

City of Biddeford
Policy Committee
July 15, 2019 6:30 PM

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustments to the Agenda**
- 4. Acceptance of Minutes**
 - 4.1. June 10, 2019 Policy Committee Meeting Minutes
[6-10-2019 Policy Committee Minutes.docx](#)

Discussion/Review

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

[Beach parking -after hours extended.doc](#)

Ch. 46, Parks and Recreation/Sec. 46-1, Word usage and definitions/Add Athletic Field
[Athletic Field Defined in Ch 46.doc](#)

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

[Dogs in Athletic Field-Ch 46.doc](#)

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

[No Parking Elm Street - July 2019.doc](#)

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

[Elm Street Repeal of Limited Parking - July 2019.doc](#)

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

[Disability Parking Graham Street - July 2019.doc](#)

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

[Franklin Street - One-Way Street.doc](#)

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

[Stop Intersections-Franklin and Federal Streets.doc](#)

Discussion: Ch. 2, Administration/Sec. 2-336-Competitive sealed bidding
[4-02-2019 Ch 2 -Competitive Sealed Bidding.doc](#)

- 5. Adjourn**

**Policy Committee Meeting
June 10, 2019**

Committee Chair, Councilor Lessard called the meeting to order at 6:30 p.m.

Roll Call: Councilors Marc Lessard, Laura Seaver and Norman Belanger; Committee Members Renee O’Neil and Nathan Bean

Also present: Staff Members Carmen Morris, City Clerk, Brian Phinney, Chief Operating Officer, Carl Marcotte, Asst. Public Works Director

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

Adjustment to the Agenda:

Remove -Request by C.M. Cimino Realty, Inc. of Ledgewood Apartments to Waive Code Enforcement Fees for Multi-Unit Buildings

Acceptance of Minutes: **April 22, 2019**

Motion by Councilor Belanger, seconded by Member O’Neil to accept the minutes as printed.
Vote: Unanimous

**1. Ch. 42, Motor Vehicles & Traffic/Sec. 42-66-Beach permit parking regulations
enumerated/Increase Beach Permit Fees**

ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, MOTOR VEHICLES & TRAFFIC, **Section 42-66 Beach permit parking regulations enumerated, Sub-section (2) & (3).** is amended by adding or ~~deleting~~ to read as follows:

(2) For the purpose of this section, the word “resident” shall meet one of the following criteria:

- a. Person who pays real estate property taxes to the City;
- b. Person who is a registered voter in the City;
- c. Person who can provide a vehicle registered both in the City and the State of Maine. All residents of the City may obtain parking permits for compliance with this Section for a fee of ~~\$25~~ **\$28** for the first vehicle, \$15 per additional vehicle registered at the same address, \$15 for residents 65 and older, payable to the City Clerk. Proof of eligibility will be the burden of the applicant.

(3) Persons ineligible under Subsection (2) may obtain a parking permit to be in compliance with this section for a fee of ~~\$125~~ **\$153** for a season permit; ~~\$65~~ **\$79** for a seven-day permit; ~~\$40~~ **\$46** for a three-day permit; and ~~\$20~~ **\$22** for a one-day permit. The seven-day and three-day permits are valid in consecutive days only, and are not transferable from vehicle to another.

NOTE: This item was submitted by Councilor Michael Swanton.

Motion by Councilor Seaver, seconded by Councilor Belanger to recommend approval of the ordinance amendment to the City Council.

This ordinance amendment was recommended by Councilor Swanton. He was in attendance to present this item. He explained that the reason for his proposed amendment is to raise additional funds in order to cover the costs due to the increase in the State's minimum wage.

Councilor Seaver expressed her concern that even though the Council has approved the FY20 Budget, this ordinance amendment would become effective for next year's beach season; therefore, the additional revenue would initially hit the FY20 Budget, and then into the FY21 Budget.

Vote on proposed amendment: Unanimous

2. Disposal Fees at Public Works Recycling Facility for Non-Profits

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 58, SOLID WASTE, Article III, WASTE FLOW CONTROL AND TRANSFER STATION, Sec. 58-64-Large item and recycling programs**, is amended by adding and ~~deleting~~ to read as follows:

Sec. 58-64. Large item and recycling programs.

