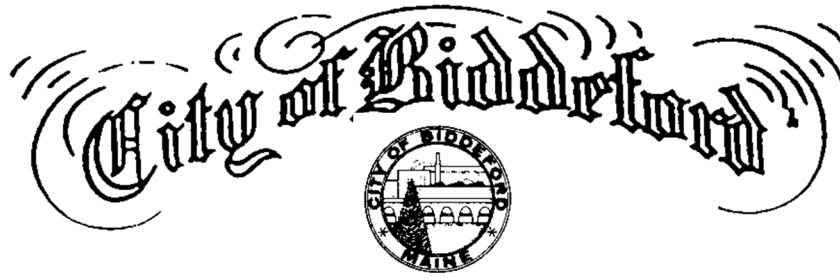
Disaster Response

Yes, this entity appears in the disaster response registry.

Yes, this entity require bonding to bid on contracts.

Bonding Levels	Dollars
Construction Aggregate	\$8,000,000.00
Construction Per Contract	\$4,000,000.00

States	Counties	Metropolitan Statistical Areas
Maine	(blank)	(blank)
Massachusetts		
New Hampshire		



2023.86

IN BOARD OF CITY COUNCIL... July 19, 2023

WHEREAS the City of Biddeford is continuing with its Combined Sewer Overflow (CSO) Separation work with a project on Alfred Street with an approximate cost of \$2,500,000; and

WHEREAS the City of Biddeford is eligible for a forgivable loan through the Maine Department of Environmental Protection and the Municipal Bond Bank; and

WHEREAS the Maine Department of Environmental Protection has agreed to forgive the principal of a loan through the Maine Municipal Bond bank of up to \$2,000,000; therefore,

BE IT RESOLVED, that the City Council of the City of Biddeford will accept proceeds from the Maine Municipal Bond bank of up to \$2,500,000.

Attest by: _____



City Council

Meeting Date: July 19, 2023

Meeting Time: 6:00pm

Agenda Item No: 10.e.

Item Description: 2023.86 Approval/MMBB Maine Municipal Bond Bank

Submitted by: Nichole Wood, Finance Director

Supporting Information/Documentation:

Order 2023.86

Key Terms:

N/A

Executive Summary:

As part of the planning for funding of the Combined Sewer Overflow (CSO) upcoming work, the Engineering Department has identified funding in the form of principal forgiveness through the Maine Department of Environmental Protection (DEP) of \$2,000,000. As part of the requirements to receive the principal forgiveness, DEP requires communities to borrow from the Maine Municipal Bond Bank.

Detailed Review:

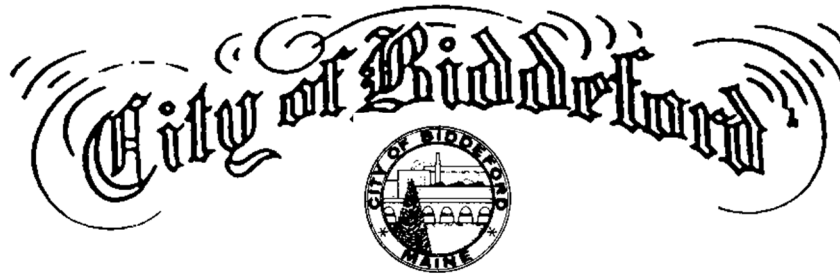
Maine Municipal Bond Bank requires, as part of the application process, authorization from Council to accept the funds.

Funding Source:

The City will request approximately \$2,500,000 from Maine Municipal Bond Bank, and receive principal forgiveness in the amount of \$2,000,000.

Staff Recommendation:

Staff recommends Council approve the authorization.



2023.87

IN BOARD OF CITY COUNCIL... July 19, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the Capital Improvement Projects Master Plan allocation for FY24, in the amount of **\$2,600,000** as recommended by the Capital Projects Committee.

The Capital Projects Committee reviewed the FY24 CIP Allocation at their June 27, 2023 meeting. Councilors Lessard, Grohman and Mills were present. Members Daniel Boucher and Vito Mininni were absent.

