

City of Biddeford
City Council
July 07, 2020 6:00 PM Council Chambers

- 1. Roll Call**
- 2. Adjustment(s) to Agenda**
- 3. Consideration of Minutes:**
 - 3.a. June 16, 2020 Council Meeting Minutes
[6-16-2020 Council Meeting Minutes.docx](#)
 - 3.b. June 23, 2020 Special Council Meeting Minutes
[6-23-2020 Special Council Meeting Minutes.docx](#)
 - 3.c. June 25, 2020 Special Council Meeting Minutes
[6-25-2020 Special Council Meeting Minutes.docx](#)
- 4. Second Reading:**
 - 4.a. CDBG Fund
[9 CDBG Fund FY21 - REVISED.docx](#)
[CDBG Budget backup doc.pdf](#)
 - 4.b. 2020.46) Amendment/Land Development Regulations/Art. XIII-Amendments, Sec. 3-Contract and Conditional Zoning/Add Contract Zone #19 Maine Governmental Facilities Authority
[6-16-2020 York Cnty Courthouse-Contract Zone-ORDER.docx](#)
[6-16-2020 York Cnty Courthouse-Followup Briefing for 2nd Reading.pdf](#)
[6-16-2020 York Cnty Courthouse-Contract Zone-PB Recommendation.pdf](#)
[6-16-2020 York Cnty Courthouse-Notice of Decision.pdf](#)
[6-16-2020 York Cnty Courthouse-Contract Zone-Briefing.pdf](#)
[6-16-2020 York Cnty Courthouse-Contract Zone Agreement.docx](#)
 - 4.c. 2020.51) Amendment/Ch. 58-Solid Waste/Sec. 58-1-Definitions; and Sec. 58-35-Portable Receptacles/Add Alternative Designated Solid Waste Container
[6-16-2020 Solid Waste-Overflow Portable Receptacles-ORDER.doc](#)
[6-16-2020 Trash Tote Replacement-Briefing.docx](#)
[6-16-2020 Solid Waste Ordinance-Solid Waste Definitions.docx](#)
[6-16-2020 Solid Waste Ordinance-Trash Receptacles.docx](#)
- 5. Orders of the Day:**
 - 5.a. 2020.54) Directive/Use of Community TV Fund Balance/Council Approval Required
[7-07-2020 Use of Community TV Funds.doc](#)
- 6. Appointments:**
 - 6.a. Don Furman...Zoning Board of Appeals
[7-07-2020 Appt-Furman-ZBA.docx](#)
[7-07-2020 Comm App-Furman-ZBA.pdf](#)
- 7. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
- 8. City Manager Report**
- 9. Other Business**
- 10. Council President Addressing the Council**

- 11. Mayor Addressing the Council**
- 12. Adjourn**

**COUNCIL MEETING
JUNE 16, 2020**

*NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM),
and was live streamed on the City's website*

Mayor Casavant called the meeting to order at 6:00 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

There were no adjustments to the agenda.

Consideration of Minutes: **June 2, 2020**

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

Vote: Unanimous.

Nomination: MMA Legislative Policy Committee

Motion by Councilor McCurry, seconded by Councilor Ready to nominate Councilor Amy Clearwater to serve on the MMA Legislative Policy Committee.

Vote: Unanimous.

Second Reading:

{For a copy of the ordinance amendment and first reading, see the Council Meeting minutes of June 2, 2020}

2020.41) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-101-Right Turn Only Streets/Add Lincoln Street at Elm Street

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

Vote: Unanimous.

Orders of the Day:

2020.46 **IN BOARD OF CITY COUNCIL..JUNE 16, 2020**

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

Part III (Land Development Regulations) Article XIII (Amendments), § 3 (Contract and Conditional Zoning) is amended as follows:

Contract Zone #19 Maine Governmental Facilities Authority (Tax Maps 88 & 3, Lots 5 & 66-1).

BE IT FURTHER ORDAINED by the City Council of Biddeford, Maine that Contract Zone #19, as recommended by the Planning Board on May 20, 2020, be adopted, and that said Contract Zone be considered an amendment to the Zoning Ordinance and the Official Zoning Map of the City of Biddeford,

BE IT ORDERED that the City Manager be authorized to sign and execute an Agreement between the City of Biddeford and the Maine Governmental Facilities Authority to establish said Contract Zone #19.

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

Motion by Councilor Belanger, seconded by Councilor Clearwater to table this ordinance amendment until the next Council Meeting in order to get information on what a 3rd party review would encompass.

Councilor Lessard called a point of order, stating that he had not had an opportunity to speak on this ordinance yet.

Councilors Belanger and Clearwater withdrew their tabling motion.

Motion by Councilor Belanger, seconded by Councilor Clearwater to table this ordinance amendment until the next Council Meeting in order to get information on what a 3rd party review would encompass.

Vote: 4/5; Councilors Belanger, Clearwater, Ortiz and Quattrone in favor.

Councilors Emhiser, McCurry, St. Cyr, Ready and Lessard opposed.

Motion to table fails.

Vote on ordinance amendment: 5/4; Councilors Lessard, Ready, Emhiser, St. Cyr and McCurry in favor.

Councilors Belanger, Clearwater, Ortiz and Quattrone opposed.

First reading carries.

2020.47 IN BOARD OF CITY COUNCIL..JUNE 16, 2020

BE IT ORDERED, that the Municipal Officers of the City of Biddeford do hereby abate the property tax amounts on property located at 36 Hill Street, recommended as follows:

- FY18 - \$1,515.86
- FY19 - \$1,539.99

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

Vote: Unanimous.

2020.48 IN BOARD OF CITY COUNCIL..JUNE 16, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into a contract with Capital Assets in the amount of \$26,000 for administration of the IDIS (Integrated Disbursement and Information System) portion of the CDBG Job Retention Program.

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

Vote: Unanimous.

2020.49 IN BOARD OF CITY COUNCIL..JUNE 16, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby forward a zoning request for South Street Village to the Planning Board, providing review, a public hearing and recommendations back to the City Council.

NOTE: Consideration for waiving the 30-day period is requested.

Motion by Councilor Lessard, seconded by Councilor Belanger to grant the order.

Vote: 8/1; Councilor McCurry opposed.

Councilors Emhiser, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Ortiz and Lessard in favor. Motion carries.

2020.50 IN BOARD OF CITY COUNCIL..JUNE 16, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby establish a revised fee structure for the Pay as You Throw (PAYT) Overflow (orange) Bags as follows:

- Small bags: from \$1.50 to \$1.75
- Large bags: from \$2.00 to \$2.25

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

Vote: 8/1; Councilor McCurry opposed.

Councilors Emhiser, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Ortiz and Lessard in favor. Motion carries.

2020.51 IN BOARD OF CITY COUNCIL..JUNE 16, 2020

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 58, Solid Waste, Article I. In General, Section 58-1 Definitions and Article II. Collection, Sec. 58-35 Portable receptacle**, be amended by adding or deleting to read as follows:

ARTICLE I. IN GENERAL

Sec. 58-1. Definitions.

ALTERNATIVE DESIGNATED SOLID WASTE CONTAINER

A 65 gallon solid waste container available through the Alternate Voluntary Solid Waste Service established under Sec. 58-35(a)(1)a(ii).

ARTICLE II. COLLECTION

Sec. 58-35. Portable receptacles.

- (a) The Public Works Department shall issue two designated collection containers, color-coded, to each residential dwelling unit receiving municipal waste collection and curbside recycling collection: one container, approximately 35 gallons, shall be for acceptable municipal solid waste, and one container, approximately 65 gallons, shall be for acceptable recyclable materials; except that grandfathered facilities, except grandfathered condominium facilities, shall not receive designated municipal solid waste containers and shall place acceptable municipal solid waste in designated bags for curbside collection. Designated recycling containers shall be assigned to grandfathered facilities, subject to space limitations, as determined by the Director of Public Works.

[Amended 3-3-2015 by Ord. No. 2015.10]

- (1) Weekly collection of acceptable municipal solid waste shall be limited to the volume of the designated municipal solid waste container such that the waste shall not spill out of the container or prevent the cover from closing.

a. Overflow.

- (i) Overflow shall not be collected unless contained within a designated bag made available to residents on a fee-per-bag basis. The overflow bag may be placed on or adjacent to the designated municipal waste container or in a container separate from the designated municipal solid waste container.
- (ii) If overflow is placed in a separate container, the container shall not be larger than 45 gallons or weigh in excess of 35 pounds.

b. Alternative Voluntary Solid Waste Service.

- (i) As an alternative to purchasing designated bags for overflow, eligible entities, other than grandfathered facilities, may request, and if approved, rent an alternative designated solid waste container to increase solid waste capacity and reduce or eliminate the need for purchasing designated bags for overflow.
- (ii) The alternative designated container shall replace the 35 gallon solid waste container and increase solid waste capacity to 65 gallons.
- (iii) The alternative designated solid waste container shall be available for an initial annual fee of \$122.00. Payment may be made annually or semi-annually with the initial payment payable prior to receipt of the alternate designated solid waste container.

- c. The City Council shall establish the overflow bag price and alternate solid waste container price, which may be adjusted.

- d. The Director of Public Works shall maintain and make available a list of the locations at which residents may purchase overflow bags and alternative solid waste containers. The list and pricing shall be made available upon request, shall be posted to the City website, and shall be otherwise available as may be directed by the City Council.

- e. Overflow restrictions may be waived during designated emergency collection

schedules as defined in Section 58-7(4).

- (2) Weekly collection of acceptable recyclable materials placed in the designated recycling container shall not spill out of the container or prevent the cover from closing.
- (b) Each designated container shall remain the sole property of the City of Biddeford and may not be moved to any other location.
- (c) Residents may request larger or additional designated recycling containers from the Director of Public Works for good cause as determined by the Director of Public Works. Requests of any other nature shall be evaluated through the variance process.

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

Vote: 8/1; Councilor Ready opposed.

Councilors Emhiser, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ortiz and Lessard in favor. First reading carries.

Standing COVID-19 Operational Updates/Modifications:

City Manager, James Bennett had the following updates:

- The City's playgrounds have reopened with written advisories in place
- Many of the City's restaurants have applied for and are taking advantage of the outside seating for patrons.
- The public hours for City Hall will be 8:00 am to 4:00 pm starting on Monday, June 22nd.
- Since the reopening of City Hall, revenue collection has been steady and Jim feels that the City may hit the financial forecast for FY20.

Councilor Quattrone offered the suggestion that a section of Main Street be blocked off during the weekends in order for downtown businesses to accommodate more patrons. Generally, the Council agreed with this idea and supported Staff coming up with a proposal to bring to the Council for consideration.

Councilor McCurry would like the City to look into ways to start holding public meetings back in City Hall.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
One citizen addressed her concerns to the Council.

