

City of Biddeford
City Council
June 21, 2022 6:00 PM Council Chambers

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/94640087539?pwd=cGxwN2gzcytQVkJZHWU8vaVBqTnVrZz09>

Webinar ID: 946 4008 7539

Passcode: 421466

Or One tap mobile : US: +16465588656,,94640087539# or +13017158592,,94640087539#

Or Telephone: US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799

Status: In-Person with Zoom Meeting Link - Council Chambers, 6:00 PM

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
 - 3.a. Appointment: Susan Deschambault to Planning Board
- 4. Presentation:**
 - 4.a. Update from Homelessness Task Force

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

- 5. Consideration of Minutes:**
 - 5.a. June 7, 2022 Council Meeting Minutes
[6-07-2022 Council Meeting Minutes](#)
- 6. Orders of the Day: {Public Comment - 3 Minute Limit}**
 - 6.a. 2022.47) Approval/Conveyance of Maintenance & Repair Easement on Center Street/Sylvestre
[6-21-2022 Center Street Easement - ORDER](#)
[6-21-2022 Center Street Easement - MEMO](#)
[6-21-2022 Center Street Easement- DEED](#)
[12-21-2021 Center Street - Original Order for Acquiring Property](#)
[6-21-2022 Center Street Easement-Location Map](#)
[6-21-2022 Center Street Easement-Tax Maps](#)
 - 6.b. 2022.48) Authorization/Award of Pearl Street Reconstruction Project
[06-21-2022 Authorization - Pearl Street Reconstruction Project - ORDER](#)
[06-21-2022 Pearl Street Reconstruction Project - EDA SAC - RESOLUTION](#)
[06-21-2022 Authorization-Pearl Street Reconstruction Project - MEMO](#)
 - 6.c. 2022.49) Approval/Pearl Street Reconstruction Plans and Specs - EDA Grant
[06-21-2022 Pearl Street Reconstruction Plans and Specs - EDA Grant - ORDER](#)

- [06-21-2022 Pearl Street Reconstruction Plans and Specs - BRIEF](#)
- 6.d. 2022.50) Authorization/Sale of Property at 587 South Street
- 6.e. 2022.51) Approval/Requesting Increased State Involvement for Better Outcomes for Those Unhoused
[06-21-2022 20220621 Increased Involvement for Unhoused - RESOLUTION](#)
- 6.f. 2022.52) Approval/Cancellation of July 5th, 2022 City Council Meeting
[6-21-2022 Cancellation of July 5th Council Meeting - ORDER](#)
- 6.g. 2022.53) Approval/Moratorium on Development at Pepperell and North Dam Mill Campus
[06-21-2022 Pepperell and North Dam Mill Campus Development - MORATORIUM](#)
- 7. Appointments: {No Public Comment}**
- 7.a. Michael Cantara... Planning Board – Re-designation to Regular Member
[6-21-2022 Appt-Redesignate Cantara-Planning Board](#)
- 7.b. Susan Deschambault...Planning Board - Associate Member
[6-21-2022 Appt-Deschambault-Planning Board.docx](#)
[6-21-2022 Committee App-Deschambault-Planning Board.pdf](#)
- 8. Public Addressing the Council..(5-minute limit per speaker; 30 minute total time limit)**
- 9. City Manager Report {James Bennett}**
- 10. Other Business {Councilors' Comments; Updates; Announcements}**
- 11. Council President Addressing the Council {Councilor Norman Belanger}**
- 12. Mayor Addressing the Council {Mayor Alan Casavant}**
- 13. Adjourn**

COUNCIL MEETING

JUNE 7, 2022

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

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

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

Amy Clearwater was excused.

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

Adjustments to the Agenda:

- Add Proclamation: LGBTQ+ Month – June 2022
- Add Order of the Day: 2022.46

Presentation: Biddeford Historical Society

President of the Biddeford Historical Society, Paul McDonough gave the presentation. He explained that the Historical Society is the Treasure Keeper of Biddeford's historical archives. They are currently located in the basement of the McArthur Library where they store their collection of documents dating back to 1653, City reports and a variety of City artifacts. The monetary value of the collection has been estimated to be in the high thousands of dollars. The Society would love to be able to move to a more permanent space where they can collect, store and exhibit their valuable collection. The Historical Society also maintains the Meetinghouse Building, which is one of the oldest Meetinghouses in the United States. It is their hope to install a new heating system that will not impair the beauty and integrity of the building. With the financial support of the City, which is typically \$10,000 annually, and fundraising efforts, the Society is confident that they can keep up with the maintenance of the Meetinghouse. He encouraged the Councilors to reach out to him or another Historical Society Board Member to arrange a tour of the Meetinghouse and to hear about the historical artifacts that the Society has in its possession.

Proclamations:

- **Men's Health Month – June 2022** – Mayor Casavant read the proclamation.
- **LGBTQ+ Month – June 2022** – Mayor Casavant read the proclamation.

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

A few citizens addressed their comments to the Council.

Consideration of Minutes: May 17, 2022; May 19, 2022

Motion by Councilor Whiting, seconded by Councilor Belanger to accept the minutes of May 17, 2022 as printed.

Vote: Unanimous.

Motion by Councilor Whiting, seconded by Councilor Grohman to accept the minutes of May 19, 2022 as printed.

Vote: Unanimous.

Orders of the Day:

2022.42

IN BOARD OF CITY COUNCIL...JUNE 7, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby confirm the City Manager's appointment of Gregory A. Mitchell as the Director of Economic Development and Planning; and to further authorize the execution of the employment agreement.

Motion by Councilor Belanger, seconded by Councilor Whiting to confirm the appointment.

Vote: Unanimous.

2022.43

BOARD OF CITY COUNCIL.....JUNE 7, 2022

BE IT ORDERED, that the Biddeford City Council does hereby grant approval pursuant with Title 15 M.R.S.A. §5824(3) & §5822(4)(A) to the transfer of \$2,059.00 in U.S. Currency, or any portion thereof, on the grounds that the City of Biddeford Police Department did make a substantial contribution to the investigation of this or related criminal case. ALFSC-CR-18-1069. These funds shall be transferred to the City of Biddeford, Asset Forfeiture Account 3119-40576.

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

Vote: Unanimous.

2022.44

IN BOARD OF CITY COUNCIL...JUNE 7, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve a change in the City's MainePERS Plan, specifically for the City's Dispatchers, effective July 1, 2022 for future service only. The City agrees to:

- a) Provide coverage for full-time Dispatchers under Special Plan 3C for service rendered after June 30, 2022. Service rendered by Dispatchers during the period from July 1, 2010 through June 30, 2022 remains under Regular Plan AC and service rendered before July 1, 2010 remains under Regular Plan AN.
- b) Continue to provide Special Plan 3C to full-time Police Officers and Firefighters.
- c) Continue to provide Regular Plan AC to all other full-time employees, including School Support Employees, and to its elected/appointed officials.
- d) Continue to exclude employees who work less than full-time or who are seasonal or temporary as defined by the Appendix to MainePERS Rule Chapter 802 from participating in the plan.
- e) To authorize James Bennett, City Manager, to sign the Amended Agreement between the City and the Maine Public Employees Retirement System.

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

Vote: Unanimous.