BFD-FY24-012	Self Contained Breathing Air Compressor	\$ 35,000
BFD-FY24-016	EMS CPR Compression Devices	30,000
DPW-FY24-001	Vehicle Maintenance – 5 year Veh/Equip Replacement	577,500
DPW-FY24-002	Street Maintenance – Capital Paving Program	300,000
DPW-FY24-015	Digital Printer Sign Plotter	30,000
ENG-FY24-005	General Utility/Road Construction Repairs	75,000
FAC-FY24-CH-001	City Hall Parking – South St & City Hall Lot	100,000
FAC-FY24-DPW-100	DPW Front Doors Replacement	15,000
DPW-FY24-008	Auto Gate	30,000
ENG-FY24-009	Asphalt Repaving for Storm Separation projects/PACTS	170,000
ENG-FY24-010	Sidewalk Replacement/Storm Separation Projects/PACTS	85,000
ENG-FY24-012	Granite Point Culvert Replacement	50,000
FAC-FY24-DPW-101	DPW Hallway/Lunch Room Flooring	17,500
FAC-FY24-DPW-103	DPW Garage Door Replacement	30,000
FAC-FY24-FD-111	FD Rubber Roof Replacement	200,000
ENG-FY24-022	City-Wide ADA Sidewalk Improvements	75,000
FAC-FY24-009	Community ADA Compliance	75,000
FAC-FY24-012	Document Scanning Program	30,000
DPW-FY24-006	Tree Management Plan	20,000
DPW-FY24-003	Pearl Point Park	50,000
ENG-FY24-034	Thatcher Brook 319 Phase III	80,000
	Mill District Pedestrian Bike	450,000
	May St. Traffic Calming	50,000
	Signal Work	25,000
	GRAND TOTAL	\$ 2,600,000

Attest by: _____



City Council

Meeting Date: July 19, 2023

Meeting Time: 6:00pm

Agenda Item No: 10.f.

Item Description: 2023.87 Approval/Capital Committee's Recommendation for FY24 CIP

Submitted by: Councilor Lessard, as Chair of the Capital Committee

Supporting Information/Documentation:

Order #2023.87

Memo to Capital Committee from City Manager Bennett

Capital Committee's recommendations for FY24 CIP

Key Terms:

CIP: Capital Improvement Plan

Executive Summary:

The Capital Committee met on June 27, 2023 in Council Chambers to discuss and vote on recommendations to the City Council for the FY24 Capital Improvement Plan (CIP) funds. Present at that meeting were Councilor Marc Lessard, Councilor Martin Grohman, Councilor Bobby Mills, City Manager James Bennett, Finance Director Nichole Wood, Public Works Director Jeff Demers.

Detailed Review:

The City Manager provided the Committee with background information to assist the committee in its annual work on making a recommendation to the City Council for the allocation of the general fund capital improvement plan funds. This information included the financial background and recommendations for other major capital work forecasted for the City.

Mr. Bennett commented on the following topics:

- CSO Projects: the City currently has enough money bonded to take care of the next year or two of anticipated CSO work. We do anticipate needing to borrow the additional \$5MM approved by the voters in 2020 within the next couple of years. The city renegotiating with DEP for the next 5 years of work to be done.
- Roads & Sidewalks: Between the \$3.75MM from the recent borrowing and what is appropriated from the General Fund, we have enough cash to fund about 3 years into the future.

- Congressionally Directed Spending: (Senator Collins) The City has already been approved for a project to improve pedestrian and bike safety on Route 1. While it was originally thought that a \$7MM match would be needed, staff has scaled back the project to where the City will only need just under \$1MM to fund the scaled back plans.
- Congressionally Directed Spending: (Senator King) The City has preliminarily been approved by Senator King's office, in a joint application with Saco for the second multi-modal pedestrian/bicycle connector that would connect the parking garage across the river to the AMTRAK station
- The Biddeford Schools will be going to the voters in November for a bond issue to replace the JFK school with an addition to the primary school. That means that JFK school will come back to the city to be utilized, work that will be in two-three years.
- We already have \$3MM in the bank for the Riverwalk expansion – we are just waiting for DEP approval
- We are applying for a Safer Streets grant. We initially submitted five projects to be evaluated by PACTS, GPCOG and MDOT. The one that scored the highest is for safety improvements from the new pedestrian bridge, through the Mill District, up Alfred to Five Points, and then back down Route 1. This is a potential \$25MM project with a 25% match requirement.

Councilor Lessard thanked the City Manager for his detailed review.

Councilor Lessard made a motion to reduce the 5-year vehicle maintenance by \$17,500 to fund the DPW Hallway/Lunchroom, which would mean spending a little more via lease/purchase, rather than with cash. Councilor Mills seconded.

- Vote – Unanimous

Councilor Lessard then made a recommendation that the Council consider adding \$20,000 to the May Street Traffic Calming in addition to the \$50,000 already recommended by City Manager Bennett. He did this knowing that there was at least a \$40,000 savings from the DPW heating system in FY23, and that additional funds would be coming back from the FY23 capital budget for reallocation.