Other Business:

Councilor Clearwater: offered a quick response to the citizen who spoke during the Public Addressing the Council portion of the meeting. Councilor Clearwater appreciates the constituent reaching out and echoed the comments that were made in regards to our Police Department being progressive and working in creative ways to support the community.

Councilor Clearwater reminded folks that they are voting on the School Budget at the upcoming July 14, 2020 Election; and she urged folks to request absentee ballots rather than go the polls.

Council President Addressing the Council: Councilor McCurry shared that the LaKermesse organization had reached out and offered to look into putting on a couple of small-scale community events this summer, if the Council will consider re-allocating the \$15,000 that had been cut from the Municipal Services Budget.

He announced that the City Government Budget Public Hearing is coming up this Thursday, June 18, 2020 at 6:00 p.m. via ZOOM. He urged folks to join and voice their concerns.

He addressed a letter that the City recently received from DEP regarding the Wastewater Treatment Plant, and what they think are some deficiencies with the plant. Councilor McCurry thinks the report is flawed and he is disappointed with much of what was included in the report. He would like to see the City take a stand and defend itself on this issue.

Mayor Addressing the Council: he has been contacted by My Place Teen Center who has expressed continued interest in locating here in Biddeford. They are currently looking at funding sources. He noted that this type of Center could offer preventative services to our youth.

He recently had a conversation with Tim Harrington, developer of the Lincoln Mill, and he is happy to report that the renovation project is well underway and moving along faster than expected.

With the most recent Governor’s Order to allow restaurants to offer inside, as well as outside, dining, he encourage folks to eat and shop locally and to support our businesses who have taken a hit during these unprecedented times.

Motion by Councilor McCurry, seconded by Councilor Belanger to adjourn.
Vote: Unanimous. Time: 8:07 p.m.

Attest by: _____
Carmen J. Morris, City Clerk

**SPECIAL COUNCIL MEETING
2nd READING OF CITY GOVERNMENT BUDGET
JUNE 23, 2020**

*NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM),
and was live streamed on the City's website*

Mayor Casavant called the meeting to order at 6:00 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

Adjustment to the Agenda:

- Add Workshop immediately following this meeting

Consideration of Minutes: **June 18, 2020**

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

Vote: Unanimous.

Second Readings:

{For a copy of the budget orders and first readings, see the Special Council Meeting minutes of June 18, 2020}

SECOND READING OF CITY GOVERNMENT BUDGET – 2020/2021

- **General Government**
- **Public Safety**
- **Public Works**
- **Public Services**
- **Debt Service**
- **Capital Outlays**
- **Contingency**
- **Total City Budget**

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

Motion by Councilor Clearwater, seconded by Councilor St. Cyr to amend the budget by removing \$50,000 from Contingency and putting it back in the General Government line.

Vote: 8/1; Councilor Lessard opposed.

Councilors Emhiser, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Ortiz in favor. Amendment carries.

Vote on order, as amended: 6/3; Councilors McCurry, St. Cyr and Quattrone opposed.

Councilors Emhiser, Clearwater, Belanger, Ready, Ortiz and Lessard in favor.

Motion carries.

ESTIMATED REVENUES/FUND BALANCE APPROPRIATION

- **Other Non-Property Tax Revenue**
- **State Revenue Sharing**
- **Homestead**
- BETE**
- **Appropriations from Operational Surplus, City**

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

Vote: 8/1; Councilor Lessard opposed.

Councilors Emhiser, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Ortiz in favor.

Motion carries.

AIRPORT OPERATIONS FUND

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

Vote: 6/3; Councilors St. Cyr, Quattrone and Lessard opposed.
Councilors Emhiser, McCurry, Clearwater, Belanger, Ready and Ortiz in favor. Motion carries.

MOORING FUND

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

Vote: 6/3; Councilors St. Cyr, Quattrone and Lessard opposed.
Councilors Emhiser, McCurry, Clearwater, Belanger, Ready and Ortiz in favor. Motion carries.

POOL BEACH PERMITS FUND

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

Vote: 6/3; Councilors St. Cyr, Quattrone and Lessard opposed.
Councilors Emhiser, McCurry, Clearwater, Belanger, Ready and Ortiz in favor. Motion carries.

RECREATION PROGRAMS FUND

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

Vote: Unanimous.

PARKING FUND

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

Vote: 8/1; Councilor Ready opposed.
Councilors Emhiser, McCurry, St. Cyr, Quattrone, Clearwater, Belanger, Ortiz and Lessard in favor. Motion carries.

AMBULANCE FUND

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

Vote: 7/2; Councilors St. Cyr and Quattrone opposed.
Councilors Emhiser, McCurry, Clearwater, Belanger, Ready, Ortiz and Lessard in favor.
Motion carries.

SEWER OPERATIONS FUND

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

Vote: 6/3; Councilors McCurry, Quattrone and Lessard opposed.
Councilors Emhiser, St. Cyr, Clearwater, Belanger, Ready and Ortiz in favor. Motion carries.

MDEA FUND

Motion by Councilor McCurry, seconded by Councilor Quattrone to grant the second reading of the order.

Vote: 8/1; Councilor Clearwater opposed.
Councilors Emhiser, McCurry, St. Cyr, Quattrone, Belanger, Ready, Ortiz and Lessard in favor.
Motion carries.

PEOPLE RECOVER PROGRAM FUND

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

Vote: Unanimous.

Orders of the Day:

REVISED ORDER

2020 IN BOARD OF CITY COUNCIL...JUNE 23, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of \$472,281 for the **CDBG FUND** for the fiscal year commencing on July 1, 2020 and ending June 30, 2021, and

BE IT FURTHER ORDERED, that the sum of \$469,231 in estimated revenues to the CDBG Fund be hereby adopted in support of the **CDBG Fund** appropriation and other approved CDBG projects.

Note: FY2020 Carryover to cover shortfall

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

Vote: Unanimous.

2020

IN BOARD OF CITY COUNCIL...JUNE 18, 2020

BE IT ORDERED, in accordance with 36 M.R.S.A Section 506, the Tax Collector/Treasurer is authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of ~~5.00%~~ **4.00%**.

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

Motion by Councilor Lessard, seconded by Councilor McCurry to amend the order to change 5.00% to 4.00%.

Vote: Unanimous.

Vote on order, as amended: Unanimous.

2020

IN BOARD OF CITY COUNCIL..JUNE 18, 2020

BE IT ORDERED, that the City Assessor be authorized to commit property taxes for the fiscal year commencing July 1, 2020 and ending June 30, 2021 in the total sum of \$48,150,602 with \$1,323,152 raised for County Taxes, \$23,245,570 raised for School/Educational use, \$25,499,459 raised for Municipal use, and \$1,564,442 raised for TIF funding use, less estimated State Revenue Sharing and direct State aid for tax relief of \$3,482,021, and

BE IT FURTHER ORDERED, that said Property Tax Commitment shall be payable in two equal installments on October 9, 2020 and April 8, 2021 with any odd amount to be due on the first installment, and that interest shall be collected at the rate of 8.00% per annum on any taxes remaining unpaid after each respective installment date.

BE IT FURTHER ORDERED, that the Tax Collector by authorized to accept voluntary prepayments on property taxes and to pay interest on these voluntary prepayments at the rate of 0% per annum.

BE IT FURTHER ORDERED, that said Property Tax Commitment be recommended to be at the rate of \$20.05 per \$1,000 of Property Valuation, based on a positive vote of the School Budget Validation Referendum at the July 14, 2020 Election

Note: Overlay to be added after commitment by Assessor

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

Motion by Councilor Lessard, seconded by Councilor McCurry to amend the order by adding to the last sentence, "based on a positive vote of the School Budget Validation Referendum at the July 14, 2020 Election."

Vote: 7/2; Councilors Ready and Quattrone opposed.

Councilors Emhiser, McCurry, St. Cyr, Clearwater, Belanger, Ortiz and Lessard in favor.

Amendment carries.

Vote on order, as amended: 5/4; Councilors St. Cyr, McCurry, Quattrone and Lessard opposed. Councilors Emhiser, Clearwater, Belanger, Ready and Ortiz in favor.

Motion carries.

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

Vote: Unanimous.

Time: 6:30 p.m.

Attest by: _____
Carmen J. Morris, City Clerk

**SPECIAL COUNCIL MEETING
JUNE 25, 2020**

*NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM),
and was live streamed on the City's website*

Mayor Casavant called the meeting to order at 5:49 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

Adjustment to the Agenda:

- Add Orders of the Day: 2020.52 and 2020.53

Orders of the Day:

2020.52

IN BOARD OF CITY COUNCIL...JUNE 25, 2020

BE IT ORDERED, that the Emergency Ordinance: *Permission to Utilize Public Space for Outdoor Restaurant and Retail Activity in the City of Biddeford*, approved on June 2, 2020 be amended by stipulating that at least three Councilors have to object to a proposed *Curbside Biddeford Temporary Outdoor Restaurant and Retail Operation Permit Application* in order to prompt a review by the Policy Committee.

Motion by Councilor McCurry, seconded by Councilor Belanger to grant the order.

Vote: 6/3; Councilors McCurry, St. Cyr and Lessard opposed.

Councilors Emhiser, Quattrone, Clearwater, Belanger, Ready and Ortiz in favor.

Motion carries.

2020.53

IN BOARD OF CITY COUNCIL...JUNE 25, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve, in part, the proposal submitted by Magnus on Water to utilize public space for outdoor restaurant activity. Specifically, the proposed use of an Airstream will be allowed to be located on the slip lane from Water Street to Main Street, or in the vicinity thereof; as well as the use of a cordoned off area of Mechanics Park near the Airstream for use by Magnus on Water patrons.

NOTE: The Policy Committee has recommended that City Staff work with Magnus on Water to come up with a viable and safe setup.

Motion by Councilor Belanger, seconded by Councilor Quattrone to grant the order.

Vote: 6/3; Councilors McCurry, Clearwater and Lessard opposed.

Councilors Emhiser, St. Cyr, Quattrone, Belanger, Ready and Ortiz in favor.

Motion carries.

Executive Session:

- **1 MRSA 405(6)(D)...Labor Contract – Fact Finding**
- **1 MRSA 405(6)(A)...Personnel Matter**

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

Vote: Unanimous.

Time: 6:32 p.m.

At this point, the Council closed out of the ZOOM meeting and all gathered at City Hall for the Executive Session. No action was taken.

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

Vote: Unanimous.