2022.45

IN BOARD OF CITY COUNCIL...JUNE 7, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize that City Hall Offices business hours be set at Monday and Tuesday, 7:00 a.m. to 5:00 p.m.; Wednesday and Thursday, 8:00 a.m. to 4:00 p.m. This change to be effective starting June 27, 2022.

NOTE: The Personnel Committee considered this item at their May 17, 2022 meeting and voted unanimously to recommend to the City Council.

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

Motion by Councilor Lessard, seconded by Councilor Mills to amend the order to include that the change in City Hall business hours would run parallel with the next fiscal year, and the issue of the business hours will be reviewed in a year.

Vote: 3/5; Councilors Lessard, Grohman and Mills in favor.

Councilors Emhiser, Whiting, Belanger, LaFountain and Ortiz opposed.

Amendment fails.

Vote on order: 5/3; Councilors Lessard, Grohman and Mills opposed.

Councilors Emhiser, Whiting, Belanger, LaFountain and Ortiz in favor.

Motion carries.

2022.46

IN BOARD OF CITY COUNCIL...JUNE 7, 2022

BE IT ORDERED, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for LaKermesse Franco-Americaine to have beer/wine sold and served at their festival on June 23rd, 24th, 25th and 26th, 2022 at St. Louis Field, providing that the sale and consumption of the alcoholic beverages be confined within a clearly defined area that has been approved and licensed by the State of Maine Bureau of Alcoholic Beverages.

BE IT FURTHER ORDERED, that the City Council has already approved the issuance of a Special Event Permit for the LaKermesse Franco-Americaine Festival on June 23rd, 24th, 25th and 26th, 2022.

NOTE: This Order is intended to clarify that alcohol will be sold and served within restricted areas at St. Louis Field, and not permissible in any other areas of the Field.

Motion by Councilor Belanger, seconded by Councilor Whiting to grant the order.
Vote: Unanimous.

Appointment:

IN BOARD OF CITY COUNCIL...JUNE 7, 2022

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

**Parker Montano
319 Main Street, Apt. 2
Ward 6**

to the *Airport Commission*, replacing Dean Tourigny, for a term to expire in December 2023.

Motion by Councilor Grohman, seconded by Councilor Belanger to confirm the appointment.
Vote: Unanimous.

Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit):
A couple citizens addressed their comments to the Council.

City Manager Report:

City Manager James Bennett provided some clarification on the West Brook Subdivision, which was the topic of most of the public comments at this meeting. Ultimately, the proposal before the Planning Board requires the City to give up 4 acres of land to gain 101.8 acres of land.

Jim offered clarification on information he had provided during the change in City Hall business hours discussion. The Police Officers actually work a four days on and 2 days off schedule.

Other Business:

Councilor Lessard: had the following items:

- 1) Thanked the City Manager for ensuring that the Recycling Center was open a couple of Sundays during the month of May.
- 2) He explained and apologized for his abruptness when questioning the City Manager earlier in the meeting.
- 3) He asked that when meetings get posted in Granicus that the postings include the date, time, location and Zoom link for the meeting; as well as a listing of committee/commission/board members.
- 4) As it relates to affordable housing and the survey put out by the Mayor's Affordable Housing Task Force, in addition to the questions geared towards renters, he would also like to see questions geared towards the landlords. He believes that information from both tenants and landlords will be valuable.

Councilor Mills: asked about the funds that Devine Capital is committed to giving to the City as part of their Joint Development Agreement.

Councilor Ortiz: noted that as Chair of the Mayor's Affordable Housing Task Force, they did put out a survey to citizens and she encouraged everyone to participate, including those who may be thinking of moving to Biddeford and those who currently do not have stable housing.

She thanked the Council for their support for the raising of the Pride Flag for the month of June. She is pleased with the turnout at the Flag raising event on June 1st.

Councilor Grohman: congratulated the Biddeford High School Class of 2022, including the students, teachers and staff who made it happen.

Councilor LaFountain: is concerned about the recent positive testing of lead in our schools and thinks the City should also be testing other City buildings, including the Community Center and City Hall.

Council President Addressing the Council: Councilor Belanger thanked the citizens who attended tonight's Council Meeting and expressed their concerns about the West Brook Subdivision project. He noted how important it is to have public input on this and other issues that the City is dealing with.

He also congratulated the Class of 2022.

Mayor Addressing the Council: Mayor Casavant shared that a delegation from Quebec Province will be coming to participate in LaKermesse this year.

He thanked Delilah Poupore and Sara Bloom for their performance at a recent Biddeford Historical Society event. Sara played the pump organ at the Meetinghouse and Delilah sang and the performance was beautiful.

He thanked Councilor Martin Grohman for serving as the Memorial Day Parade Master of Ceremonies – he did an excellent job. He also recognized the Heart of Biddeford for pulling off the parade this year after not having it for the past couple of years.

He recognized that the Maine School Superintendents Association recently awarded Jeremy Ray the ***Outstanding Leadership Award for 2021***.

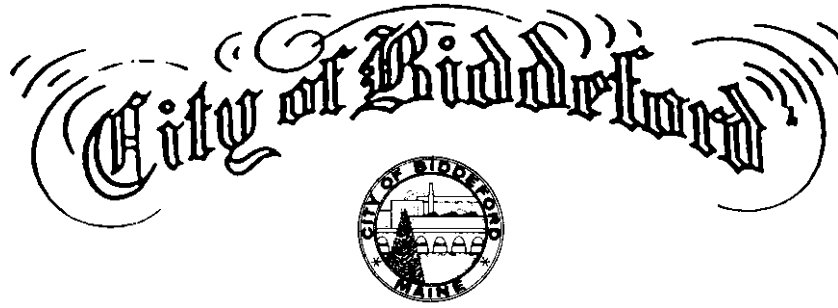
Executive Session: 1 MRSA 405(6)(C)....Acquisition of Land

Motion by Councilor Whiting, seconded by Councilor Lessard to move into Executive Session.
Vote: Unanimous. Time: 7:30 p.m.

Motion by Councilor Lessard, seconded by Councilor Emhiser to move out of Executive Session.
Vote: Unanimous. Time: 7:38 p.m.

Motion by Councilor Belanger, seconded by Councilor Lessard to adjourn.
Vote: Unanimous. Time: 7:38 p.m.

Attest by: _____
Carmen J. Bernier, City Clerk



2022.47

IN BOARD OF CITY COUNCIL...JUNE 21, 2022

BE IT ORDERED, that the City Manager or his designee be authorized to convey an eight (8) foot wide drainage easement and maintenance easement along the rear the City acquired parcel located at 42 Center Street to the abutters, Marc and Sheila Sylvestre, who own the abutting lot at 167 Elm Street in exchange for the Sylvestres granting an easement to the City for the installation, repair and maintenance of the storm drain pipe across their parcel located at 167 Elm Street (Tax Map 38, Lot 147).