Funding Source:

General Fund CIP Appropriation

Staff Recommendation:

Neutral

FY24 CIP Recommendations - General Fund

Priority	DH Req.	CM Rec.	Res. or TIF	New CM Rec	Capital Committee Changes	Capital Comm Recommend
0	\$3,253,000	\$150,000	\$3,000,000			
EDP-FY24-005-Riverwalk	\$3,000,000	\$0	\$3,000,000	\$0		\$0
EDP-FY24-008-Second Pedestrian Bridge	\$150,000	\$150,000		\$0		\$0
REC-FY24-003-Doran Field	\$20,000					\$0
REC-FY24-014-Park Amenities-1	\$8,000					\$0
REC-FY24-018-Community Center Myrtle Street Lot	\$75,000					\$0
AIR-FY24-001-ADA Building Improvements	\$30,000	\$0		\$0		\$0
AIR-FY24-002-Apron Design and Reconstruction	\$42,000	\$0		\$0		\$0
AIR-FY24-003-Environmental Assessment (EA)	\$7,500	\$7,500		\$0		\$0
AIR-FY24-005-Tile Floor Replacement - Lobby, Bathrooms	\$22,000	\$22,000		\$0		\$0
BFD-FY24-002-EMS Equipment	\$85,000	\$0		\$0		\$0
BFD-FY24-012-Self Contained Breathing Air Compressor	\$35,000	\$35,000		\$35,000		\$35,000
BFD-FY24-014-Replace Rescue Ropes and Harnesses	\$20,000	\$20,000		\$0		\$0
BFD-FY24-016-EMS CPR Compression Devices	\$30,000	\$30,000		\$30,000		\$30,000
BIA-FY24-001-Bleachers Replacement	\$346,780	\$0		\$0		\$0
DPW-FY24-001-Vehicle Maintenance 5 Year Vehicle/Equip Replacement Program	\$1,875,000	\$600,000		\$595,000	-\$17,500	\$577,500
DPW-FY24-002-Street Maintenance - Capital Paving Program	\$1,691,000	\$750,000		\$300,000		\$300,000
DPW-FY24-003-Sidewalks	\$97,500	\$97,500		\$0		\$0
DPW-FY24-015-Digital Printer Sign Plotter	\$30,000	\$30,000		\$30,000		\$30,000
DPW-FY24-017-GPS for Radios	\$126,500	\$0		\$0		\$0
EDP-FY24-007-Route One / Elm Street Corridor	\$6,000,000	\$350,000		\$0		\$0
ENG-FY24-001-1-Western Avenue Storm Replacement	\$900,000	\$0		\$0		\$0
ENG-FY24-002-2-Engineering Design/Inspection Services	\$100,000	\$0		\$0		\$0
ENG-FY24-003-3-Alfred Street Phase I - Sidewalks	\$1,200,000	\$0		\$0		\$0
ENG-FY24-004-4-Lower Main Street - Bump Outs/Crosswalks	\$200,000	\$0		\$0		\$0
ENG-FY24-005-5-General Utility/Road Construction Repairs	\$1,000,000	\$118,634		\$75,000		\$75,000
ENG-FY24-006-6-Riverwalk Project - York/Laonia	\$300,000	\$300,000				\$0
ENG-FY24-008-8-20 Lester B Orcutt Sidewalk	\$20,000	\$0		\$0		\$0
FAC-FY24-CH-001-City Hall Parking - South St & CH Lot	\$100,000	\$100,000		\$100,000		\$100,000
FAC-FY24-DPW 100-DPW Front Doors Replacement	\$18,000	\$18,000		\$15,000		\$15,000
FAC-FY24-FD 106-FD Coastal Station Initial Development Cost	\$200,000	\$0		\$0		\$0
REC-FY24-012-Rotary Park Complex	\$164,000	\$75,000				\$0
AIR-FY24-004-Fuel island/Pumps	\$50,000	\$0		\$0		\$0
BFD-FY24-005-Gas Meter Replacements	\$10,000	\$0		\$0		\$0
DPW-FY24-007-Road Widener	\$71,500	\$0		\$0		\$0
DPW-FY24-008-Auto Gate	\$60,000	\$30,000		\$30,000		\$30,000
DPW-FY24-102-DPW Recycling Cardboard Storage	\$16,250	\$0		\$0		\$0
EDP-FY24-002-Mill Dist. Wayfinding Signage	\$50,000	\$0		\$0		\$0
ENG-FY24-009-9-Asphalt Repaving for Storm Separation Projects/PACTS	\$700,000	\$170,000		\$170,000		\$170,000
ENG-FY24-010-10-Sidewalk Replacement for Storm Separation Projects/PACTS	\$350,000	\$85,366		\$85,000		\$85,000
ENG-FY24-012-12-Granite Point Culvert Replacement	\$50,000	\$50,000		\$50,000		\$50,000
ENG-FY24-013-13-Main-Hill-Water DOT Intersection	\$100,000	\$0	\$100,000	\$0		\$0
FAC-FY24-DPW 101-DPW Hallway/Lunch Room Flooring	\$17,500	\$0		\$0	\$17,500	\$17,500
FAC-FY24-DPW 103-DPW Garage Door Replacement	\$31,000	\$31,000		\$30,000		\$30,000
FAC-FY24-FD 108-FD Duct Work Service	\$20,000	\$0		\$0		\$0
FAC-FY24-FD 111-FD Rubber Roof Replacement	\$200,000	\$200,000		\$200,000		\$200,000
REC-FY24-021-Pump Station Rehab-Rotary Park	\$11,000					\$0
DPW-FY24-016-Recycling 30 Yard Roll-Off Container	\$16,500	\$0		\$0		\$0
ENG-FY24-022-22-City-Wide ADA Sidewalk Improvements	\$400,000	\$75,000		\$75,000		\$75,000
FAC-FY24-009-Community ADA Compliance	\$400,000	\$75,000		\$75,000		\$75,000
FAC-FY24-012-Document Scanning Program	\$30,000	\$30,000		\$30,000		\$30,000
REC-FY24-005-Memorial Park	\$47,000					\$0
FAC-FY24-FD 107-FD Driveway Replacement	\$300,000	\$0		\$0		\$0
REC-FY24-001-Clifford Park	\$55,000					\$0
DPW-FY24-006-Tree Management Plan	\$50,000	\$20,000		\$20,000		\$20,000
EDP-FY24-003-Pearl Point Park	\$50,000	\$50,000		\$50,000		\$50,000
ENG-FY24-034-34-Thatcher Brook 319 Phase III	\$80,000	\$80,000		\$80,000		\$80,000
REC-FY24-016-St Louis Field Complex	\$380,000					\$0
Grand Total	\$21,439,030	\$3,600,000	\$3,100,000	\$2,075,000		
Revised total				\$2,600,000		
New Items:						
Mill District Pedistrian Bike				\$ 450,000		\$450,000
May St. Traffic Calming				\$ 50,000		\$50,000