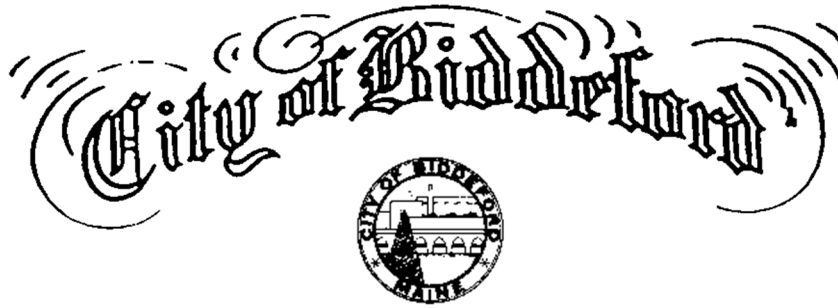
Time: 7:28 p.m.

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

Vote: Unanimous.

Time: 7:28 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



REVISED ORDER

2020

IN BOARD OF CITY COUNCIL...JUNE 23, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$472,281** for the CDBG FUND for the fiscal year commencing on July 1, 2020 and ending June 30, 2021, and

BE IT FURTHER ORDERED, that the sum of **\$469,231** in estimated revenues to the CDBG Fund be hereby adopted in support of the CDBG Fund appropriation and other approved CDBG projects.

Note: FY2020 Carryover to cover shortfall

June 23, 2020

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

Vote: Unanimous.

City of Biddeford, Maine

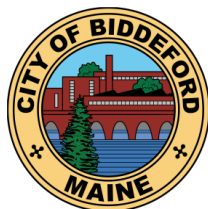
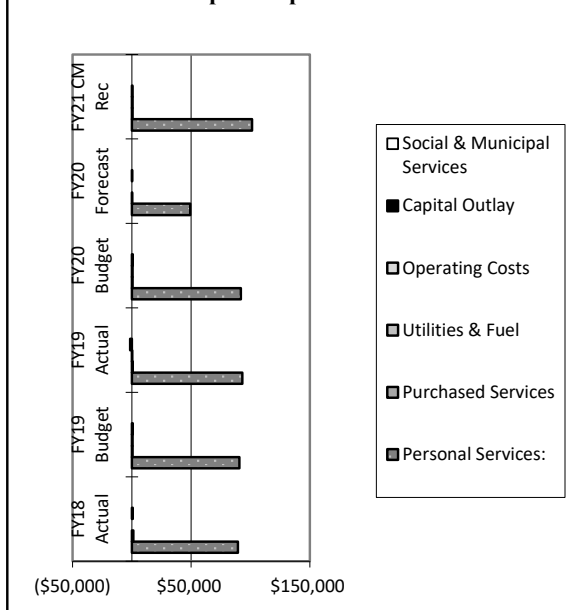
Fiscal Year 2021

Budget: CDBG Grant Administration

Account Number: 31117

	FY18 Actual	FY19 Budget	FY19 Actual	FY20 Budget	FY20 YTD	FY21		City Council Approved
						Dept Head	Manager's Rec	
Personnel Services:	\$89,399	\$90,698	\$93,067	\$91,810	\$49,218	\$101,192	\$101,192	\$95,346
Purchased Services	\$1,181	\$600	\$768	\$600	\$4	\$550	\$550	\$70,934
Utilities & Fuel	\$0	\$492	\$40	\$492	\$0	\$450	\$450	\$450
Operating Costs	\$829	\$650	-\$1,420	\$650	\$371	\$550	\$550	\$305,551
Capital Outlay	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Social & Municipal Services	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTALS:	\$91,409	\$92,440	\$92,454	\$93,552	\$49,593	\$102,742	\$102,742	\$472,281

Graphic Representation

**FRINGE BENEFIT IMPACT (Estimated):**

FICA	\$6,371
Workers Comp	\$236
Health Insurance	\$9,020
Retirement	\$4,714
Unemployment	\$98
Other Insurance	\$1,025
Total Fringe Benefit Impact	\$21,463
# of Full Time Employees	1.20

	FY20 Budget	FY21 Manager's Rec	Dollar Change	Percentage Change
Personal Services:	\$91,810	\$101,192	\$9,382	10.2%
Purchased Services	\$600	\$550	-\$50	\$0
Utilities & Fuel	\$492	\$450	-\$42	\$0
Operating Costs	\$650	\$550	-\$100	-15.4%
Capital Outlay	\$0	\$0	\$0	N/A
Social & Municipal Services	\$0	\$0	\$0	N/A
TOTALS:	\$93,552	\$102,742	\$9,190	9.8%

Personnel Services

Account Number	Description	FY18 Actual	FY19 Budget	FY19 Actual	FY20 Budget	FY20 YTD 01/31/20	FY21		Council
							Dept Head	Mgr's Rec	
60102	Mid Mgmt Hrly Employee Wa	\$68,269	\$68,528	\$71,850	\$69,299	\$39,791	\$69,701	\$69,701	\$93,846
60105	Mid Mgmt Hrly Employee Wa	\$0	\$0	\$1,215	\$8,640	\$0	\$8,861	\$8,861	\$0

60201 FICA/Medicare-ER Share Exp	\$5,832	\$5,557	\$5,124	\$6,310	\$3,022	\$6,371	\$6,371	\$0
60203 457 Plan-Employer Share Exp	\$4,552	\$4,415	\$3,762	\$4,547	\$186	\$4,714	\$4,714	\$0
60210 HPHC Ins Employer Share Ex	\$8,228	\$9,328	\$7,727	\$213	\$4,845	\$9,020	\$9,020	\$0
60212 S-T Disability ER Share Exp	\$3	\$30	\$0	\$36	\$0	\$36	\$36	\$0
60213 L-T Disability ER Share Exp	\$257	\$247	\$250	\$208	\$147	\$209	\$209	\$0
60216 Delta Dental ER Share	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
60217 RHSA Plan ER Share	\$867	\$780	\$750	\$780	\$465	\$780	\$780	\$0
60251 Conferences/Training Expense	\$0	\$1,000	\$550	\$1,000	\$0	\$1,000	\$1,000	\$1,000
60252 Travel/Mileage Expense	\$117	\$150	\$595	\$150	\$25	\$150	\$150	\$150
60253 Food/Lodging Expense	\$9	\$200	\$1,022	\$200	\$10	\$200	\$200	\$200
60256 Dues/Memberships Expense	\$1,135	\$150	\$35	\$150	\$550	\$150	\$150	\$150
60370 Workers Comp Insurance Exp	\$133	\$313	\$189	\$277	\$177	\$0	\$0	\$0

Totals	\$89,399	\$90,698	\$93,067	\$91,810	\$49,218	\$101,192	\$101,192	\$95,346
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Purchased Services

Account Number	Description	FY18 Actual	FY19 Budget	FY19 Actual	FY20 Budget	FY20 YTD 01/31/20	FY21		Council
							Dept Head	Mgr's Rec	
60314	Public Services Contracted	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$70,384
60320	Advertising	\$1,100	\$500	\$731	\$500	\$0	\$500	\$500	\$500
60325	Postage/Shipping Expense	\$81	\$100	\$36	\$100	\$4	\$50	\$50	\$50
Totals		\$1,181	\$600	\$768	\$600	\$4	\$550	\$550	\$70,934

Utilities & Fuel

Account Number	Description	FY18 Actual	FY19 Budget	FY19 Actual	FY20 Budget	FY20 YTD 01/31/20	FY21		Council
							Dept Head	Mgr's Rec	
60402	Phone/Celular/Paging Exp	\$0	\$492	\$40	\$492	\$0	\$450	\$450	\$450
Totals		\$0	\$492	\$40	\$492	\$0	\$450	\$450	\$450

Other Operating Costs

Account Number	Description	FY18 Actual	FY19 Budget	FY19 Actual	FY20 Budget	FY20 YTD 01/31/20	FY21		Council
							Dept Head	Mgr's Rec	
60500	Admin/Office Supp/Eqt Non-Cap	\$308	\$400	\$274	\$400	\$130	\$400	\$400	\$400
60501	Operating Supp/Eqt Non-Cap	\$521	\$100	\$440	\$100	\$241	\$100	\$100	\$100
60502	Printing & Copying Expense	\$0	\$150	\$0	\$150	\$0	\$50	\$50	\$50
60797	Miscellaneous Expense	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
60798	Contingency	\$0	\$0	(\$2,134)	\$0	\$0	\$0	\$0	\$0

60799 Transfer Out to Other Funds	\$0	\$0	\$0	\$0	\$0	\$0	Revised 6/22/2020 \$0	\$305,001
Totals	\$829	\$650	-\$1,420	\$650	\$371	\$550	\$550	\$305,551

**Department Personnel Budget
Fiscal Year 2021**

Revised 6/22/2020

DEPARTMENT: 31117 CDBG Grant Administration

Classification	EMP #	FTE	Annual Total	Requested	City Manager Recommended	Council Approved	Last Name
CDBG GRANT COORDINATOR	10011	1.00	69,434.04	69,701.09	69,701.09		HOLMES
ADMINISTRATIVE ASST.	322791	0.20	8,827.52	8,861.47	8,861.47		HALL
REORGANIZATION PLACEHOLDER						93,846.00	
TOTAL BUDGETED POSITIONS		1.20	78,261.56	78,562.57	78,562.57	93,846.00	



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Mid Mgmt Hrlr Employee Wage Ex

Department Number:

31117

Account Number:

60102

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$68,268.56	\$68,528.00	\$71,849.52	\$69,299.00	\$69,701.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$69,701.09	\$69,701.09	93,846.00	\$24,547.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

~~Notes: Up to 20% of the CDBG funds can be used for administration and planning. We intend to transition Shannon to take on some of the administrative chores presently performed by Lyn Waters. This will free Lyn to perform additional work in the neighborhoods, while managing the program more efficiently. There are adequate funds in the administrative account to cover Shannon's costs. this will also allow us to have greater checks and balances in the drawdown process.~~

June 22 Update

Notes: Up to 20% of the CDBG funds can be used for administration and planning.

Due to retirement, staff chnages, and program priorities funds will be distributed to the appropriate Object code once the reorganization is complete.



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Mid Mgmt Hrly Employee Wage Ex

Department Number:

31117

Account Number:

60105

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$0.00	\$0.00	\$1,214.51	\$8,640.00	\$0.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$8,861.47	\$8,861.47		(\$8,640.00)

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

Notes: Up to 20% of the CDBG funds can be used for administration and planning.

Funds will be distributed to the appropriate Object code once the reorganization is complete



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: FICA/Medicare-ER Share Exp

Department Number: 31117

Account Number: 60201

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$5,831.72	\$5,557.00	\$5,123.72	\$6,310.00	\$6,360.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$6,370.64	\$6,370.64		(\$6,310.00)

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Notes: Up to 20% of the CDBG funds can be used for administration and planning.