City Council

Meeting Date: June 21, 2022

Meeting Time: 6:00 PM

Agenda Item No: Council Order 2022.47

Item Description: Center Street Sewer Separation Project, Easement Swap

Submitted by: Tom Milligan, PE (City Engineer)
Craig Chekan, PE (Deputy Engineer)
Jeff Demers (Public Works Director)

Supporting Information/Documentation:

1. Project Location Map
2. Easement Document
3. City Council Acquisition Order
4. Copy of City Tax Map
5. Proposed City Council Order

Executive Summary:

- a) The city is currently constructing a sewer separation project on Center Street. In order to shorten the length of piping required to connect to the existing storm drain located on Elm Street and thereby saving considerable costs, city staff has negotiated with an abutting property owner to provide a temporary construction easement and a permanent repair and maintenance easement across the property shown on tax map 38 Lot 147. The owners of the property are not seeking financial remuneration for the easement but have requested that in lieu of any financial payment for the easement they will provide to the City that the city convey to them, the abutting lot owners, as a swap, an eight (8) foot wide drainage easement and a maintenance easement along the rear of the 42 Center Street parcel that the city recently acquired by council action. Therefore, it is being requested that City Council authorize the City Manager to convey an eight (8) wide drainage easement and maintenance easement on the city acquired parcel located at 42 Center Street to the abutters, Marc and Sheila Sylvestre, in exchange in exchange for the Sylvestre's granting an easement for the installation, repair and maintenance of the storm drain pipe.
- b) Per DEP requirements, storm sewer separation is a major component of the City's wastewater responsibilities.
- c) Separating storm inlets from existing combined sanitary sewer pipes helps eliminate:
 - i. Combined sewage overflow into the City's regulated outfalls
 - ii. Potential sewer backups within private property
- d) Center Street, which has existing combined sewers, was identified as a key location to meet the City's sewer separation goals and DEP requirements. Separating the storm inlets within these streets will:
 - i. Reduce the chance of combined sewage overflows and sewer backups
 - ii. Increase available capacity in the existing downstream sewers and at the Horrigan Court pump station
 - iii. Utilize the previously separated downstream storm pipes within Elm Street

Detailed Review:

See Above Executive Summary.

The easement is located within the setback lines of the parcel (MSRD 2 Zone) and therefore would not be expected to decrease the future value of the parcel

Funding Source:

Funding for this easement conveyance/swap will be as follows:

- None required.

Staff Recommendation

It is being requested that City Council authorize the City Manager to convey a drainage easement and a maintenance easement along the rear of the city acquired parcel located at 42 Center Street to the abutters who own the lot on 167 Elm Street, the owners being being Marc and Sheila Sylvestre, in exchange for the Sylvestres granting an easement to the City for the installation, repair and maintenance of the storm drain pipe.

DRAINAGE, MAINTENANCE AND REPAIR EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, that the CITY OF BIDDEFORD, a Maine Municipal Corporation, with a mailing address of P.O. Box 586, Biddeford, Maine 04005 ("Grantor"), for good and valuable consideration, hereby grants and conveys to Marc S. Sylvestre and Sheila A. Sylvestre, their heirs and assigns, hereinafter called the Grantees, of Old Orchard Beach, Maine, Maine, in the County of York, and the State of Maine with quitclaim covenant, the following rights and easements:

A perpetual eight (8) foot wide easement located along the northerly end of the Grantor's property located at 42 Center Street, in the City of Biddeford, County of York and State of Maine, and being Tax Map 38, Lot 151 as shown on Exhibit 3 attached hereto and incorporated herein, for the following purposes:

1. To allow the discharge of rain water and snow melt from the rear roof area of the Grantees' building located at 167 Elm Street, Biddeford, Maine;
2. To allow the Grantees' access to and for maintenance of the rear portion on the Grantees' structure located at 167 Elm Street, Biddeford, Maine;

The Easement described being the area labeled "8-FT DRAINAGE, MAINTENANCE & REPAIR EASEMENT" on Exhibit 3 attached hereto and incorporated herein.

By accepting and recording this Easement, Grantees agree to indemnify, defend and hold Grantor, and its officers, employees, successors and assigns, harmless from any claims, damages, costs, liabilities and expenses (including attorneys' fees) arising from Grantees' use of the Easement, except for any claims arising from Grantor, or its officers', employees', successors', or assigns' intentional or negligent acts.

Said Easement is intended to run with the land of the Grantor and to benefit the land of Grantees described in their deed dated January 6, 2017, and recorded in the York County Registry of Deeds in Book 3074, Page 20.

In witness whereof, the City of Biddeford has caused this instrument to be executed by James A. Bennett, its City Manager, thereunto duly authorized, this ____ day of June, 2022.

CITY OF BIDDEFORD

By: _____
James A. Bennett, City Manager

State of Maine
York, ss.

June _____, 2022

Personally appeared before me the above named James A. Bennett, City Manager of the City of Biddeford, and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of the City of Biddeford.

Notary Public

Printed name:

My commission expires:

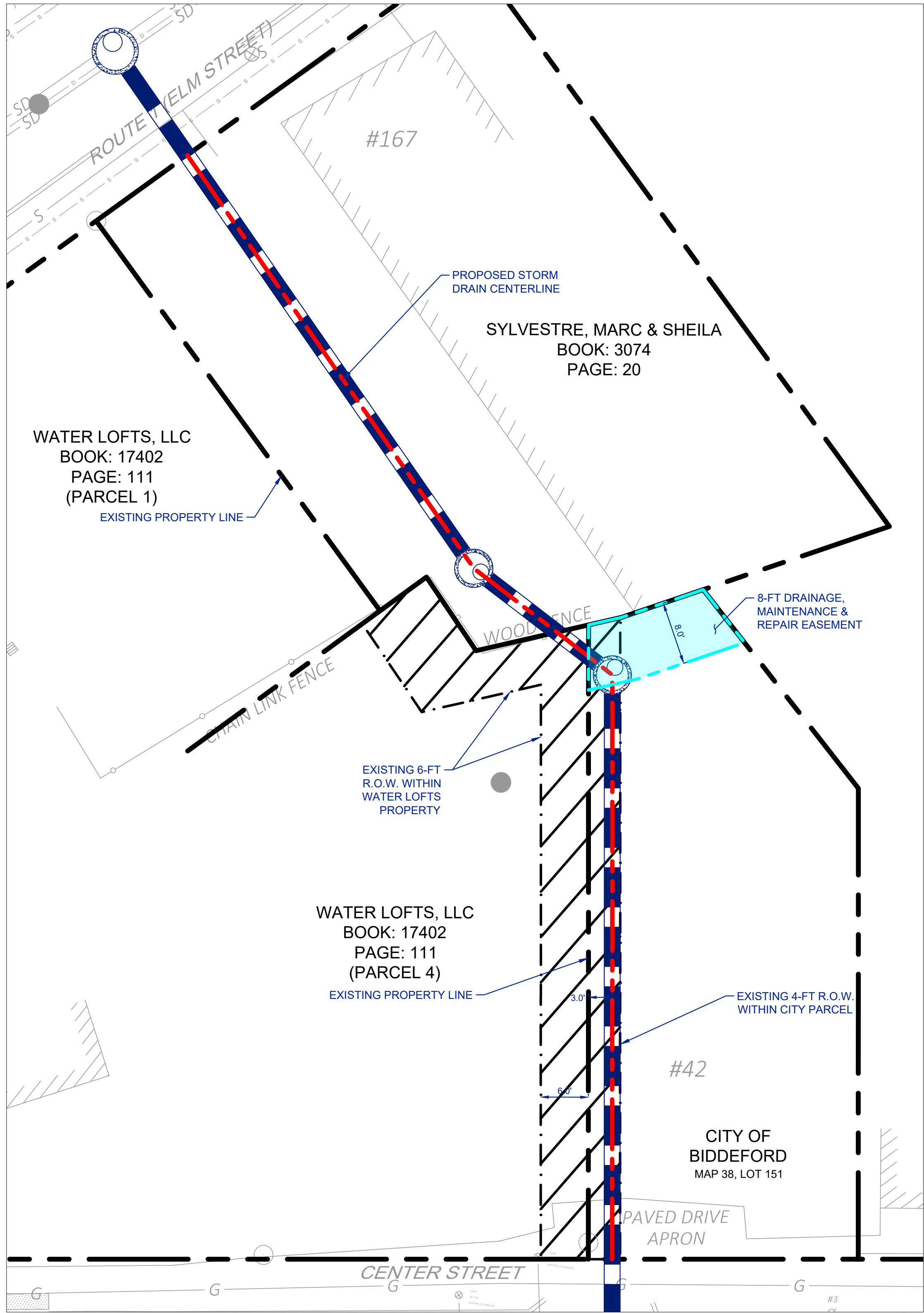
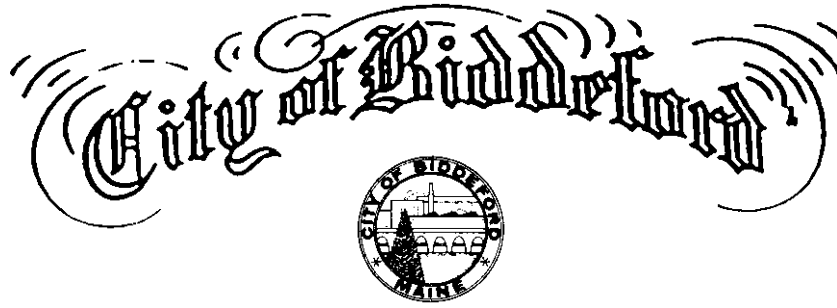