Signal Work	\$ 25,000	\$25,000
Grand Total		\$2,600,000

Motion by Councilor Lessard to add \$20,000 to May Street Traffic Calming out of the reallocation of FY23 unused CIP funds. Seconded by Councilor Grohman.
Vote: Unanimous

APPLICATION NUMBER: 23-06-038

**INDEMNIFICATION AND RELEASE PROVISIONS
CITY OF BIDDEFORD SPECIAL EVENT PERMIT**

EFFECTIVE 7-6-2017 THE
FOLLOWING FEES WILL APPLY:

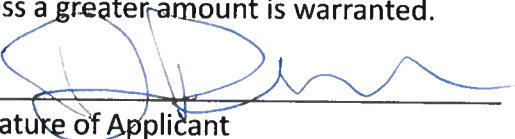
B050 Administrative fee
\$25.00
B051 Parade Permit fee
\$50.00
B052 Block Party Permit fee
\$75.00
B053 Mass Gathering fee
\$100.00

A. In consideration for being permitted to use the facilities and/or rights-of-way of the City of Biddeford, (hereinafter "City"), Heart of Biddeford (insert name of person/entity seeking permission to use facilities and/or right-of-way, hereinafter "Applicant") agrees to indemnify and hold harmless the City, its officers, employees, and insurers, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity on account of damage, loss, or injury, including without limitation claims arising from property loss, or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities and/or rights-of-way, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City, its officers, or its employees, or from any other cause whatsoever.

B. By signing below, Applicant agrees that in the event of damage, loss or injury to the facilities or to any property or equipment therein or to the City rights-of-way, the City may deduct from any damage deposit the full amount of such damage, loss, or injury. Applicant further agrees that if such damage, loss, or injury exceeds the amount of the damage deposit, Applicant will promptly reimburse the City for all costs associated therewith upon billing by the City.

C. In addition, in consideration for being permitted or allowed to use the facilities and/or right-of-way, Applicant on behalf of itself and its officers, employees, members, and participants, hereby expressly exempts and releases the City, its officers, employees, insurers, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability claims and demands result from the act, omission, negligence, or other fault on the part of the City, its officer, or its employees, or from any other cause whatsoever.

D. In addition, Heart of Biddeford has furnished and attached two copies of certificates of insurance with the City of Biddeford named as an additional insured in the amount of \$400,000 unless a greater amount is warranted.


Signature of Applicant

Date

6/28/23

Delilah Poupore

Printed Name of Applicant

APPLICATION NUMBER: _____

**CITY OF BIDDEFORD
SPECIAL EVENT APPLICATION**

City of Biddeford
P.O. Box 586
Biddeford, ME 04005

Name of Event River Jam Fringe Fest Location of Event Shevenell Park/Main Street

Date of Event: Friday August 18 Start Time 3 pm set up Finish Time 9:30 pm clean up

Detailed and specific description of Event (attached separate sheet if necessary)

River Jam Fringe Fest is an annual, free family friendly art festival downtown.

Estimated # of Participants 100 Estimated Attendance 700

Type of Event:

x Festival/Fair With Alcohol: Yes: _____ ** No: x (cowbell may apply for a separate permit - extension of premises)

☐ Race/Walk/Bike Ride

☐ Concert

☐ Parade/March

☐ Other – Please Specify: _____

**** NOTE:** If alcohol is being sold, or otherwise available, permission must be obtained through application at City Clerk's Office, and must be approved by the City Council. If alcohol is sold, this requires applicable State of Maine Liquor license to sell alcohol. List contact name and address of licensee:

APPLICATION NUMBER: _____

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please explain: Music and people downtown, road closure of water street all day

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing: Social media, posters, mailing, newsletters, TV ads, announcement at City Council.