(a) Free disposal.

- Residents may dispose of up to one yard of household items in any one day for free. (furniture, stereos, lamps, fixtures, etc.) Any additional loads of household items may be disposed of for a fee of \$20 per yard.
- Up to four tires per year from Biddeford residents.
- Twice a year, for two-week intervals, residents will be allowed to deliver up to one cubic yard per delivery of construction materials and/or wood debris.
- Wet cell and dry cell batteries.
- Metals (items that have had the Freon removed by licensed vendors must show a certificate of proper removal for free disposal of the item at this facility).
- Cardboard
- Plastic Nos. 1 and 2
- Paper/magazines
- Glass (jars and bottles)
- Tin cans
- Grass clippings, leaves, brush and branches
- Waste motor oil
- Telephone books

(b) Fees.

- (1) Fees for the disposal of the following acceptable items will be charged “at cost”.
Note: “at cost” means that the charges for the disposal of the following items will be based upon the previous quarter’s actual disposal costs incurred by the City for the particular item.

- a. Freon containing items
- b. Tires (car and pickup truck only, greater than four tires per year)
- c. CRTs (televisions, computer monitors, laptops)
- d. Computer CPU, keyboard, mouse and printers

- (2) Fees for the disposal of the following acceptable items will be established by the Public Works Director.

- a. Construction materials / wood debris
- b. Grass clippings:
 - i. Commercial - \$10.00/cubic yard
- c. Brush and branches:
 - i. Commercial - \$10.00/cubic yard
- d. Demolition Debris: \$20.00/cubic yard

(3) Exemptions.

Bonafide non-profit organizations, including: churches, parsonages, cemeteries, schools and other qualifying organizations shall be exempt from paying disposal fees for acceptable items listed in subsection (b)(2) above. Each qualifying non-profit organization must register yearly with the DPW Director, with proof of their non-profit status, and submit a list of names of those persons who are doing work on their behalf prior to any fee being

Motion by Councilor Seaver, seconded by Councilor Belanger to recommend approval of the ordinance amendment to the City Council.

Councilor Swanton noted that he had brought forward this issue during a Council Meeting when the Biddeford Pool Association expressed concern about paying to dispose of brush and debris.

Erica Doyon and Carl Walton from the Greenwood Cemetery Association spoke in support of this ordinance amendment. They estimate that without a fee waiver, it would cost the Association between \$5,000 and \$6,000 annually to dispose of brush and debris; which would end up crippling their budget.

Councilor Seaver asked if the Greenwood Cemetery Association has a 501(C)(3) status. Ms. Doyon stated that she’s almost certain that they are, but has never seen any paperwork to prove it.

Councilor Belanger expressed his concern about the broad language in the proposed amendment; notably, “qualifying non-profit organization.” He’d like to see a more specific definition of what

a qualifying non-profit is. He suggested that the Solid Waste Management Commission take a look at the proposed amendment and come back with their recommendation.

Member Bean pointed out that the Public Works Director, Jeff Demers submitted a letter in which he requested that the ordinance not be changed at this time, as it would prove to be very cumbersome for the DPW Staff.

Asst. Public Works Director, Carl Marcotte explained that the disposal fee structure was recently instituted because the in-take of brush and debris at the Recycling Facility was getting out of control. Since the institution of the disposal fees structure, DPW Staff has seen a significant reduction in loads being brought to the Andrews Road Landfill. His concern is mostly about the DPW being able to realistically manage and keep track of all the various non-profits in the City. He supports sending this ordinance amendment to the SWMC.

Councilor Lessard would definitely like to see an ordinance amendment that would exempt cemeteries and other like entities. With that said, he agrees that the current proposed language needs to be worked on.

Member O'Neil pointed out that there is a distinction between the volunteer organizations within the City versus those who hire out for clean up and debris disposal for their respective properties.

Motion by Councilor Belanger, seconded by Councilor Seaver to table this item and send to the Solid Waste Management Commission for review, and ask that the Commission focus on cemeteries and other like non-profit entities, and come up with proper parameters for financial criteria.