EXHIBIT 3 - 06/14/2022
8-FT DRAINAGE, MAINTENANCE & REPAIR EASEMENT



2021.136 **IN BOARD OF CITY COUNCIL..DECEMBER 21, 2021**
BE IT ORDERED, that the City Manager be authorized to sell by sealed bid process the following tax acquired properties:

1. ~~120 Proctor Rd, Parcel #0030170080~~
2. ~~312 Guinea Rd, Parcel #0800010000~~
3. ~~Pool St (Off of), Parcel #0050370000~~
4. ~~680 Pool St, Parcel #0100470000~~
5. 30 Old Alfred Rd, Parcel #0020630000

The City Council hereby directs that the City hold title to the below listed properties and directs the Tax Assessor to revise the property tax cards to list the City of Biddeford as record owner of the properties. The Council further directs that unpaid taxes, interest and any associated lien fees on the properties be written off. The properties will now be listed as tax acquired property as an asset:

1. 49 Center St, Parcel #0381680000
2. 42 Center St, Parcel #0381510000
3. 4 Fortunes Rock Rd, Parcel #0630460000

NOTE: The Finance Committee reviewed this item on November 16, 2021 and voted to recommend it to the City Council for approval.

December 21, 2021

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

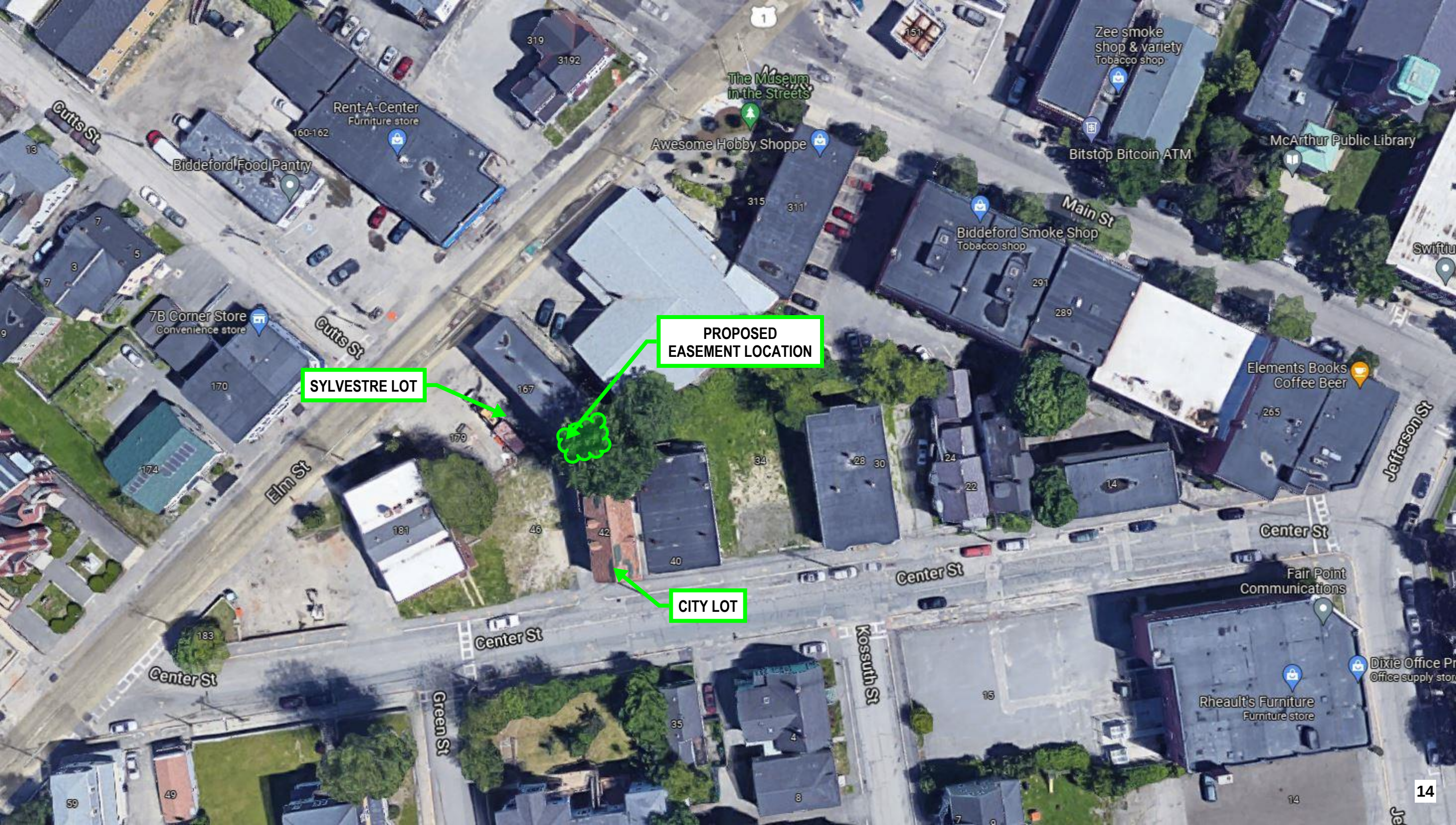
Motion by Councilor Clearwater, seconded by Councilor Mills to amend the order as follows:
To authorize the City Manager to enter into the payment arrangements as requested for the listed properties below and to further authorize the City Manager to place the property up for sealed bid process if the terms and conditions of the payment arrangement are not kept:

- 312 Guinea Road, Map 80, Lot 1
- 680 Pool Street, Map 10, Lot 47
- Pool Street (Off of), Map 5, Lot 37

Vote on amendment: Unanimous.