Organization (Applicant) Information

Name of Organization or Name of Applicant if NOT an Organization Heart of Biddeford

Physical Address: 205 Main Street, Suite 103 Biddeford ME 04005

Mailing Address: 205 Main Street, Suite 103 Biddeford ME 04005

Business Telephone 207-284-8520 Fax _____ E-mail office@heartofbiddeford.org

Income Tax Exempt: Yes: _____ No: X Tax Exempt Number: _____

Contact Person/Event Coordinator

Name & Address Delilah Poupore

Cellular 207-251-5695 E-Mail director@heartofbiddeford.org

Relationship Organization: Director

General Service Questions

Department of Public Works

Is the use of barricades necessary/requested for this event? Y

If yes, number needed 20

Will it be necessary to cover street and/or parking signs for this event? Y If yes, please note on diagram.

What is your plan for cleanup and debris disposal for this event? Volunteer clean up

Is any other Public Works assistance anticipated? 5 trash cans

APPLICATION NUMBER: _____

Parks and Recreation Department

Will this event take place in a Public Right of Way, Public Way, City Park or athletic field? Yes

If yes, where Shevenell Park/Main Street

Will tenting/staging be utilized for this event? N

If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc.? n/a

Any Parks and Recreation assistance required? N

Fire Department

Will the Fire Department have access to all sites in the event of an emergency? Y

Will any fire hydrants be obstructed? N Will you have access to E 9-1-1? Y

Will you have First Aid or medical staff present? No

******* If First aid or Medical Staff is needed, The Biddeford Fire Department can provide for a fee. Please Contact the Biddeford Fire Department at 207-282-6632 for details.*******

Police Department

Is traffic control necessary for this event? N If yes, who will provide it?

Is crowd control necessary for this event? No If yes, who will provide it?

Other

All vendors *must* obtain proper licenses/permits from the City Clerk's office (284-9307).

Indemnification agreement/insurance certificate must be attached to this application at the time of submission. Site Plan Sketch may be accompanied by a separate map, if necessary.

APPLICATION NUMBER: _____

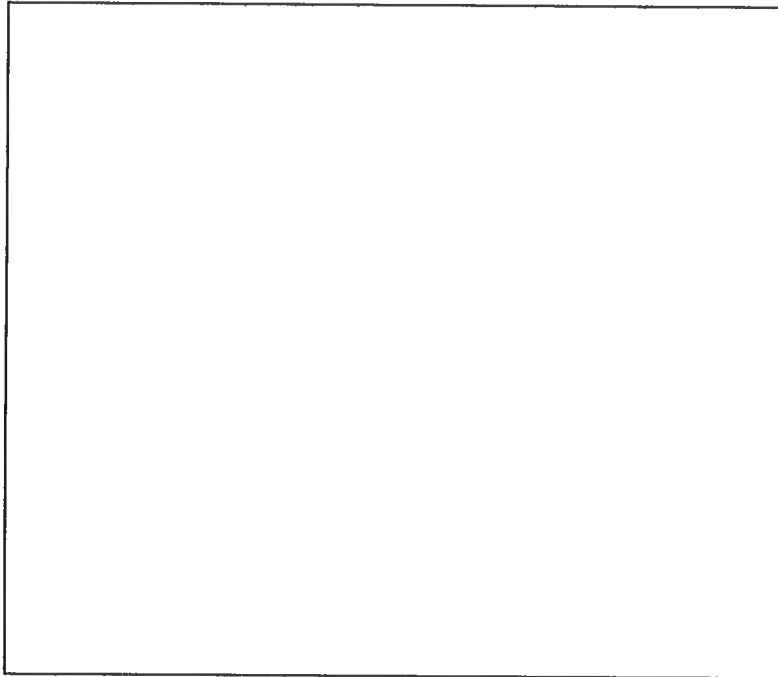
SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location
Event Coordinator's Booth
Tents/Stages/Grandstands
Rest Facilities

Vender Locations
Garbage Cans
Water Sources

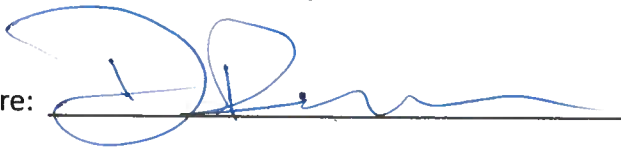
Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers



Applicant's Statement of Agreement

Everything I have stated on this agreement is correct to the best of my knowledge. This permit, if granted, is not transferable and is revocable at any time at the discretion of the City of Biddeford. I understand that the issuance of this permit is contingent upon compliance with any and all conditions imposed by the City of Biddeford or its officers.