Vote: Unanimous

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

Councilor Lessard introduced this discussion item and his intent on having this item on the agenda. He explained that his reason for bringing this item forward stems from recent action by the Council regarding the acceptance of a bid that was not the lowest bid. He understands that there were reasons for not accepting the lowest bidder that could not be discussed publicly. However, he is uncomfortable with the optics and the perception that the public is left with. At the July Policy Committee meeting, he'd like to have a more in-depth discussion and consideration of language that would make the competitive sealed bidding language more specific.

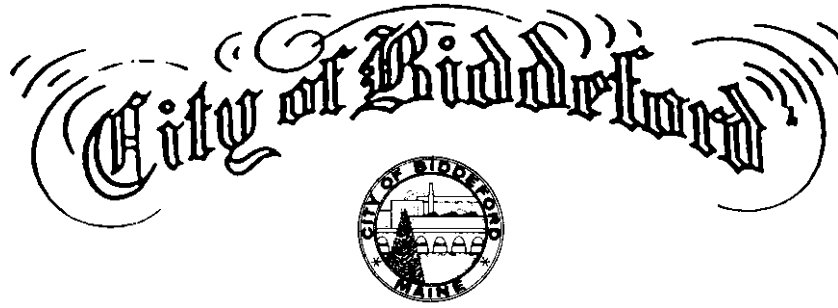
Member O'Neil agrees with Councilor Lessard and is also concerned with what the optics look like, and that the public could view the process as favoritism. She would like to see the process more standardized and transparent.

Councilor Lessard requested that this item be placed on the July Policy Committee meeting agenda.

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

Vote: Unanimous

Time: 7:01 p.m.



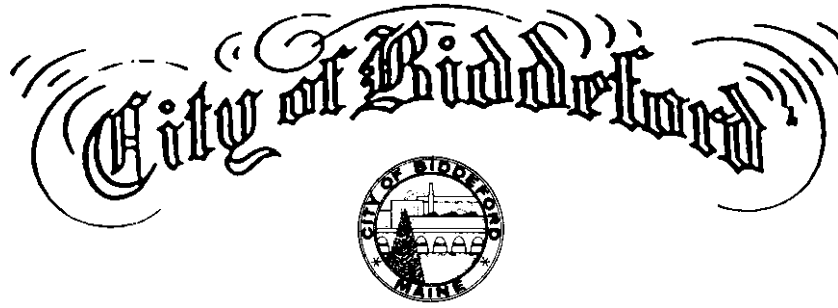
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 42, Motor Vehicles & Traffic, Section 42-66 Beach permit parking regulations enumerated, subsection (1)**, be amended by adding or deleting to read as follows:

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

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

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

NOTE: This is being brought before the Policy Committee at the request of the Council. **Staff does NOT recommend any changes to this ordinance since the hours were selected as a way to control gatherings on the beach at night. There have historically been problems with this and eliminating parking at dark has aided in curbing those problems.**



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

Sec. 46-1 Word usage and definitions.

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

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

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

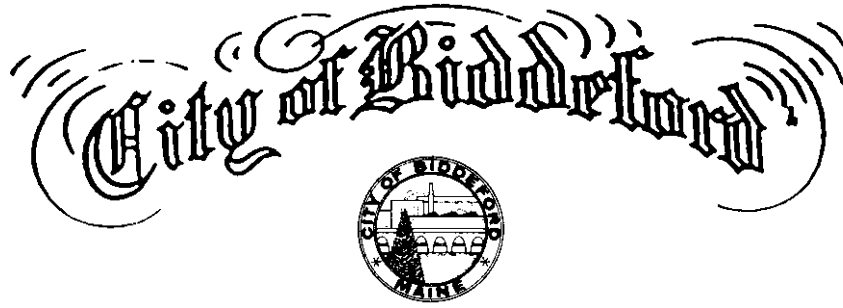
CITY The City of Biddeford.