Vote on Order, as amended: Unanimous.

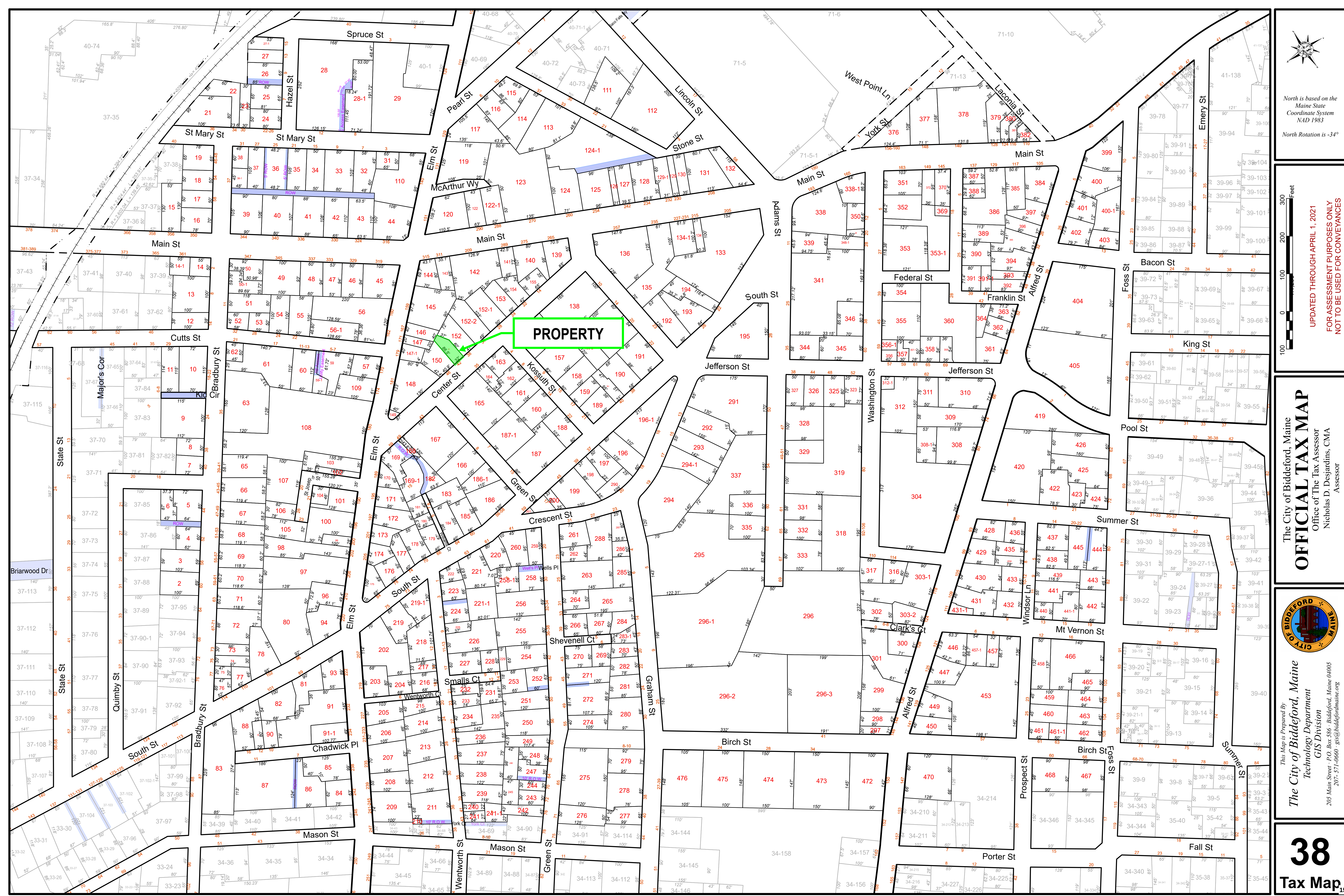
Attest by: _____
Carmen J. Morris, City Clerk



PROPOSED
EASEMENT LOCATION

SYLVESTRE LOT

CITY LOT



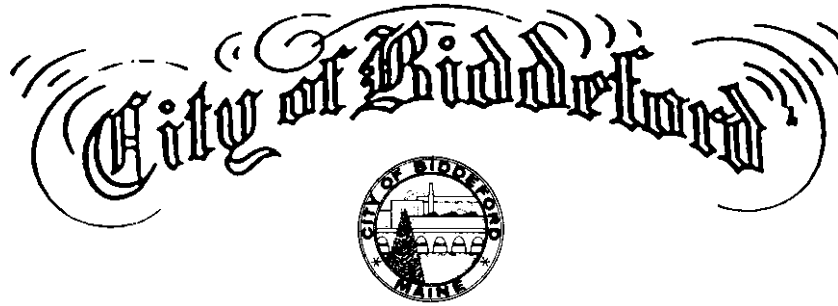
North is based on the
Maine State
Coordinate System
NAD 1983
North Rotation is -34°

100 0 100 200 300 Feet
UPDATED THROUGH APRIL 1, 2021
FOR ASSESSMENT PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCES

The City of Biddeford, Maine
OFFICIAL TAX MAP
Office of the Tax Assessor
Nicholas D. Desjardins, CMA
Assessor

This Map is Prepared By
The City of Biddeford, Maine
Technology Department
GIS Division
205 Main Street - P.O. Box 386 - Biddeford, Maine 04005
207-571-0660 - gis@biddefordmaine.org

38
Tax Map



2022.48(a) IN BOARD OF CITY COUNCIL.....JUNE 21, 2022

BE IT ORDERED, that the City Council of the City of Biddeford hereby authorizes the City Manager, to sign an agreement with Shaw Brothers Construction, Inc., as low bidder for the Pearl Street Reconstruction Project, in the amount of \$3,195,950, contingent upon Economic Development Administration (EDA) authorization to proceed with project award under EDA AN 01-01-15086;

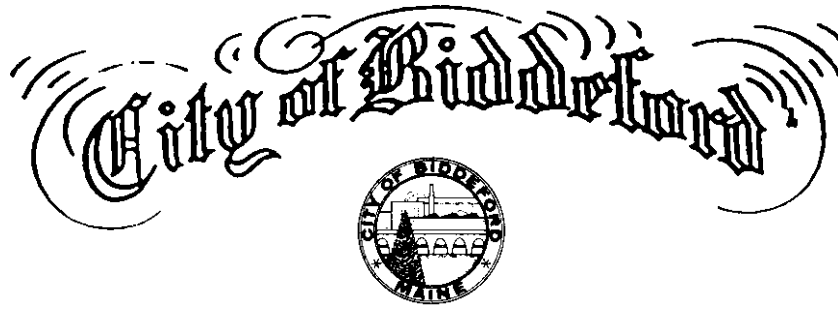
BE IT FURTHER ORDERED, that the City Council of the City of Biddeford hereby authorizes the City Manager, to establish a Pearl Street Reconstruction Management (PSR Management) account in the amount of \$325,000 from the so-called Excess Funds (CIP) as presented initially during the March 22, 2022 FY23 Budget Workshop, for the purpose of Pearl Street reconstruction management, inspections, and contingency. Note: No expenditures are authorized from the PSR Management account unless and until authorized by order of the Biddeford City Council or otherwise authorized in accordance with purchasing policies of the City of Biddeford.