Applicant Signature: _____



Date _____

6/28/23

APPLICATION NUMBER: _____

**CITY OF BIDDEFORD
SPECIAL EVENT APPLICATION**

City of Biddeford
P.O. Box 586
Biddeford, ME 04005

Name of Event River Jam Location of Event Mechanics Park

Date of Event: Saturday August 19 Start Time 8:00 am set up Finish Time 10:45 pm clean up

Detailed and specific description of Event (attached separate sheet if necessary)

River Jam is an annual, free family friendly music festival along the Saco River.

Estimated # of Participants 100 Estimated Attendance 1500

Type of Event:

x Festival/Fair With Alcohol: Yes: x** No: _____

☐ Race/Walk/Bike Ride

☐ Concert

☐ Parade/March

☐ Other – Please Specify: _____

**** NOTE:** If alcohol is being sold, or otherwise available, permission must be obtained through application at City Clerk's Office, and must be approved by the City Council. If alcohol is sold, this requires applicable State of Maine Liquor license to sell alcohol. List contact name and address of licensee:

APPLICATION NUMBER: _____

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please explain: Bands will be playing live music, the parking spots on Water Street will be used for vendors/ food trucks.

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing: Social media, posters, mailing, newsletters, TV ads, announcement at City Council.

Organization (Applicant) Information

Name of Organization or Name of Applicant if NOT an Organization Heart of Biddeford

Physical Address: 205 Main Street, Suite 103 Biddeford ME 04005

Mailing Address: 205 Main Street, Suite 103 Biddeford ME 04005

Business Telephone 207-284-8520 Fax _____ E-mail office@heartofbiddeford.org

Income Tax Exempt: Yes: _____ No: X Tax Exempt Number: _____

Contact Person/Event Coordinator

Name & Address Delilah Poupore

Cellular 207-251-5695 E-Mail director@heartofbiddeford.org

Relationship Organization: Director

General Service Questions

Department of Public Works

Is the use of barricades necessary/requested for this event? Y

If yes, number needed 15

Will it be necessary to cover street and/or parking signs for this event? Y

If yes, please note on the diagram.

What is your plan for cleanup and debris disposal for this event? Volunteer clean up

Is any other Public Works assistance anticipated? 7 trash cans

APPLICATION NUMBER: _____

Parks and Recreation Department

Will this event take place in a Public Right of Way, Public Way, City Park or athletic field? Yes

If yes, where Mechanic Park Will tenting/staging be utilized for this event? Y

If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc.? We will not be staking the stage, as it is on a trailer.

Any Parks and Recreation assistance required? Access to electrical in the Gazebo.

Fire Department

Will the Fire Department have access to all sites in the event of an emergency? Y

Will any fire hydrants be obstructed? N Will you have access to E 9-1-1? Y

Will you have First Aid or medical staff present? No

******* If First aid or Medical Staff is needed, The Biddeford Fire Department can provide for a fee. Please Contact the Biddeford Fire Department at 207-282-6632 for details.*******

Police Department

Is traffic control necessary for this event? no If yes, who will provide it?

Is crowd control necessary for this event? yes If yes, who will provide it? We have hired the same security company that we have used in past years.

Other

All vendors *must* obtain proper licenses/permits from the City Clerk's office (284-9307).

Indemnification agreement/insurance certificate must be attached to this application at the time of submission. Site Plan Sketch may be accompanied by a separate map, if necessary.

APPLICATION NUMBER: _____

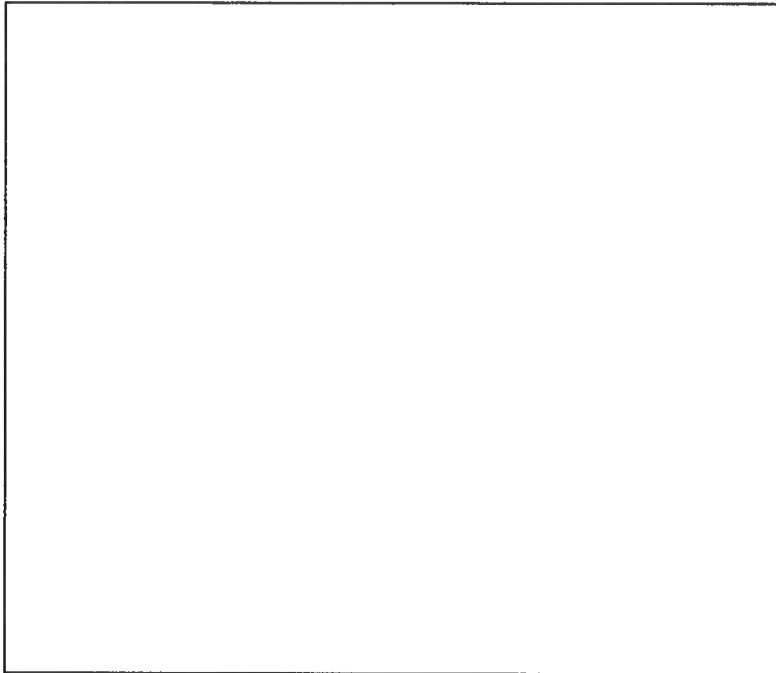
SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location
Event Coordinator's Booth
Tents/Stages/Grandstands
Rest Facilities