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

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

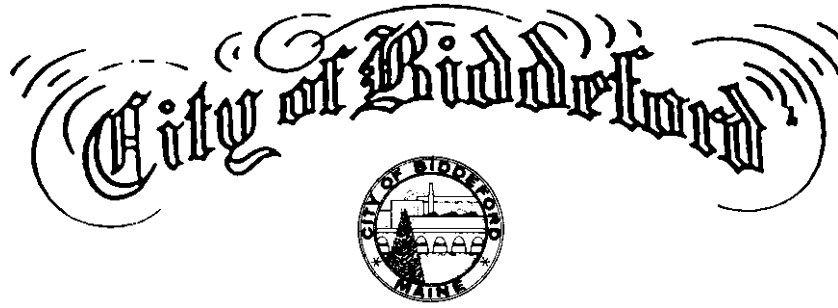
PARK Shall be limited to the areas within the boundaries, as described in the records of the City of Biddeford Assessor, of the following City-owned recreational properties and facilities.¹

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



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

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



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

Sec. 46-13 Park operating policy.

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

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

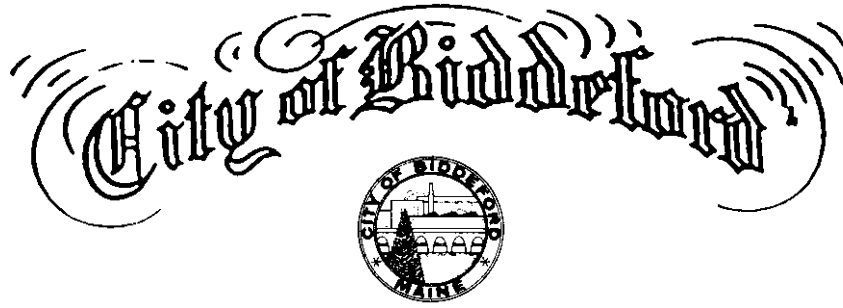
(c) Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any park, or the closed area of any park, except during the hours and times when such park, or portion thereof, is open to the public as provided in this section.

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

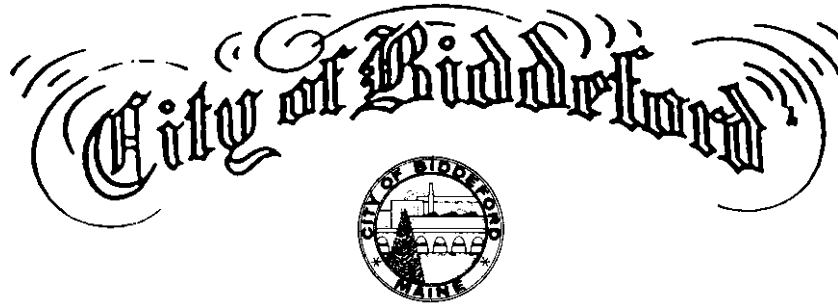
[Amended 5-16-2017 by Ord. No. 2017.38]

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

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



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



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

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

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

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

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

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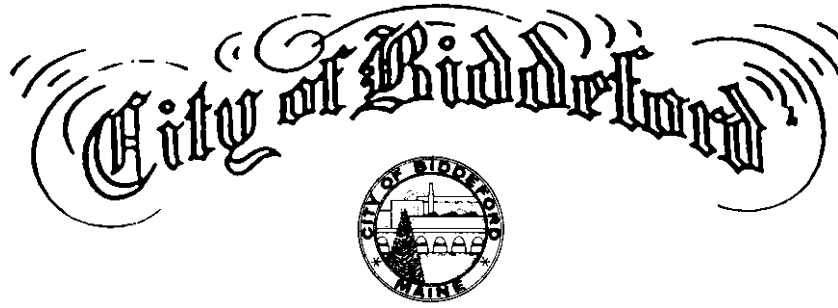
~~Elm Street, odd-numbered side between South Street and Main Street~~

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

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

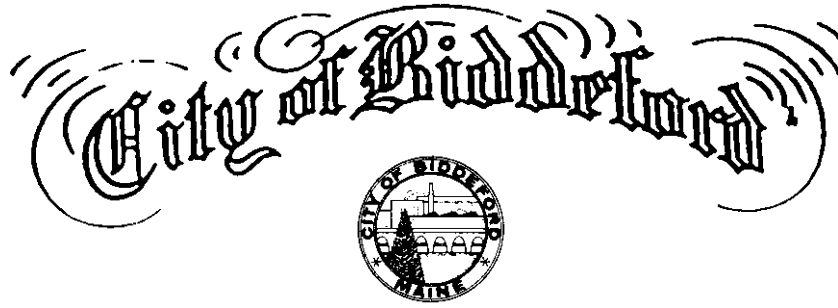
~~Elm Street, westerly (even-numbered) side, from the corner of St. Joseph's Street northerly for a distance of 88 feet~~