Funding Note:

Funding for the Pearl Street Reconstruction Project is as follows:

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

PSR Management - includes, construction mgt., inspections, and contingency (Excess Funds 03/22/22 WS)...	<u>\$ 325,000</u>
Total Authorization	\$ 3,520,950



2022.48(b)

IN BOARD OF CITY COUNCIL...JUNE 21, 2022

A Resolution of the Biddeford City Council

WHEREAS, the City of Biddeford applied for and was awarded a 50% matching grant by the Economic Development Administration (EDA or the Agency), U.S. Department of Commerce (DOC), reference EDA AN 01-01-15086, "the Grant"; and

WHEREAS, the Grant supports the Pearl Street Reconstruction project; and

WHEREAS, the initial probable cost estimate for the Pearl Street Reconstruction Project is \$2,312,030; and

WHEREAS, the Grant requires certain terms and conditions, including but not limited to an assurance that matching project funds and any project overage are available, committed and are not otherwise encumbered; and

WHEREAS, the bids for the Pearl Street Reconstruction Project exceed the initial probable cost estimate by \$883,920, "the overage"; and

WHEREAS, the City of Biddeford is responsible for the overage and must provide EDA with an assurance that sufficient funds exist to cover the overage in accordance with the terms and conditions of the Grant;

NOW THEREFORE, BE IT RESOLVED, that the City of Biddeford affirms the necessary funds, in the amount of \$883,890, for the Pearl Street Reconstruction Project are available and committed to the project, and are not otherwise encumbered.



Biddeford City Council

Meeting Date: June 21, 2022

Meeting Time: 6:00 pm

Agenda Item No: 6.b.

Item Description: 2022.48.a) Authorization/Award of Pearl Street Reconstruction Project
2022.48.b) Resolution/Pearl Street Reconstruction Project-Overage

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

2021.21 - Resolution/Council Order – Pearl Street EDA Grant

Key Terms:

N/A

Executive Summary:

The City received a grant from the Economic Development Administration (EDA) to assist with the reconstruction of Pearl Street. The grant is a 50% match based on the initial project estimate of \$2,312,030 (\$1,156,015 = 50% match).

The City received two bids - Shaw Brothers Construction, Inc., in the amount of \$3,195,950 and Gorham Sand and Gravel at \$3,367,798. The low bid is \$883,920 above the preliminary budget estimate. Based on the timing of bid opening and the budget process, a plan for funding the \$883,920 was established along with establishing a construction management account in the amount of \$325,000 for, project management, inspections and contingency. Order 2022.48.a authorizes \$3,520,920 in total (\$3,195,950 + \$325,000 with reimbursement of \$1,156,015 from EDA) with two caveats – (1) Award to Shaw Brothers is contingent upon receipt of sign-off by EDA and (2) expenditures from the construction management account must follow current purchasing rules. Resolution 2022.48.b is an administrative requirement to establish the legitimacy of the funds needed to cover the bid overage of \$883,920.

The City has until July of 2023 to complete the project. The grant award specifies completion of construction within 245-days of construction contract award. At this time it is anticipated that the project will be substantially complete by the end of CY2022.

Detailed Review:

The City of Biddeford began design work on the Pearl Street Reconstruction Project in late 2019. Design plans progressed until the City became aware of a possible grant opportunity through the Economic Development Administration (EDA) in the fall of CY2020. The City initially requested an 80:20 grant match. EDA rejected the pre-application with the recommendation that the City apply at the 50% match level. As referenced in the attached support document, the City authorized application submittal. The City received a conditional offer in February of 2021 with notice of award in late April of 2021.

The City worked diligently with the engineer and stakeholders (adjacent developers) to modify and finalize the existing conceptual plans to meet the requirements of EDA’s construction standards and special conditions. The EDA Grant process is administratively detailed. Each step in the process requires submission and EDA sign-off prior to moving to the next step. The engineering and specification requirements are extensive and fill a 3-inch 3-ring binder.

The bid package was finalized in January of 2022 and released for bid in February of 2022 with EDA’s authorization (note: Order 2022.29 addresses preparing the design and specification package). The initial project estimate was \$2,312,030 with a 50% cost share equal to \$1,156,015. As was reported earlier in the year, the bids came in \$883,920 higher than expected. The low bidder for the project is Shaw Brothers Construction, Inc., at \$3,195,950. The second bidder, Gorham Sand and Gravel, came in at \$3,367,798.

Due to the timing of the bid opening and the budget process, the City Manager was able to review and prepare a budget to account for the known “overage”. See the [Budget Workshop of March 22, 2022](#). During the March 22, 2022 Budget Workshop presentation the City Manager indicated a plan to account for the “overage” under the “Excess Funds (CIP)” category along with \$325,000 for construction management, inspections, and contingency assuming the need to hire an outside entity for such services given the number of projects already on the Public Works/Engineering schedule.

You will note that there are two items requiring approval – Order 2022.48.a and Resolution 2022.48.b. The order authorizes the award and funding for the project. The Resolution is an EDA requirement to establish the legitimacy of the funds needed to cover the overage.

EDA is currently reviewing the bid opening and construction award submittals. The Order for this project is contingent upon EDA authorization to proceed as we expect the authorization at any time. The City has until July of 2023 to complete the project. The grant award specifies completion of construction within 245-days of construction contract award.

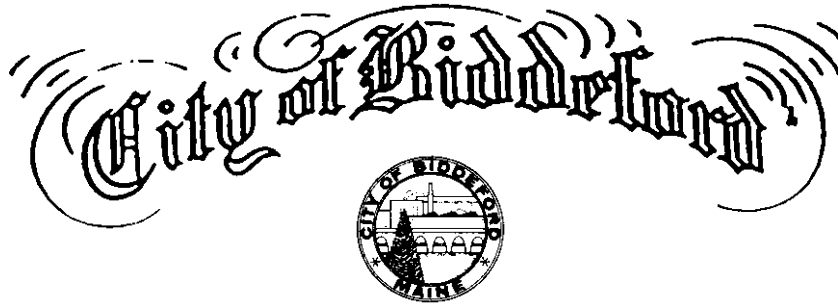
Funding Statement:

The Pearl Street Reconstruction Grant is a reimbursement grant. Funding for the project is as follows:

EDA Grant Award.....	\$ 1,156,015
Paving Account (Order 2021.21).....	\$ 250,000
CSO Account (Order 2021.21).....	\$ 50,000
Rt.111/Downtown TIF Fund (Order 2021.21).....	\$ 856,015
Pearl Street Bid Overage (Excess Funds 03/22).....	<u>\$ 883,920</u>
Total Construction	\$ 3,195,950
Project Management (includes, mgt, inspections, and contingency).....	<u>\$ 325,000</u>
Total Authorization	\$ 3,520,950
Municipal Portion	\$ 2,364,935

Staff Recommendation:

Approve as presented.