Funds will be distributed to the appropriate Object code once the reorganization is complete



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: 457 Plan-Employer Share Exp

Department Number: 31117

Account Number: 60203

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$4,551.57	\$4,415.00	\$3,762.43	\$4,547.00	\$400.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$4,713.75	\$4,713.75		(\$4,547.00)

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

Notes: Up to 20% of the CDBG funds can be used for administration and planning.
Funds will be distributed to the appropriate Object code once the reorganization is complete



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: HPHC Ins Employer Share Exp

Department Number: 31117

Account Number: 60210

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$8,228.45	\$9,328.00	\$7,727.13	\$213.00	\$9,000.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$9,020.00	\$9,020.00		(\$213.00)

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Notes: Up to 20% of the CDBG funds can be used for administration and planning.

Funds will be distributed to the appropriate Object code once the reorganization is complete



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: S-T Disability ER Share Exp

Department Number: 31117

Account Number: 60212

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$2.76	\$30.00	\$0.00	\$36.00	\$36.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$36.00	\$36.00		(\$36.00)

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Notes: Up to 20% of the CDBG funds can be used for administration and planning.

Funds will be distributed to the appropriate Object code once the reorganization is complete



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: L-T Disability ER Share Exp

Department Number: 31117

Account Number: 60213

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$256.61	\$247.00	\$249.85	\$208.00	\$209.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$209.12	\$209.12		(\$208.00)

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Notes: Up to 20% of the CDBG funds can be used for administration and planning.

Funds will be distributed to the appropriate Object code once the reorganization is complete



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: RHSA Plan ER Share

Department Number: 31117

Account Number: 60217

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$867.00	\$780.00	\$750.00	\$780.00	\$780.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$780.00	\$780.00		(\$780.00)

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Notes: Up to 20% of the CDBG funds can be used for administration and planning.

Funds will be distributed to the appropriate Object code once the reorganization is complete



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Conferences/Training Expense

Department Number: 31117

Account Number: 60251

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$0.00	\$1,000.00	\$549.50	\$1,000.00	\$500.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$1,000.00	\$1,000.00	\$1,000.00	\$0.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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CDBG training, both regional and national as required for the position.



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Travel/Mileage Expense

Department Number: 31117

Account Number: 60252

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$116.75	\$150.00	\$594.73	\$150.00	\$150.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$150.00	\$150.00	\$150.00	\$0.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Local travel mileage.



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Food/Lodging Expense

Department Number: 31117

Account Number: 60253

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$8.51	\$200.00	\$1,021.69	\$200.00	\$0.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$200.00	\$200.00	\$200.00	\$0.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Additional charges for regional training, when needed.



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Dues/Memberships Expense

Department Number: 31117

Account Number: 60256

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$1,135.00	\$150.00	\$35.00	\$150.00	\$150.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$150.00	\$150.00	\$150.00	\$0.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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National Council for Community Development



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Public Services Contracted

Department Number: 31117

Account Number: 60314

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$0.00	\$0.00	\$0.00	\$0.00	

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
		\$0.00	\$ 70,384.00	\$70,384.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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SMAA - Meals on Wheels	1	\$	17,000.00	\$	17,000.00
Seeds of Hope - Career Center	1	\$	21,600.00	\$	21,600.00
The HUB - APEX	1	\$	31,784.00	\$	31,784.00
				\$	70,384.00



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Advertising

Department Number: 31117

Account Number: 60320

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$1,099.98	\$500.00	\$731.36	\$500.00	\$600.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$500.00	\$500.00	\$500.00	\$0.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Budgeted account need to continue newspaper advertising, as required by HUD; note haven't begun spending this year's CDBG funds.



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Postage/Shipping Expense

Department Number: 31117

Account Number: 60325

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$81.17	\$100.00	\$36.20	\$100.00	\$50.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$50.00	\$50.00	\$50.00	(\$50.00)

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Workers Comp Insurance Exp

Department Number: 31117

Account Number: 60370

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$132.50	\$313.00	\$188.50	\$277.00	

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
		\$0.00	\$0.00	(\$277.00)

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Notes: Up to 20% of the CDBG funds can be used for administration and planning.

Funds will be distributed to the appropriate Object code once the reorganization is complete



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Phone/Celular/Paging Exp

Department Number: 31117

Account Number: 60402

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$0.00	\$492.00	\$40.01	\$492.00	\$450.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$450.00	\$450.00	\$450.00	(\$42.00)

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Admin/Office Supp/Eqt Non-Cap

Department Number: 31117

Account Number: 60500

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$307.77	\$400.00	\$274.08	\$400.00	\$350.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$400.00	\$400.00	\$400.00	\$0.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

Supplies to support CDBG program.



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Operating Supp/Eqt Non-Cap

Department Number: 31117

Account Number: 60501

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$520.78	\$100.00	\$440.11	\$100.00	\$160.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$100.00	\$100.00	\$100.00	\$0.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Printing & Copying Expense

Department Number: 31117

Account Number: 60502

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$0.00	\$150.00	\$0.00	\$150.00	\$50.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$50.00	\$50.00	\$50.00	(\$100.00)

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Delta Dental ER Share

Department Number: 31117

Account Number: 60216

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$0.00	\$0.00	\$0.00	\$0.00	

FY2020 YTD
\$0.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$0.00	\$0.00	\$0.00	\$0.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Miscellaneous Expense

Department Number: 31117

Account Number: 60797

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

FY2020 YTD
\$0.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
	\$0.00	\$0.00	\$0.00	\$0.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.



Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Contingency

Department Number: 31117

Account Number: 60798

FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$0.00	\$0.00	-\$2,134.13	\$0.00	

FY2020 YTD
\$0.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
		\$0.00	\$0.00	\$0.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

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Fiscal Year 2021 Budget Request

June 22, 2020

Department: CDBG Grant Administration

Account Title: Transfer Out to Other Funds

Department Number: 31117

Account Number: 60799

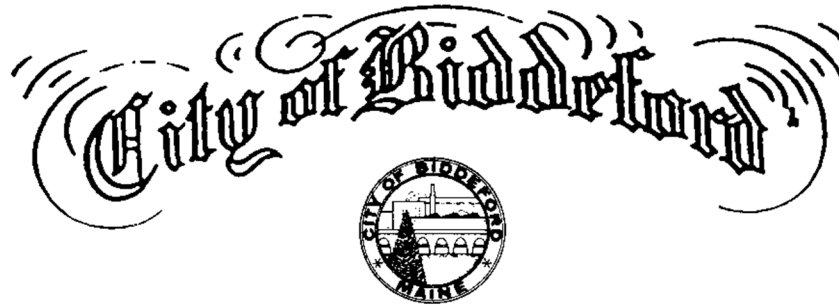
FY2018 Actual	FY2019 Budget	FY2019 Actual	FY2020 Budget	FY2020 Est. Expended
\$0.00	\$0.00	\$0.00	\$0.00	

FY2020 YTD
\$0.00

FY2021 Budget	Department Request	City Mgr Recommendation	Council Action	Increase (Decrease)
		\$0.00	\$ 305,001.00	\$305,001.00

Support for Budget Request: Provide justification for the budget request using as much detail as possible to support it. Examples of acceptable support include unit costs, quantity estimates, price quotes, etc. Requests based solely on a percentage increase above the previous budget will not be accepted. Use additional sheets if necessary.

Sidewalks/ADA	1	\$ 256,000.00	\$ 256,000.00
Multifamily Housing Rehabilitation	1	\$ 49,001.00	\$ 49,001.00
			\$ 305,001.00



2020.46

IN BOARD OF CITY COUNCIL...JUNE 16, 2020

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

Part III (Land Development Regulations) Article XIII (Amendments), § 3 (Contract and Conditional Zoning) is amended as follows:

Contract Zone #19 Maine Governmental Facilities Authority (Tax Maps 88 & 3, Lots 5 & 66-1).

BE IT FURTHER ORDAINED by the City Council of Biddeford, Maine that Contract Zone #19, as recommended by the Planning Board on May 20, 2020, be adopted, and that said Contract Zone be considered an amendment to the Zoning Ordinance and the Official Zoning Map of the City of Biddeford,

BE IT ORDERED that the City Manager be authorized to sign and execute an Agreement between the City of Biddeford and the Maine Governmental Facilities Authority to establish said Contract Zone #19.

June 16, 2020

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

Motion by Councilor Belanger, seconded by Councilor Clearwater to table this ordinance amendment until the next Council Meeting in order to get information on what a 3rd party review would encompass.

Councilor Lessard called a point of order, stating that he had not had an opportunity to speak on this ordinance yet.

Councilors Belanger and Clearwater withdrew their tabling motion.

Motion by Councilor Belanger, seconded by Councilor Clearwater to table this ordinance amendment until the next Council Meeting in order to get information on what a 3rd party review would encompass.

Vote: 4/5; Councilors Belanger, Clearwater, Ortiz and Quattrone in favor.

Councilors Emhiser, McCurry, St. Cyr, Ready and Lessard opposed.

Motion to table fails.

Vote on ordinance amendment: 5/4; Councilors Lessard, Ready, Emhiser, St. Cyr and McCurry in favor. Councilors Belanger, Clearwater, Ortiz and Quattrone opposed.

First reading carries.



Biddeford City Council

Meeting Date: July 7, 2020

Meeting Time: 6:00 PM

Agenda Item No: 2020.46

Item Description: Contract Zone #19 for the Maine Governmental Facilities Agency for the York Judicial Center at 511-515 Elm Street and 384 Hill Street.

Submitted by: Greg Tansley, A.I.C.P., City Planner
Mathew Eddy, Director of Planning and Development

Supporting Information/Documentation:

- [Part III \(Land Development Regulations\), Article V, Section 9. Contract and conditional zoning.](#)

Key Terms:

Contract Zoning: “Contract zoning” is where a property owner or person/entity with interest in property accepts certain conditions or restrictions not imposed on other similarly zoned properties in return for the rezoning of the property as a “Contract Zone”. Contract zones are typically best-suited for unique or unusual projects that are generally consistent with existing or allowed uses in the existing zones. In the case of proposed Contract Zone #19, the reason for the Contract Zone is the proposed building height of not to exceed 68.5’, rather than 35’ in the existing zone.

Executive Summary:

On June 16, 2020, the City Council approved the 1st Reading of a Contract Zone request by the York Judicial Courts to allow the courthouse structure (including utility penthouse) to be up to 68.5’ in height, taller than the 35’ height limit in the underlying zones.

Through the course of that meeting the City Council requested more information from Staff about what would be involved if they were to seek outside assistance in evaluating how the project conforms to the overall character of the neighborhood, as provided for in the Ordinance.

The City Planner spoke with two landscape architects/designers following the City Council Meeting. Both consultants spoken to had no involvement in the project and were presented the Ordinance language and asked what they would do, how long it might take them, and what financial costs could be expected.