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



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

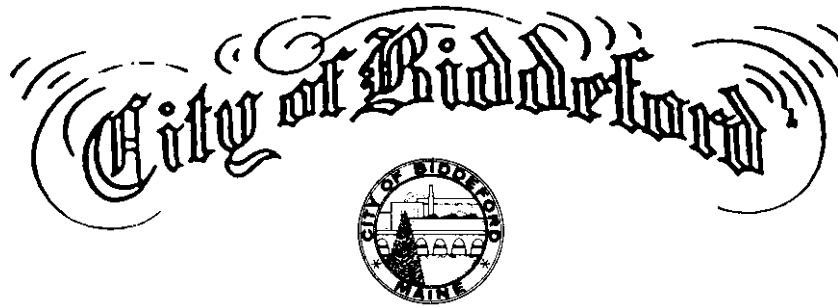
Elm Street, ~~even-numbered side, beginning at a point 180 feet south of the intersection of St. Joseph Street, thence for a distance of 21 feet, 15 minutes. This area is more specifically located in front of 200 Elm Street~~



BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-100 Disability Parking**, be amended by adding or deleting to read as follows:

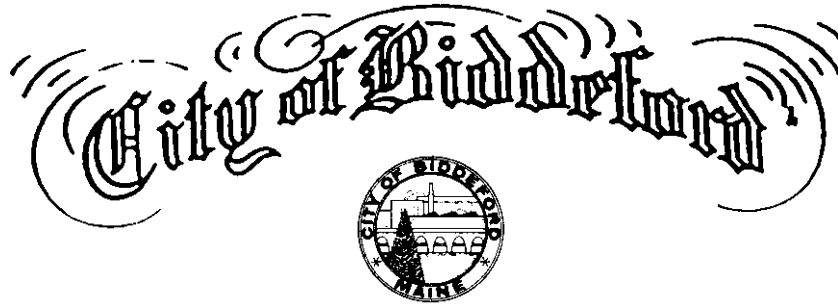
Graham Street, ~~odd-numbered side, beginning at a point 20 feet northeasterly from the intersection with Harding Street, thence northeasterly for a distance of two parking spaces.~~

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



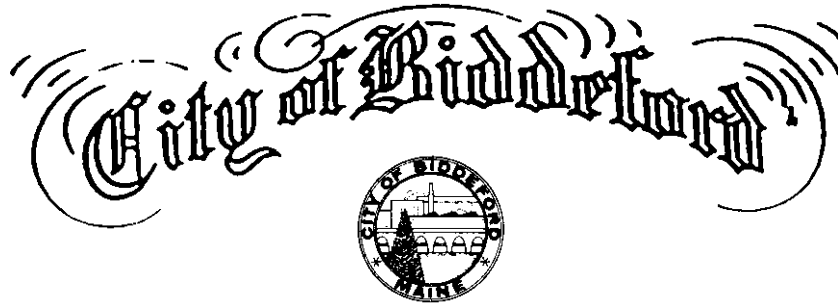
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 88, One-Way Streets** be amended by adding or deleting to read as follows:

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



BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 89, Stop Intersections** be amended by adding or deleting to read as follows:

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



2019.30

IN BOARD OF CITY COUNCIL..APRIL 2, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 2, Administration, Article V, Finance, Section 2-336-Competitive sealed bidding**, is amended by adding or ~~deleting~~ to read as follows:

Sec. 2-336 Competitive sealed bidding.

(a) All contracts of the City for purchases of supplies or construction at or in excess of \$5,000 and for the purchase of services at or in excess of \$5,000 shall be awarded by competitive sealed bidding except as otherwise provided in this article.

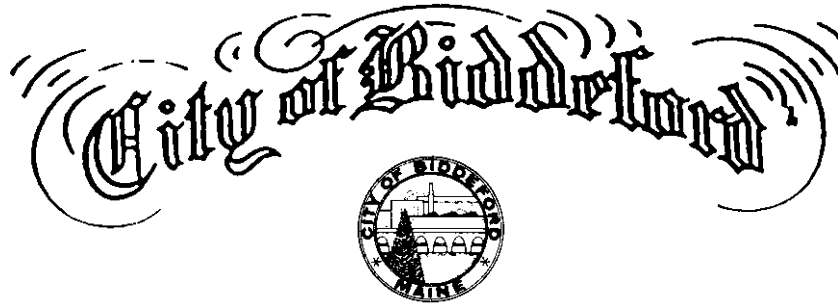
(b) An invitation to bid shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement.