Vender Locations
Garbage Cans
Water Sources

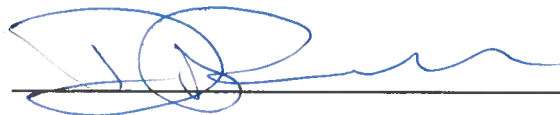
Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers



Applicant's Statement of Agreement

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Applicant Signature: _____



Date _____

6/28/23

APPLICATION NUMBER: _____

**CITY OF BIDDEFORD
BLOCK PARTY PERMIT APPLICATION**

Name of Applicant _____

Address _____

Telephone # _____

Location of Block Party _____

Date of Block Party _____

Start Time _____ Finish Time _____

Block Party Regulations

Authorization to block off your street for a block party on the above date during the above stated time is contingent upon the following stipulations.

1. Although the street will be closed, provisions must be made for access by **EMERGENCY VEHICLES**. Barricades must be provided at the requesting party's expense. They must be of a temporary nature and easily removable in an emergency.
2. Block party must cease before dark, with all street obstructions and barricades removed.
3. Any debris or litter must be cleaned by the permit holder immediately following the event.
4. Music will be allowed but it must be maintained at a reasonable volume so as not to disturb nearby neighbors. Any complaint regarding noise of any type that is substantiated by the Police Department may cause this permit to be terminated without notice.
5. It is **ILLEGAL** in Maine to consume alcoholic beverages in public areas, which includes city streets and sidewalks. Any consumption of alcoholic beverages must take place on private property only.

On the following page, please attach or sketch a map showing the area to be blocked, the location of the barricades, and any other descriptive information pertinent to the issuance of this permit.

APPLICATION NUMBER: _____

PAGE 2 – BLOCK PARTY PERMIT

Attach your map or sketch below.

APPLICATION NUMBER: _____

REVIEW BY SPECIAL EVENTS COMMITTEE:

Having completed a review of the application, the proposal itself, the location of the vent and its impact upon services and resources, this application is:

APPROVED WITH MODIFICATIONS AND/OR RESTRICTIONS: _____

APPROVED AS SUBMITTED: _____

DENIED: _____

Modifications / Restrictions:

REASON(S) FOR DENIAL:

Police Chief

Date:

Fire Chief

Date

Public Works Director

Date:

Codes Enforcement Officer

Date:

Parks & Recreation

Date:

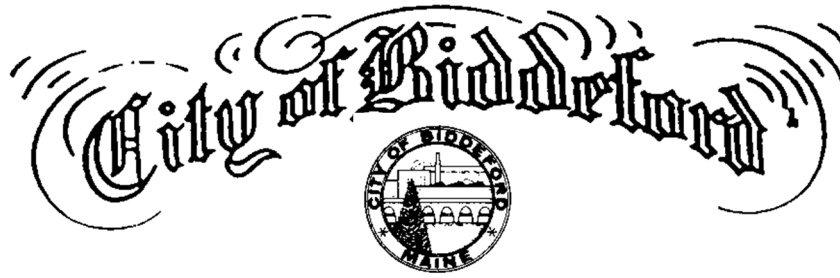
Fringe Fest



NO ALCOHOL SERVED AT THIS EVENT

yellow circles are artists/vendors/etc set up in parking spaces





2023.89)

IN BOARD OF CITY COUNCIL... July 18, 2023

BE IT ORDERED, that the City Council does hereby approve and authorize the release of funds for the Saco Pathfinders Snowmobile Club in the amount of \$1600.00 for FY24 from a funding source to be determined.

Attest by: _____
Robin Patterson, City Clerk



City Council

Meeting Date: July 18, 2023

Meeting Time: 6:00PM

Agenda Item No: 10.h

Item Description: 2023.89) Approval/Snowmobile Club Fund Request

Submitted by:

Supporting Information/Documentation:

*See letter of request included in the packet

Key Terms:

N/A

Executive Summary:

This funding request was not received during the FY24 budget process and therefore funds are not available for appropriation. The Saco Pathfinders Snowmobile Club is requesting funding in the amount of \$1600.00 from the previously adopted FY24 budget. The FY24 budget was adopted by the City Council on May 11, 2023. The letter of request for funding was received on June 15, 2023. While the organization has received funds in prior years they had not submitted a request for FY24 funds until after the budget process was completed. All other requests that had been received were reviewed during the FY24 Municipal Services Budget Presentations which were held on April 10, 2023.