Both Consultants responded similarly, stating that it would involve:

- Reviewing all approved materials such as the site plans and building designs;
- Visiting the site and take pictures; and

- Writing up a 2-3 page summary letter for the City Council.

In total, they both estimated it would take 5-7 days and would cost somewhere between \$2,200 and \$3,500.

Detailed Review:

- See above.

Funding Source:

- If the City Council chose to pursue this, the cost for the outside assistance could be borne by the applicant.

Staff Recommendation:

None

Findings of Fact and Recommendations of the City of Biddeford Planning Board

To: Mayor Alan Casavant
Members of the Biddeford City Council

The Planning Board of the City of Biddeford has met and reviewed the Request for Contract Zone submitted by the applicant, Maine Governmental Facilities Authority and Maine Judicial Branch, to construct a 120,975± square foot floor area (34,545± square foot footprint) York County Judicial Center and associated site improvements at 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1 in the B2, R-1-A, and I-2 zones. The purpose of the Contract Zone is to allow a building height of up to 68.5 feet in height in an existing zone that otherwise would have allowed only 35 feet in height. Off-site improvements include improvements to an existing stormwater facility at 516 and 522 Elm Street, Tax Map 14, Lots 14-1, 14-2, and 14-3 owned by the City of Biddeford.

In reviewing the request for Contract Zone #19, the Planning Board has reviewed and approved this project under Part III (Land Development Regulations), Article XI (Site Plan Review) and Article VII (Conditional Uses) and makes the following Findings of Fact regarding the Contract Zone:

1. The proposed contract zone as hereinafter set forth is consistent with the Comprehensive Plan of the City of Biddeford in that the area to be developed is located in a growth area of the City along a mixed-use corridor zoned to allow for public facilities; and
2. The proposed public facility is located in existing B-2 and R-1-A zones where the use is "Permitted" and "Conditional" respectively. As such it is consistent with those uses allowed in the underlying zones; and
3. The proposed zone change shall meet all of the area, front yard, side yard, rear yard and height requirements of the existing zone and proposed contract zone except that the maximum building height would be 68.5 feet in an existing zone that otherwise would have allowed only 35 feet in height; and
4. The proposed zone will not create unreasonable traffic congestion on contiguous or adjacent streets and has received an approved Maine Department of Transportation Traffic Movement Permit Identification # Reg. 01-000269-A-N dated 3/20/2020; and:
5. The proposed zone change and use authorized includes provisions for providing and maintaining adequate:
 - Utility services; and
 - Sewage disposal; and
 - Drainage; and
 - Solid waste disposal; and

- Access; and
 - Parking and loading; and
 - All other necessary site improvements; and
6. The proposed use will conform to the general character of the neighborhood in that the materials to be used, style of buildings, fences, plantings and the like are compatible with the character of the neighborhood; and
 7. Insofar as practicable, the landscaping will be preserved in its natural state; and
 8. There will be sufficient setbacks of structures and screening to provide an adequate visual and sound barrier; and
 9. Off-street parking facilities are sufficiently screened from view of surrounding properties; and
 10. There will be no significant adverse effect resulting from the proposed use and the proposed zone change upon the public health, safety and general welfare of the neighborhood.

The Planning Board of the City of Biddeford specifically finds there is a demonstrated need to promote desirable growth within the growth areas of Biddeford and more flexible and adaptable zoning methods such as Contract Zoning are needed to permit differing land developments where they may not otherwise be permitted. The City recognizes, however, that such land uses and developments may warrant certain limitations or restrictions on the use or development of the property to protect the best interests of the property owner, the surrounding property owners and the neighborhood, all other property owners and citizens of the City, and to secure appropriate development consistent with the City's Comprehensive Plan.

The Planning Board of the City of Biddeford, therefore, recommends that the Request for Zone Change be affirmatively acted upon by the City Council thereby permitting the Maine Governmental Facilities Authority and Maine Judicial Branch to construct a 120,975± square foot floor area (34,545± square foot footprint) York County Judicial Center and associated site improvements at 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1 in the B2, R-1-A, and I-2 zones with a building height of up to 68.5 feet in accordance with the plans and materials reviewed and approved by the Planning Board on May 20, 2020. This rezoning is pursuant to the provisions of Article XVII, Section 3 of the Zoning Ordinance of the City of Biddeford to create a zone which is labelled Contract Zone 19 (CZ-19).

CZ-19 shall provide for the following:

1. The maximum allowable building height for Contract Zone #19 is 68.5 feet as depicted on the approved plans dated May 20, 2020.

In consideration of such Contract Zone the Applicant agrees to:

1. Construct thereon a 120,975± square foot floor area (34,545± square foot footprint) York County Judicial Center and associated on- and off-site improvements in accordance with the aforesaid approved plans.

It shall be a condition of this Contract Zone Change that in the event the Developer, or its Approved Assignee, shall fail to commence significant construction of the improvements within four (4) years of the effective date of the Contract Zone and shall complete construction within seven (7) years of the effective date of the Zone Change. Significant commencement of construction shall mean the installation of all infrastructure improvements and grading within the limits of the Project. In the event Applicant shall not comply with the provisions of this paragraph, the Zone Change granted hereby shall automatically be void and the Property shall revert to the zoning classification that the Property was in of the date of the Contract Zone Agreement.

In the event that the zones have changed, the Property shall revert to the zoning classifications of the abutting properties. In the event the abutting properties shall have more than one zoning classification, the Property shall become part of the more restrictive abutting zone.

City of Biddeford Planning Board

JUNE 8, 2020

By:


William Southwick, Chair

The undersigned Applicant agrees with the City of Biddeford to be bound by the terms, conditions and provisions of this Approval, if the zone change is enacted.

State of Maine, acting by and through the Maine Judicial Branch

JUNE 11, 2020

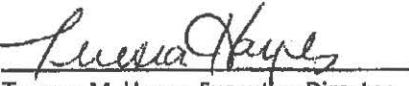
By:

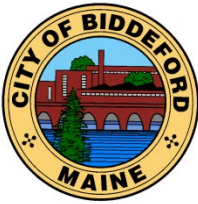

James T. Glessner, State Court
Administrator

Maine Governmental Facilities Authority

june 4, 2020

By:


Teresea M. Hayes, Executive Director



CITY OF BIDDEFORD

Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

NOTICE OF DECISION

June 3, 2020

Doug Reynolds, P.E.
Gorrill-Palmer
707 Sable Oaks Drive, Suite 30
South Portland, ME 04106

RE: 2019.36 Contract Zone and Final Site Plan Review/Conditional Use Permit and for a 120,975± square foot floor area (34,545± footprint) York County Judicial Center and associated site improvements at 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1 in the B2, R-1-A, and I-2 zones. The purpose of the Contract Zone is to allow a building height of up to 68.5 feet in height in an existing zone that otherwise would have allowed only 35 feet in height. Off-site improvements include improvements to an existing stormwater facility at 516 and 522 Elm Street, Tax Map 14, Lots 14-1, 14-2, and 14-3 owned by the City of Biddeford.

Dear Doug,

At their meeting of May 20, 2020 the Biddeford Planning Board reviewed the Contract Zone and Final Subdivision and Conditional Use Permit application for Maine Governmental Facilities Authority 127 Community Drive, P.O. Box 2268, Augusta, ME 04338-2268) for the York Judicial Center at 511-515 Elm Street (Route 1) and 384 Hill Street, Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1 in the B2, R-1-A, and I-2 zones.

Maine Governmental Facilities Authority owns the property and you and representatives of the project team were present for the meeting. Based on the presentation and the materials submitted, the Planning Board authorized the City Planner to sign the final plans on its behalf. The Planning Board further approved the site plan and conditional use permit and approved the findings of fact conditioned on the following:

- 1. Prior to any ground disturbance or issuance of any permits:**
 - a. A stormwater mitigation fee of \$72,350.00 shall be paid to the Planning Department based on the Maine DEP Site Location of Development Act Urban Impaired Stream Compensation Fee Maine DEP Chapter 501 SS 3.A.{1} as follows:**

Area Type	Area (Acres)	Mitigation Cost per Acre	Cost per CFUP
Non-Roof Impervious	4.52	\$ 12,500.00	\$ 56,500.00
Roof	0.8	\$ 5,000.00	\$ 4,000.00
Vegetated	2.19	\$ 2,500.00	\$ 5,475.00
Impervious Permanent Stormwater Pool	0.51	\$ 12,500.00	\$ 6,375.00
TOTAL CFUP Required	-	-	\$ 72,350.00

- b. A pre-construction meeting with the contractor needs to be held with the Engineering Office to discuss inspection requirements.
- c. A copy of all required Maine DEP and Maine DOT Permits must be submitted to the Planning Department.
- d. An Erosion and Sedimentation Control Performance Guarantee (acceptable to the Planning Department) in the amount of \$XXX,XXX.XX (amount to be determined by the Planning Department) shall be submitted to the Planning Department.
- e. Salt Management Plan to be provided for review and approval by the Planning Department.
2. Prior to issuance of any occupancy permits:
 - a. A compliance inspection needs to occur by the Engineering Department to determine that all site improvements as shown on the submitted plan were constructed in accordance with the approved plans.
 - b. A performance guarantee (amount to be determined by the Planning Department) in the amount of 150% of any remaining site improvements shall be submitted to the Planning Department.
3. Prior to commencing any work in the City Right-of-Way the applicant must obtain a road-opening permit from the Public Works Department.
4. The emergency access road to and from Hill Street shall remain restricted to emergency access purposes only. Knox boxes for this access road and throughout the site shall be approved by the Fire Department.
5. All trees within required 30' buffer areas around the parcel not shown as removed as part of the project shall remain. Trees within the buffer areas may only be removed if deemed hazardous and approved for removal by the Planning Department. Buffer areas shall be maintained and any removed trees shall be revegetated with new trees, approved by the Planning Board, as sufficient for re-establishing any loss of buffer as a result of their removal within a reasonable time-period. The Planning Board may enlist the services of a 3rd Party to assist in the review of any revegetation plans in buffer areas, at the expense of the project owner.
6. Site lighting that is not necessary to maintain minimal security throughout the site shall be dimmed after normal hours of business, typically between 9 PM and 6 AM daily and on weekends and holidays.
7. Best management practices shall be adhered to during all ground disturbance operations. All Catch Basin's in the vicinity of earthwork operations shall have silt sacks installed & maintained for the duration of the work.
8. All erosion and sediment control measures need to be installed. The applicant shall notify the Engineering Department once installed so that Staff may inspect said installation, as necessary.
9. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc., prior to commencing business, unless authority issuing said permit allows for such actions.

10. Once completed, as-built drawings of the site shall be provided to the Planning Department.
11. Upon completion of the work the project engineer shall certify that the project has been completed as per the approved plans or shall note any deviations from the approved plans.
12. Standard Conditions of Approval apply.
13. This approval is conditioned upon approval of a Contract Zone by the Biddeford City Council.