(c) Adequate public notice of the invitation to bid shall be given for a reasonable time, but not less than 10 calendar days prior to the date set forth therein for the opening of bids. Such notice shall include publication in a newspaper of general circulation a reasonable time prior to bid opening and shall be posted in a conspicuous place on the City's internet website, in a place designated for this purpose. This public notice shall minimally state the place, date and time of the bid opening.

(d) Bids shall be opened publicly at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the Purchasing Agent deems appropriate, together with the name of each bidder shall be publicly read for the benefit of any bidders and each bid shall be open to public inspection.

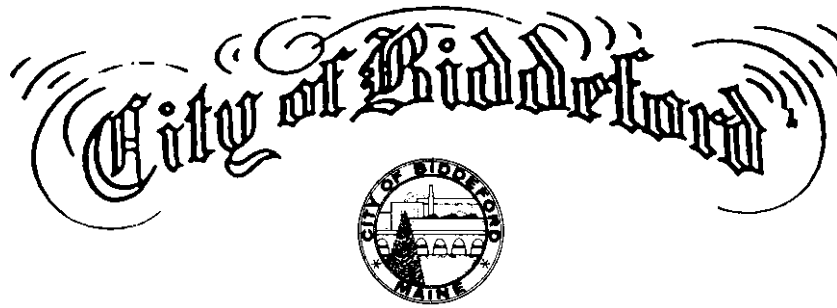
(e) Bids shall be unconditionally accepted without alteration or correction, except as authorized in this article. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in a bid evaluation that are not set forth in the invitation for bids.

(f) Correction or withdrawal of inadvertently erroneous bids before or after bid opening or cancellation of awards or contracts based on such bid mistakes may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written or telegraphic notice received in the office designated in the



invitation for bids prior to the time set for the bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:

- (1) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - (2) The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Purchasing Agent.
- (g) The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. In the event the low responsive and responsible bid for a construction project exceeds available fund as certified by the Finance Director and such bid does not exceed such funds by more than 10%, the Purchasing Agent is authorized to negotiate an adjustment of the bid price with the low responsive and responsible bidder in order to bring the bid within the amount of available funds. Any such negotiated adjustment shall be based only upon eliminating independent deductive items specified in the invitation for bids. When finalized by the Purchasing Agent, bid results greater than \$5,000 and less than \$50,000 and covered by the budgeted amount can be approved by the City Administrator Manager and awarding of the contract to the successful bidder. These results will be reported to the City Council and/or the Finance Committee on a monthly basis. Bid results less than \$50,000 and over the budgeted amount or not the lowest bid will be submitted to the Finance Committee of the City Council for acceptance and awarding of the contract to the successful bidder. Contracts that exceed \$30,000 \$50,000 shall be approved by the City Council prior to signing and executing said contract. Contracts based on units of measure and unit pricing where the total number of units is not specified shall be calculated using a best estimate methodology or prior history to determine the estimated contract value. Approval of such contracts shall be managed under the approval criteria listed above based on the total estimated value.



(h) When it is considered impractical to prepare initially a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

NOTE: The Finance Committee reviewed this item at their March 19, 2019 meeting and voted unanimously to recommend passage by the City Council.

April 2, 2019

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

Vote: Unanimous.

April 16, 2019

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

Motion by Councilor Lessard, seconded by Councilor Quattrone to amend the ordinance, section (g), by changing “successful bidder” to **lowest bidder**.

Vote: 3/5; Councilors Lessard, Quattrone and Belanger in favor.

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

Motion to amend fails.

Motion by Councilor Belanger, seconded by Councilor Clearwater to amend the ordinance, section (g) by changing City Administrator to **City Manager**.

Vote: Unanimous.

Vote on ordinance, as amended: Unanimous.

Attest by: _____
Carmen J. Morris, City Clerk