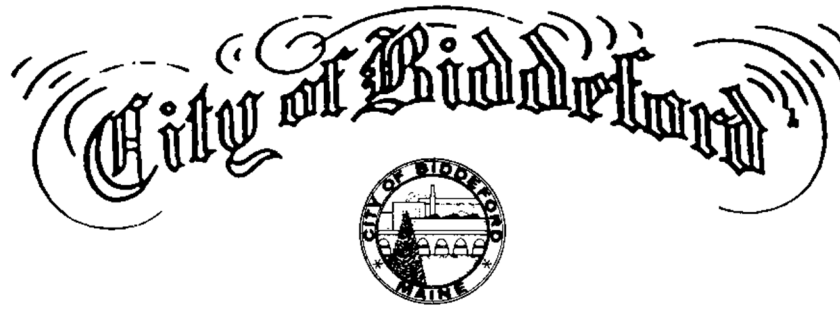


2021.21

IN BOARD OF CITY COUNCIL..MARCH 2, 2021

BE IT ORDERED, that the City Council of the City of Biddeford resolves that:

1. The City Manager, James A. Bennett is authorized and approved to submit a grant application for the reconstruction of Pearl Street to:
 - a. Economic Development Administration (EDA or the Agency), U.S. Department of Commerce (DOC)
 - b. Funding Opportunity Title: FY2020 Public Works and Economic Adjustment Assistance) Notice of Funding Opportunity
 - c. Funding Opportunity Number: PWEAA2020
 - d. Catalog of Federal Domestic Assistance (CFDA) Numbers: 11.300, Investments for Public Works and Economic Development Facilities and 11.307, Economic Adjustment Assistance
2. The City Manager, James A. Bennett, is the city's Authorized Representative for the purposes of the project;
3. The City is the lawful owner of Pearl Street and commits to the operation and maintenance of all improvements proposed in the project;
4. The necessary matching funds of \$1.156,015 are available and committed to the Pearl Street project, and are not otherwise encumbered;
5. The Planning and Development Director, Mathew Eddy (or his assignee), is the authorized point person responsible for surveying project beneficiaries at the 3, 6 and 9 year points in order to comply with Government Performance and Results Act of 1993 reporting requirements.



2022.49

IN BOARD OF CITY COUNCIL...JUNE 21, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to make payment to Sewall of Bangor ME, in the amount of \$201,967 for engineering services associated with the redesign of Pearl Street and the Economic Development Administration (EDA) Grant.

Funding Note: Funding for the project will be covered under the Route 111 Mill Redevelopment TIF (Tax Increment Financing) at 31179-61012.



Biddeford City Council

Meeting Date: June 21, 2022

Meeting Time: 6:00 pm

Agenda Item No: 6.c.

Item Description: 2022.49) Authorization/Pearl Street Reconstruction Plans and Specs – EDA Grant

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

2019.129 – Order/Award Pearl Street Design

2021.21 - Resolution/Council Order – Authorization to Submit Pearl Street EDA Grant

Key Terms:

N/A

Executive Summary:

The City of Biddeford began design work on the Pearl Street Reconstruction Project in late 2019. Design plans progressed until the City became aware of a possible grant opportunity through the Economic Development Administration (EDA) in the fall of CY2020. The City worked diligently with the engineer and stakeholders (adjacent developers) to modify and finalize the existing conceptual plans to meet the requirements of EDA's construction standards and special conditions to finalize for EDA review and create a bid package.

The original design work was authorized; however, there was no formal authorization to exceed the original appropriation to complete the plan and specification package. This was an oversight on staff's part. Sewall submitted billing for the EDA portion as one invoice at the conclusion of the work.

This Order is for authorization to release payment to Sewall for the work performed to provide plans to EDA for preliminary review and to create a subsequent bid package with review.

Detailed Review:

As noted under Agenda Item 6.b. – *2022.48) Authorization/Award of Pearl Street Reconstruction Project*, the City of Biddeford began design work on the Pearl Street Reconstruction Project in late 2019 as authorized by Order 2019.129. Design plans progressed until the City became aware of a possible grant opportunity through the Economic Development Administration (EDA) in the fall of CY2020. The City initially requested an 80:20 grant match. EDA rejected the pre-application with the recommendation that the City apply at the 50% match level. As referenced in the attached support document, the City authorized application submittal by Order 2021.21. The City received a conditional offer in February of 2021 with notice of award in late April of 2021.

The City worked diligently with the engineer and stakeholders (adjacent developers) to modify and finalize the existing conceptual plans to meet the requirements of EDA's construction standards and special conditions to create a bid package. The EDA Grant process is administratively detailed. Each step in the process requires submission and EDA sign-off prior to moving to the next step. The engineering and specification requirements are extensive and fill a 3-inch 3-ring binder.

The bid package was finalized in January of 2022 and released for bid in February of 2022 with EDA's authorization.

The original design work was authorized; however, there was no formal authorization to exceed the original appropriation to complete the plan and specification package. Obtaining formal administrative authorization for the EDA-related design work was an oversight on staff's part. Sewall submitted billing for the EDA-related portion as one invoice at the conclusion of the work.

This Order is for authorization to release payment to Sewall for the work performed to finalize the design plans and subsequently modify the plans and specifications to meet EDA standards in preparation for authorization from EDA to release for bid and provide bid support.

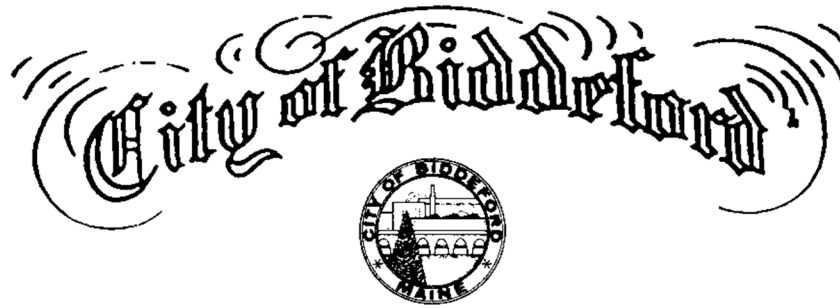
Engineering work for project design and specifications is generally in the range of 10-15% of project cost. At \$3,195,950 the typical range of costs would be about \$319,595 to \$479,393. The design cost for the EDA project is \$201,967 as invoiced.

Funding Statement:

Funding for the design work will be covered under the Route 111 Mill Redevelopment TIF (Tax Increment Financing) at 31179-61012, consistent with the original appropriation.

Staff Recommendation:

Approve as presented.