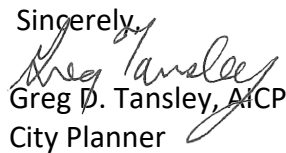
The Planning Board Site Plan and Conditional Use Permit approvals shall be valid for one (1) year from the date of said approval. If a building permit has not been issued within one (1) year, then said approval shall become automatically null and void.

After approving the Site Plan and Conditional Use Permit, the Planning Board then approved the "Findings of Fact and Recommendation of the City of Biddeford Planning Board" and forward the Contract Zone proposal to the City Council with a positive recommendation for approval. I expect this item to be on the June 16 City Council Agenda.

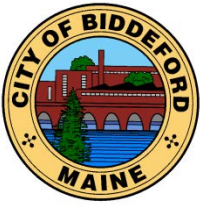
Appeals of the Planning Board's decision may be made as per the Biddeford Revised Code of Ordinances.

Please contact us at 284-9115 if you have any questions.

FOR THE BIDDEFORD PLANNING BOARD

Sincerely,

Greg D. Tansley, AICP
City Planner

Cc: C. Colburn, Finegold Alexander Architects (via e-mail)
P. Johnston, Owner's Project Manager (via e-mail)
T. Milligan, P.E., City Engineer (via e-mail)
R. Fecteau, Code Enforcement Officer (via e-mail)
M. Eddy, Planning and Development Director (via e-mail)
File



CITY OF BIDDEFORD

Planning and Development Department

Greg D. Tansley, A.I.C.P.
City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 282-7119 or (207) 284-9115
Greg.Tansley@biddefordmaine.org

Standard Conditions of Approval

Owner/Applicant: Maine Governmental Facilities Authority
127 Community Drive
P.O. Box 2268
Augusta, ME 04338-2268

Project Description: 120,975± square foot floor area (34,545± footprint) York County Judicial Center and associated site (and off-site) improvements

Project Location: **511-515 Elm Street and 384 Hill Street; 516 and 522 Elm Street.**

Tax Map / Lot Number: Tax Map 88, Lots 5 and 44 and Tax Map 3, Lot 66-1; Tax Map 14, Lots 14-1, 14-2, and 14-3

Project ID: 2019.36

1. The material provided for the proposed project has been reviewed only for general conformance to the City technical requirements. The applicant(s) and/or their technical consultant shall be responsible for the actual design details and completeness of their work. It is incumbent upon the applicant(s) to ensure that the project is in conformance and complies with all City Codes, ordinances and regulations as well as with all state regulations, including, but not limited to, space and bulk standards, performance standards, use standards and other zoning type requirements.
2. All work shall be in conformance with the approved plans and submission documents. No deviations from the approved plans are permitted without prior approval from the Planning Board for major changes, and from the City Planner and City Engineer for minor changes. The City Planner shall make the determination of major or minor.
3. If Site Development is required as part of the project, a Letter of Credit or other surety acceptable to the City of Biddeford shall be submitted prior to the issuance of permits or site work being initiated. The financial guarantee shall be established for 150% of the cost of the remaining project improvements. (Items include but are not limited to the following):
 - a. Landscaping

- b. Paving
 - c. Work within ROW (existing or proposed)
 - d. Drainage
 - e. Loam & seed
 - f. Sediment & erosion control
 - g. As-builts
 - h. Monuments
4. Prior to any ground disturbance, the applicant shall establish a construction inspection account equal to: **\$3,000.00 DUE.**
 5. Prior to any ground disturbance, a pre-construction meeting with the owner/applicant, contractor, and City is required. Contact the Engineering Department to schedule this meeting.
 6. Contact the Department of Public Works for driveway location permits, curb cut permits and/or street opening permits prior to the start of construction.
 7. If Site Development is required as part of the project, an as-built plan must be provided to the City of Biddeford Engineering Office at the end of the project on mylar and on a disk, in a format, which can be read by the City of Biddeford's Geographic Information System software. If a disk copy cannot be provided, a charge for staff time to enter the plan into the City system will be assessed to the applicant.
 8. The applicant shall incorporate appropriate erosion control measures into this project to reduce erosion affects from the work. All disturbed areas must be re-vegetated and/or otherwise stabilized at the appropriate stage of the work per Maine DEP standards in the Best Management Practice (BMP) manual.
 9. That the Article VI Performance Standards requirements regarding Dust, Fumes, Vapors & Gases (sect 25), Explosive Materials (sect 28), Glare (sect 37), Noise (sect 48) be followed.
 10. The applicant is required to comply with all applicable requirements of Chapter 70 (Utilities) and Chapter 71 (Utilities/Industrial Pretreatment Program).
 11. The applicant shall obtain all other pertinent local, state and federal permits, licenses, and insurance such as blasting, building, electrical, plumbing, etc prior to commencing business.
 12. If Site Development is required as part of the project, at the completion of the project the owner/applicant shall request a final inspection. This request shall be directed to the Planning Office. Performance Guarantees and remaining escrow accounts shall not be released until the Planning Office certifies that the project has been completed and is in compliance with the approval and all applicable City Ordinances.



Biddeford City Council

Meeting Date: June 16, 2020

Meeting Time: 6:00 PM

Agenda Item No: 2020.46

Item Description: Contract Zone #19 for the Maine Governmental Facilities Agency for the York Judicial Center at 511-515 Elm Street and 384 Hill Street.

Submitted by: Greg Tansley, A.I.C.P., City Planner
Mathew Eddy, Director of Planning and Development

Supporting Information/Documentation:

- Contract Zone #19 Council Order
- Draft Contract Zone Agreement
- Planning Board Contract Zone Findings of Fact and Recommendation
- Planning Board Site Plan and Conditional Use Permit Notice of Decision (Approval)
- Approved Plan Set – CLICK [HERE](#).

Key Terms:

Contract Zoning: “Contract zoning” is where a property owner or person/entity with interest in property accepts certain conditions or restrictions not imposed on other similarly zoned properties in return for the rezoning of the property as a “Contract Zone”. Contract zones are typically best-suited for unique or unusual projects that are generally consistent with existing or allowed uses in the existing zones. In the case of proposed Contract Zone #19, the reason for the Contract Zone is the proposed building height of not to exceed 68.5’, rather than 35’ in the existing zone.

Executive Summary:

In September 2019 the Planning Board began its review of a proposed York Judicial Center located off Elm Street (Route 1). It was known from the start the project required a Contract Zone due to the height proposed being up to 68.5’ in height, taller than the 35’ height limit in the underlying zones.

Over four (4) public meetings within eight (8) months, the Planning Board approved the Site Plan and Conditional Use Permit for the project and has returned a positive recommendation to the City Council for Contract Zone Approval. The City Council is being asked to approve Contract Zone #19 and allow the York Judicial Center to proceed with a maximum height of up to 68.5’.

On May 20, 2020 the Board unanimously approved the Site Plan and Conditional Use Permit and unanimously voted to recommend that the City Council approve Contract Zone #19.

Detailed Review:

In March 2017 the City of Biddeford conveyed three parcels of land to the Maine Governmental Facilities Authority to facilitate plans for the consolidation of the York County District and

Superior Courts into one judicial facility off Elm Street (Route 1). The location is south of Marden's on the east side of Route 1 on a property that has locally referred to as the 'Pate' property, although the total property under consideration includes land continuing on to Hill Street.

On September 17, 2019 the City Council endorsed the concept of a Contract Zone for the Maine Governmental Facilities Authority which began the review process at the Planning Board.

As described below, the project needs a Contract Zone to accommodate the 68.5' (+/-) height of the structure in an otherwise 35' zone (B-2). The height of the structure is the only reason a Contract Zone is required for the project.

Over the course of many months and several public meetings (where the public was permitted to speak) the Board reviewed this project. During that review the Planning Board paid a considerable amount of attention in its review of the building design and height, as well as buffering from the northerly residential uses located behind Route 1 (Elm Street).

Aside from the height consideration and the Contract Zone, the Planning Board also reviewed the project under Site Plan Review and Conditional Use Permit requirements. Based on that review, several other important issues were addressed, such as:

- Access to Hill Street would be limited to emergency vehicles only and accessed by the City via a Fire Department approved Knox Box.
- Lighting would be dimmed in the parking lots after and before hours.
- Stormwater would be treated across the street on the other side of Elm Street (Route 1) on City property through an easement agreement with the City.

On May 6, 2020 the Planning Board held a Public Hearing on the proposal. Many comments were taken both before and during the public hearing. The Planning Board, in an attempt to encourage more public comment, closed the Public Hearing and then allowed an additional two (2) weeks of written public comments before it would decide on the approval of the project and its recommendation to the City Council on the Contract Zone.

On May 20, 2020 the Board unanimously approved the Site Plan and Conditional Use Permit and unanimously voted to recommend that the City Council approve Contract Zone #19.

Funding Source:

N/A

Staff Recommendation:

Recommend the City Council support the Planning Board's recommendation and approve Contract Zone #19 for the Maine Governmental Facilities Authority as presented.

1 CONTRACT ZONE AGREEMENT

2
3
4 AGREEMENT made as of _____, 2020, by and between the STATE OF MAINE,
5 acting by and through the Maine Judicial Branch, having a mailing address in care of the
6 Administrative Office of the Courts, P.O. Box 4820, Portland, Maine 04112-4820, and
7 MAINE GOVERNMENTAL FACILITIES AUTHORITY, a body corporate and politic
8 and a public instrumentality of the State of Maine, having a mailing address of 127
9 Community Drive, P.O. Box 2268, Augusta, Maine 04338 (together with its successors
10 and assigns, hereinafter called "MJB/MGFA") and THE CITY OF BIDDEFORD, a body
11 politic and corporate located in Biddeford, Maine:

12
13 WINESSETH:

14
15 WHEREAS, MJB/MGFA, as the current owner of parcels identified on the City
16 of Biddeford's Tax Map 88 as Lot 5 and Lot 44 and Tax Map 3 as Lot 66- (the
17 "Property") on which it now desires to construct the York Judicial Center building and
18 associated access drives and utilities and to use the Property in accordance with the
19 uses enumerated below; and

20
21 WHEREAS, MJB/MGFA has applied for and obtained approval to re-zone the
22 Property pursuant to the Contract Zoning provisions of the Zoning Ordinance of the
23 City of Biddeford to create Contract Zone 19; and

24
25 WHEREAS, the parties are entering into this Agreement to provide written
26 contractual evidence of the agreement of the parties and the terms and conditions of
27 the Contract Zone; and

28
29 WHEREAS, the Biddeford City Council has determined that:

- 30 • As required by Title 30-A, M.R.S. §4352 *Zoning Ordinances*, the rezoning is:
- 31 ○ consistent with an enacted municipal comprehensive plan;
 - 32 ○ consistent with existing or permitted uses within the existing original
 - 33 zone(s); and
 - 34 ○ includes only conditions and restrictions which relate to the physical
 - 35 development or operation of the Property.
- 36 • The Contract Zone will not negatively impact the existing or permitted uses
- 37 within the original zone, and
- 38 • The provisions of this Agreement only include conditions and restrictions
- 39 which relate to the physical development or operation of the Property; and
- 40

41 WHEREAS, pursuant to 30-A M.R.S. § 4352(8) and City of Biddeford Revised
42 Code of Ordinances Part III, Article V, Section 9, and after notice and hearing and due
43 deliberation thereon, the Biddeford City Council approved the rezoning of the
44 Property as aforesaid, subject, however, to the conditions set forth in this Agreement;

45

46 NOW, THEREFORE,
47

48 in consideration of the mutual agreements hereinafter set forth and in consideration
49 of the granting of the zoning ordinance change, that includes a maximum building
50 height of 68 feet, the parties agree as follows:
51

52 1. Development of the Property. MJB/MGFA agrees that it shall develop the
53 Property in accordance with the following provisions and conditions:
54

55 A. The Findings of Fact and Recommendations of the Biddeford Planning
56 Board attached hereto as Exhibit A, and

57 B. Conditions, waivers and restrictions shown on the plans as part of the
58 Site Plan Application for the York Judicial Center approved by the
59 Planning Board on May 20, 2020.
60

61 2. Failure to Complete Development. In the event MJB/MGFA shall fail to
62 commence construction of the improvements within four (4) years of the date
63 hereof of the Contract Zone Agreement, the Contract Zone granted hereby
64 shall automatically be void and the Property shall revert to the zoning
65 classification that the Property was in on the date of the Contract Zone
66 Agreement. Significant commencement of construction shall mean the
67 installation of all infrastructure improvements and grading within the limits
68 of the Project.
69

70 In the event that the zones have changed, the Property shall revert to the
71 zoning classifications of the abutting properties. In the event the abutting properties
72 shall have more than one zoning classification, the Property shall become part of the
73 more restrictive abutting zone.
74

75 3. Construction and Effect. This Agreement shall be construed in accordance
76 with the laws of the State of Maine and shall be binding upon and inure to the
77 benefit of the successors and assigns of the parties hereto. The recital clauses
78 above are an integral, substantive part of this Agreement.
79

80 IN WITNESS WHEREOF, the parties have caused this instrument to be signed
81 all as of the day and date above written.
82

83 WITNESS:

STATE OF MAINE, acting by and through the
Maine Judicial Branch

84
85
86 _____ By: _____
87 James T. Glessner, State Court Administrator
88

89 MAINE GOVERNMENTAL FACILITIES
90 AUTHORITY
91

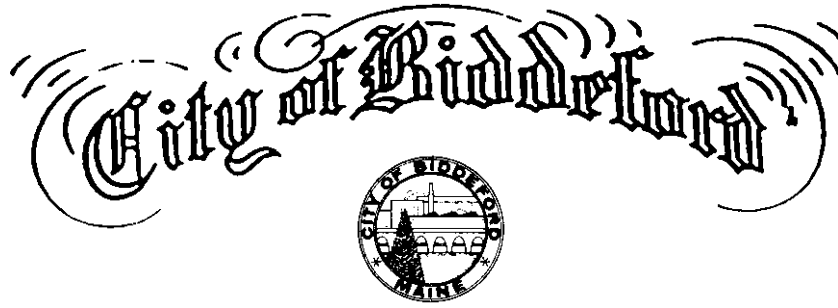
92 _____
93
94
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96
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98 _____
99

By: _____
Teresea M. Hayes, Executive Director

CITY OF BIDDEFORD

By: _____
James A. Bennett, City Manager

DRAFT



2020.51 **IN BOARD OF CITY COUNCIL...JUNE 16, 2020**
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 58, Solid Waste, Article I. In General, Section 58-1 Definitions and Article II. Collection, Sec. 58-35 Portable receptacle**, be amended by adding or deleting to read as follows:

ARTICLE I. IN GENERAL

Sec. 58-1. Definitions.

ALTERNATIVE DESIGNATED SOLID WASTE CONTAINER
A 65 gallon solid waste container available through the Alternate Voluntary Solid Waste Service established under Sec. 58-35(a)(1)a(ii).

ARTICLE II. COLLECTION

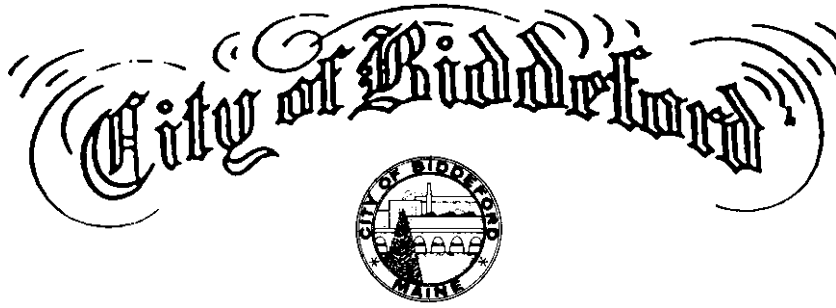
Sec. 58-35. Portable receptacles.

- (a) The Public Works Department shall issue two designated collection containers, color-coded, to each residential dwelling unit receiving municipal waste collection and curbside recycling collection: one container, approximately 35 gallons, shall be for acceptable municipal solid waste, and one container, approximately 65 gallons, shall be for acceptable recyclable materials; except that grandfathered facilities, except grandfathered condominium facilities, shall not receive designated municipal solid waste containers and shall place acceptable municipal solid waste in designated bags for curbside collection. Designated recycling containers shall be assigned to grandfathered facilities, subject to space limitations, as determined by the Director of Public Works.
[Amended 3-3-2015 by Ord. No. 2015.10]

- (1) Weekly collection of acceptable municipal solid waste shall be limited to the volume of the designated municipal solid waste container such that the waste shall not spill out of the container or prevent the cover from closing.

a. Overflow.

- (i) Overflow shall not be collected unless contained within a designated bag made available to residents on a fee-per-bag basis. The overflow bag may be placed on or adjacent to the designated municipal waste



container or in a container separate from the designated municipal solid waste container.

- (ii) If overflow is placed in a separate container, the container shall not be larger than 45 gallons or weigh in excess of 35 pounds.

b. Alternative Voluntary Solid Waste Service.

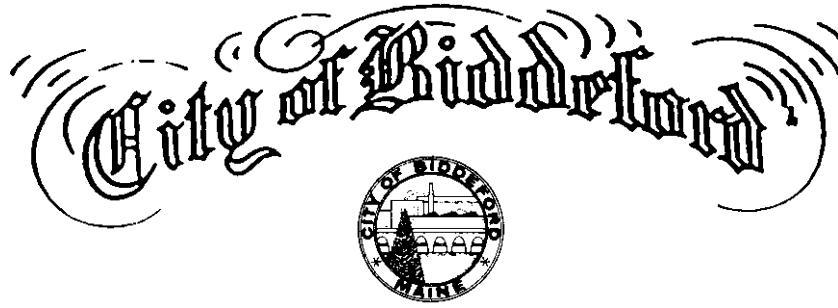
- (i) As an alternative to purchasing designated bags for overflow, eligible entities, other than grandfathered facilities, may request, and if approved, rent an alternative designated solid waste container to increase solid waste capacity and reduce or eliminate the need for purchasing designated bags for overflow.
- (ii) The alternative designated container shall replace the 35 gallon solid waste container and increase solid waste capacity to 65 gallons.
- (iii) The alternative designated solid waste container shall be available for an initial annual fee of \$122.00. Payment may be made annually or semi-annually with the initial payment payable prior to receipt of the alternate designated solid waste container.

- c. The City Council shall establish the overflow bag price and alternate solid waste container price, which may be adjusted.

- d. The Director of Public Works shall maintain and make available a list of the locations at which residents may purchase overflow bags and alternative solid waste containers. The list and pricing shall be made available upon request, shall be posted to the City website, and shall be otherwise available as may be directed by the City Council.

- e. Overflow restrictions may be waived during designated emergency collection schedules as defined in Section 58-7(4).

- (2) Weekly collection of acceptable recyclable materials placed in the designated recycling container shall not spill out of the container or prevent the cover from closing.



- (b) Each designated container shall remain the sole property of the City of Biddeford and may not be moved to any other location.
- (c) Residents may request larger or additional designated recycling containers from the Director of Public Works for good cause as determined by the Director of Public Works. Requests of any other nature shall be evaluated through the variance process.

June 16, 2020

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

Vote: 8/1; Councilor Ready opposed.

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

First reading carries.



City Council

Meeting Date: June 16, 2020

Meeting Time: 6:00 PM

Agenda Item No: 2020.51

Item Description: 65 gallon trash totes

Submitted by: Jeff Demers Director Public Works/Waste Water

Supporting Information/Documentation:

6-12-2020 Ordinance change Sec. 58-35. Portable receptacles.

6-12-2020 Ordinance change Sec. 58-1 Definitions

Executive Summary:

The Public Works Department is looking for the approval from the City Council to allow residents that are in the Solid Waste program to lease a larger trash tote to eliminate the number of orange Pay-As-You-Throw garbage bags curbside.

Detailed Review:

Public Works would like to make available to residents in the Solid Waste program the ability to lease a 65 gallon trash tote yearly or bi-yearly through the Public Works recycling center, which will replace the smaller 35 gallon totes, as residents have requested. This would help the Solid Waste Department in moving forward towards a better automation process; cutting down on the number of times our drivers need to get in and out of the truck to handle the orange bags daily and aiding residents in not needing to purchase these bags weekly, giving them a cost savings as well. Public Works staff has worked out the pricing with Casella for the price of the larger totes at an estimated \$62.50 each.

The Solid Waste Commission has visited this request and have voted to move forward to Council.

Funding Source:

Staff requested \$18,750 in 21164 to purchase 300 bins to kick off this program. Each bin is estimated at \$62.50 per bin. The lease cost of the 65 gallon tote per year is \$122.00.

Staff Recommendation:

Allow replacement of 35 gallon totes to 65 gallon totes at yearly or bi-yearly set fee as requested by residents in the program.

Chapter 58. Solid Waste

ARTICLE I. IN GENERAL

Sec. 58-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACCEPTABLE MUNICIPAL SOLID WASTE

All waste as identified by the Public Works Director annually in accordance with existing disposal agreements, disposal facility acceptance requirements, and permit authorizations.