Detailed Review:

Funding Source: N/A

Staff Recommendation:

Staff does not have a recommendation at this time



Saco Pathfinders Snowmobile Club
P.O. Box 27
Saco, ME. 04072
Cell: (207) 332-0017

June 15, 2023

Hello,

My name is Doug Doherty and I am the President of the Saco Pathfinders Snowmobile Club. I am reaching out to you and the city leadership team in hopes of receiving the annual funds generated by snowmobile registrations in the City of Biddeford.

The Pathfinders have been in existence since 1972 and have had a clubhouse in North Saco since the late 70's. We maintain approximately 45 miles of trails in Saco, Scarborough, Dayton, and Biddeford. Our trails connect to other local systems (Lyman, Buxton, and Gorham) and ultimately to the state ITS (Interconnected Trail System) trails.

Like with so many other clubs today, we face a continual struggle for existence. Our club is made up completely of volunteers from the local communities. We work on the trail system typically on Sundays in the fall up until the snow flies. This is done by walking the entire trail system with loppers and chainsaws in hand. In the winter, we have four snowmobiles and a Side-by-Side to drag and maintain the trails for the snowmobile crowd. However, our trails are not just for snowmobilers. They are multi-use trails seeing folks on snowshoes, X-country skis, fat tire bikes, walking dogs, riding horses, etc.

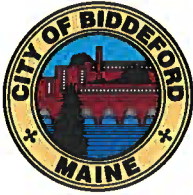
We touch base with every landowner on our trail system to ensure they are happy with the way their land is being used and to address any issues they may have.

Annually, the state sends each town/city a reimbursement for the number of snowmobiles registered. Biddeford receives approximately \$1600 annually. We are requesting a donation of these funds in order to help us survive as the local snowmobile club.

Thank you for your consideration.

Regards,
Doug Doherty, President
Saco Pathfinders Snowmobile Club
ddoherty627@yahoo.com

City of Biddeford, Maine



The Office of
City Manager

James A. Bennett

Email: jbennett@biddefordmaine.org

MEMORANDUM

TO:	Honorable Mayor Casavant Honorable City Council
FROM:	James A. Bennett, City Manager
DATE:	July 13, 2023
RE:	Committee of the Whole Discussion Renter Protections

The significant changes in the housing market have been a major focus for the municipality over the last couple of years. Stating the obvious, this a national challenge and not isolated to Biddeford.

The collective informed opinion is there is no simple solution to the challenge; even as political rhetoric and sound bite tendencies attempt to frame it as such. Our community has been deliberative in its approach. Electing to address the issues from multiple angles, the City has:

- Aggressively shifted the downtown development strategy to include plans to eliminate the need for automobile ownership as a requirement (saving the average household over \$700 per month according to AAA)
- Changed the affordable housing TIF law in order to provide the community more flexibility in funding affordable housing units.
- Passed a short term moratorium on new residential units while the Policy Committee evaluated affordable housing policies
- Enlisted the Planning Board to review, at the request of the City Council, a new Inclusionary Zoning requirement.
- Sought modifications to local zoning in growth areas of the community in order to create additional housing units through increased density.
- Looked towards creating an affordable housing fund dedicated to the creation of affordable housing. The majority, if not all of the funding, is expected to come from sources other than general taxation.
- Created an environment to encourage private sector investment in housing units, particularly in the downtown, resulting in over 1,500 new (or planned units) over the last few years.

At the most recent meeting of the Policy Committee, an informal discussion of providing additional protections for renters occurred. That committee endorsed staff preparing formal ordinance changes for them to consider at an upcoming meeting. Some of the dialogue and topics that were discussed included:

- Antidotal stories of landlords increasing rents during the middle of lease terms beyond the current established terms of the lease. Understanding with a near zero vacancy rate and

205 Main Street

Biddeford, ME 04005

Phone: 207.284.9313

Fax 207.571.0678

The City of Biddeford is an equal opportunity provider. To file a complaint, write to

Diana Depaolo, Human Resource Director, 205 Main Street Biddeford, ME 04005, or call (207) 286-0593.

escalating rents, there appears to be limited risk for landlords that might participate in this practice. There is limited recourse for the tenant.

- Much like the allegations that some landlords of questionable ethics are breaking their leases, there have been alleged stories of the same kind of behavior regarding the state requirement that rent increases must be given at least 45 days advanced notice.
- The state requires a 30 day notice of lease terminations. Finding a new rent within that time frame can be difficult.

During the discussion at the Policy Committee, there was some preliminary thought that one thing Biddeford could consider is an ordinance that would provide some equalizing of the field per say in these matters. For example, beyond building in additional time into the limits, the City might consider an ordinance that would prevent/delay the implementation of actions for a limited time (3 to 9 months) as a consequence for violations. For illustration purposes only, failure to give a rent increase notice properly could restrict that unit from increasing the rent at all (during the penalty period). The same could be true for breaking the lease early.

On Tuesday evening, at the direction of the Mayor and Council President, this Committee of the Whole discussion was added in order to seek individual Councilors initial thoughts prior to development of potential language for the Policy Committee. Following the dialogue, staff will work to develop ordinance language,