ACCEPTABLE RECYCLABLE MATERIALS

All acceptable recyclables as identified by the Public Works Director annually in accordance with existing recycling agreements, recycling facility acceptance requirements, and permit authorizations.

ALTERNATIVE DESIGNATED SOLID WASTE CONTAINER

A 65 gallon solid waste container available through the Alternate Voluntary Solid Waste Service established under Sec. 58-35(a)(1)a(ii).

ASHES

That residue from the burning of wood, coal, coke or other combustible materials.

CITY

The City of Biddeford, Maine.

CITY TRANSFER STATION

A City-owned building or container or designated area in which acceptable waste is disposed of for transshipment to another facility for disposal or material recovery.

COMMERCIAL GARBAGE, RUBBISH, OR WASTE

Any solid waste originating and/or generated within the boundaries of the City by any business, firm or person identified as paying personal property taxes through the City Assessor's records or required to obtain a business license under the City's definitions of licensed activities, excepting licenses for waste hauling only. For the purpose of this chapter, this includes public organizations and facilities except for parish houses, parsonages and churches; parish halls; mobile home parks; and condominiums and multifamily dwellings of six units or more. This definition excludes "grandfathered facilities." This definition excludes home occupations as defined and described in Article VI, Section 38, of the Biddeford Zoning Ordinance, being clearly secondary and incidental to the primary residential use.

[Amended 3-3-2015 by Ord. No. 2015.10]

DESIGNATED MUNICIPAL SOLID WASTE CONTAINER

A portable container provided by the City for the sole purpose of storing acceptable municipal waste prior to curbside collection. Bags designated for overflow are also considered designated municipal solid waste containers.

DESIGNATED RECYCLING CONTAINER

A portable container provided by the City for the sole purpose of storage of acceptable recyclables prior to curbside collection.

DISPOSAL

The discharge, deposit, injection, dumping, leaking, spilling or placing of any solid waste into or on any land or water.

DISPOSAL FACILITY

The facility or facilities controlled or designated by the City for the storage and/or disposal of wastes.

ENERGY RECOVERY FACILITY

A facility which processes and recovers energy from acceptable waste generated within the City.

GRANDFATHERED FACILITY

Any property that would otherwise generate commercial garbage, rubbish, or waste and both 1) currently receives curbside trash collection services from the City and 2) the owner of the property has not changed, as of July 1, 2002. The following condominium locations also shall be grandfathered facilities: 1) 318 Alfred Street; 2) 100 Hills Beach Road; 3) 9 Lester B. Orcutt Boulevard; 4) 55 West Street; and 5) 91-93 Western Avenue.

[Amended 3-3-2015 by Ord. No. 2015.10]

HAZARDOUS WASTE

The waste substance or material, in any physical state, designated as hazardous by federal, state or local laws; waste material that exhibits characteristics of hazardous waste, as defined in RCRA (ignitability, corrosivity, reactivity, or toxicity), is listed specifically in RCRA 261.3 Subpart D, is a mixture of either, or is designated locally or by the state as hazardous or undesirable for handling as part of the municipal solid waste and would have to be treated as regulated hazardous waste if not from a household.

HOUSEHOLD

Each residential unit regardless of whether the residential unit is owned by an individual or business entity.

HOUSEHOLD GARBAGE AND RUBBISH

Any acceptable waste originating and/or generated within the boundaries of the City, at the site of generation by a homeowner or occupant. For the purpose of this chapter, this does not include commercial garbage, rubbish, or waste except that waste generated from a grandfathered facility.

OVERFLOW

That volume of acceptable municipal solid waste in excess of the volume of the designated municipal solid waste container.

PERFORMANCE-BASED DEMONSTRATION OF COMPLIANCE

Placing uncontaminated recycling containers at the curb for pickup shall serve as prima facie evidence that the facility has compliance with its performance-based recycling plan. This determination may be made each time a container is placed for collection.

[Added 3-5-2019 by Ord. No. 2019.11]

PERFORMANCE-BASED RECYCLING PLAN

A recycling management plan for each facility shall contain a minimum of five elements, to include:
[Added 3-5-2019 by Ord. No. 2019.11]

- (1) A written plan.
- (2) The facility owner's contact information.
- (3) A single point of contact for recycling matters.
- (4) The facility address.

- (5) A plan that includes a method or procedure to ensure only acceptable recycling materials are placed in the recycling container for curbside collection.

PRIVATE TRANSFER STATION

A privately owned building or container or designated area in which waste is temporarily deposited and stored for transshipment to a disposal facility.

PRIVATE WAY

Any street, lane, road or other roadway not considered a public way.

PUBLIC WAY

Any street, lane, road, or other roadway accepted by the City Council as a public way.

RESOURCE RECOVERY

The recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

SELF-HAULER

Any person involved in the collection and transportation of self-generated recyclable material or solid waste.

SOLID WASTE

Useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, by way of example and not by limitation, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge or agricultural or hazardous wastes.

UNACCEPTABLE WASTE

All solid waste of the type municipalities are required to regulate by 38 M.R.S.A. § 1305, as amended, which specifically excludes industrial and sewage treatment plant sludge, and not included in the definition of "acceptable waste."

WASTE HAULER

Any person, firm or corporation which collects residential, institutional, commercial and/or industrial waste for a fee and transports it to a central collection or disposal facility and any person, business or institution which transports its own waste to the designated disposal facility.

WHITE GOODS

Major appliances, such as refrigerators, stoves, freezers, washing machines and dryers, generally having a bulk in excess of 10 cubic feet or a single dimension exceeding five feet.

Chapter 58. Solid Waste

ARTICLE II. COLLECTION

Sec. 58-35. Portable receptacles.

- (a) The Public Works Department shall issue two designated collection containers, color-coded, to each residential dwelling unit receiving municipal waste collection and curbside recycling collection: one container, approximately 35 gallons, shall be for acceptable municipal solid waste, and one container, approximately 65 gallons, shall be for acceptable recyclable materials; except that grandfathered facilities, except grandfathered condominium facilities, shall not receive designated municipal solid waste containers and shall place acceptable municipal solid waste in designated bags for curbside collection. Designated recycling containers shall be assigned to grandfathered facilities, subject to space limitations, as determined by the Director of Public Works.

[Amended 3-3-2015 by Ord. No. 2015.10]

- (1) Weekly collection of acceptable municipal solid waste shall be limited to the volume of the designated municipal solid waste container such that the waste shall not spill out of the container or prevent the cover from closing.

a. Overflow.

- (i) Overflow shall not be collected unless contained within a designated bag made available to residents on a fee-per-bag basis. The overflow bag may be placed on or adjacent to the designated municipal waste container or in a container separate from the designated municipal solid waste container.
- (ii) If overflow is placed in a separate container, the container shall not be larger than 45 gallons or weigh in excess of 35 pounds.

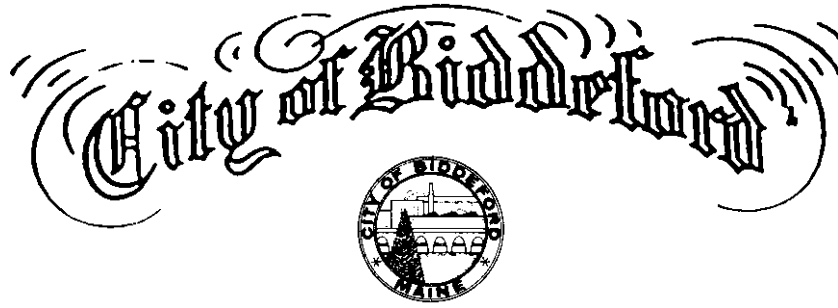
b. Alternative Voluntary Solid Waste Service.

- (i) As an alternative to purchasing designated bags for overflow, eligible entities, other than grandfathered facilities, may request, and if approved, rent an alternative designated solid waste container to increase solid waste capacity and reduce or eliminate the need for purchasing designated bags for overflow.
- (ii) The alternative designated container shall replace the 35 gallon solid waste container and increase solid waste capacity to 65 gallons.
- (iii) The alternative designated solid waste container shall be available for an initial annual fee of \$122.00. Payment may be made annually or semi-annually with the initial payment payable prior to receipt of the alternate designated solid waste container.

c. The City Council shall establish the overflow bag price and alternate solid waste container price, which may be adjusted.

- d. The Director of Public Works shall maintain and make available a list of the locations at which residents may purchase overflow bags and alternative solid waste containers. The list and pricing shall be made available upon request, shall be posted to the City website, and shall be otherwise available as may be directed by the City Council.

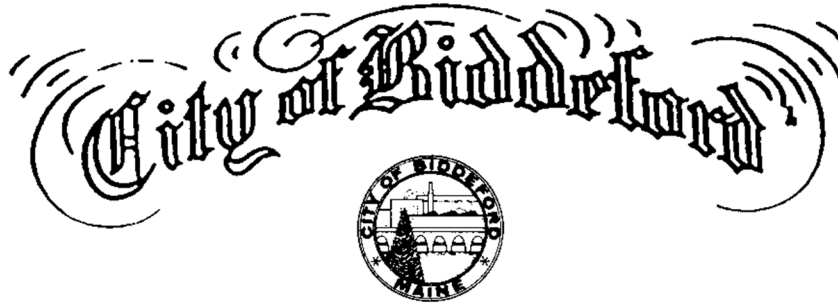
- e. Overflow restrictions may be waived during designated emergency collection schedules as defined in Section **58-7(4)**.
- (2) Weekly collection of acceptable recyclable materials placed in the designated recycling container shall not spill out of the container or prevent the cover from closing.
- (b) Each designated container shall remain the sole property of the City of Biddeford and may not be moved to any other location.
- (c) Residents may request larger or additional designated recycling containers from the Director of Public Works for good cause as determined by the Director of Public Works. Requests of any other nature shall be evaluated through the variance process.



2020.54

IN BOARD OF CITY COUNCIL...JULY 7, 2020

BE IT ORDERED, by the City Council of the City of Biddeford that the use of Community TV Fund balance remaining as June 30th, must be approved by a vote of the City Council, prior to the any expenditure using these funds.



IN BOARD OF CITY COUNCIL...JULY 7, 2020
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Don Furman
20 Elizabeth Road
Ward 1

to the *Zoning Board of Appeals*. for a term to expire in December 2023.

CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: June 18, 2020

Name: Don Furman

Street Address: 20 Elizabeth Road
Biddeford, Maine 04005

**Mailing Address:
(if different)**

Phone Number(s): 207.604.0937

Email Address: don@fgd-law.com

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

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

CITY OF BIDDEFORD
Committee Application

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

10 + years commissioner for Biddeford, Saco River Corridor Commssion
9 years past zoning board of appeals member/chairperson

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

knowledge of land use laws and ordinances / commercial, municipal and residential real estate practice

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

a desire to continue to serve the City and its elected and appointed officials

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