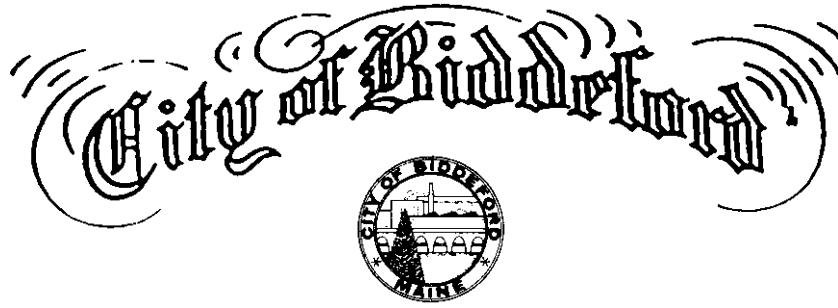


2019.129

IN BOARD OF CITY COUNCIL..NOVEMBER 19, 2019

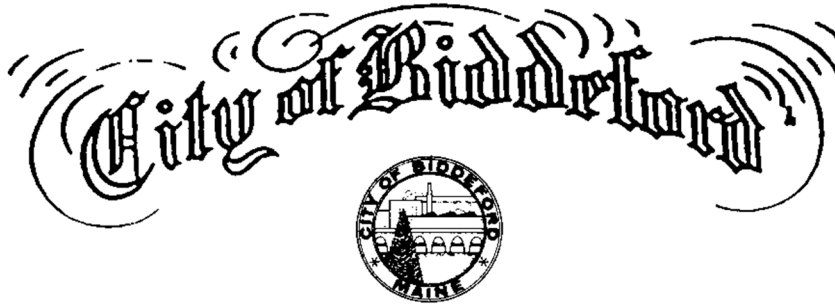
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into an agreement with James W. Sewall Co in the amount of \$38,970 for engineering services associated with the redesign of Pearl Street.

Funding for the project will be covered under the Route 111 Mill Redevelopment TIF (Tax Increment Financing) at 31179-61012.



2021.21 **IN BOARD OF CITY COUNCIL..MARCH 2, 2021**
BE IT ORDERED, that the City Council of the City of Biddeford resolves that:

1. The City Manager, James A. Bennett is authorized and approved to submit a grant application for the reconstruction of Pearl Street to:
 - a. Economic Development Administration (EDA or the Agency), U.S. Department of Commerce (DOC)
 - b. Funding Opportunity Title: FY2020 Public Works and Economic Adjustment Assistance) Notice of Funding Opportunity
 - c. Funding Opportunity Number: PWEAA2020
 - d. Catalog of Federal Domestic Assistance (CFDA) Numbers: 11.300, Investments for Public Works and Economic Development Facilities and 11.307, Economic Adjustment Assistance
2. The City Manager, James A. Bennett, is the city's Authorized Representative for the purposes of the project;
3. The City is the lawful owner of Pearl Street and commits to the operation and maintenance of all improvements proposed in the project;
4. The necessary matching funds of \$1.156,015 are available and committed to the Pearl Street project, and are not otherwise encumbered;
5. The Planning and Development Director, Mathew Eddy (or his assignee), is the authorized point person responsible for surveying project beneficiaries at the 3, 6 and 9 year points in order to comply with Government Performance and Results Act of 1993 reporting requirements.



2022.51

IN BOARD OF CITY COUNCIL...JUNE 21, 2022
Resolution Requesting Increased State Involvement for
Better Outcomes for Those Unhoused

WHEREAS, the number of community members who are unhoused is continuing to increase rapidly; and

WHEREAS, the current increase in housing costs, especially rental costs are increasing at rates that are exceeding inflationary rates; and

WHEREAS, those housing costs increases are happening throughout the entire State of Maine; and

WHEREAS, individuals who are without housing are statistically going to be adversely impacted more by other contributing factors than the population as a whole; and

WHEREAS, these known contributing factors include domestic violence, behavioral health, substance abuse, human trafficking and others; and

WHEREAS, the State of Maine, with federal COVID funds during the pandemic, provided temporary relief by utilizing hotels as a short term solution; and

WHEREAS, those hotels are no long available, leaving those in need without other viable alternatives; and

WHEREAS, municipalities are required by the Maine Law to provide housing assistance through the General Assistance Program; and

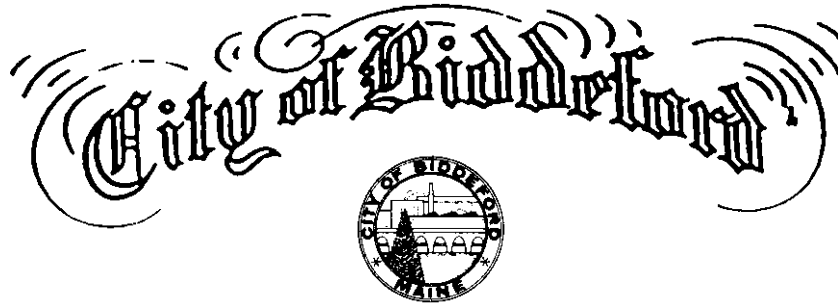
WHEREAS, municipalities, including the City of Biddeford, do not have the expertise or resources to provide the additional services which would be beneficial to many of the community members who are unhoused; and

WHEREAS, the housing crisis cannot be solved without uniform policies, State coordination, and cooperation between municipalities; and

WHEREAS, finding viable long term solutions for the growing number of folks without housing will require participation and resources from outside of the municipality; and

WHEREAS, the federal government, through various policies, including but not limited to those that impact Asylum Seekers, are contributing to the challenges of serving the needs of the unhoused;

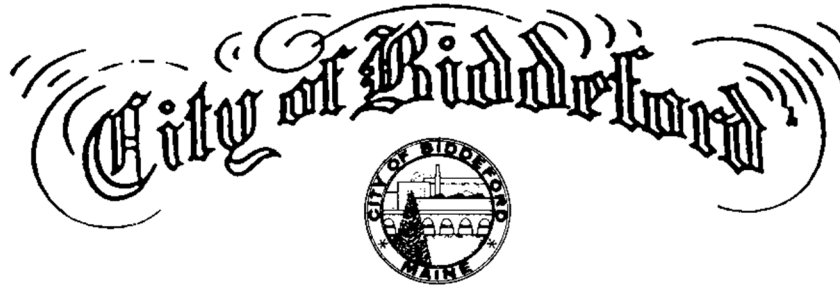
NOW, THEREFORE, BE IT RESOLVED that we, the City Council and Mayor of the City of Biddeford, join with other municipal leaders in Maine to request that the Governor of the State of Maine, supported by Legislative Leadership, create a formal Working Group of both elected and professional staff to make improvements to the state and local responses for those who are unhoused.



2022.52

IN BOARD OF CITY COUNCIL..JUNE 21, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby cancel the City Council Meeting of July 5, 2022.



2022.53

IN BOARD OF CITY COUNCIL..JUNE 21, 2022

**MORATORIUM ON NEW PROJECTS
FOR PROPERTY AT Tax Maps 71-6, 71-8, 71-9, 71-10, 71-11, 71-12**

WHEREAS, the Pepperell and North Dam Mill Complex (“Complex”) is the largest single property located within Biddeford’s Downtown; and

WHEREAS, said property contains seventeen (17) +/- acres within the downtown; and

WHEREAS, said acres are contiguous; and

WHEREAS, the Complex contains sixteen different buildings; and

WHEREAS, the total square footage of Biddeford’s Mill District is 1,608,580; and

WHEREAS, the total square footage of the Complex interior is 933,963; and

WHEREAS, several buildings are yet to be redeveloped; and

WHEREAS, the size and scope of the Complex is such that it allows the owners to have significant impact on the rest of Biddeford’s downtown; and

WHEREAS, the current MSRD-3 zoning governing the development of the site encompasses not only the Pepperell and North Dam Mill Complex, but the entirety of the mill district and other property within Biddeford’s downtown; and

WHEREAS, the stated purpose of the MSRD-3 zone is to encourage high-intensity and mixed-use redevelopment of underutilized and vacant mill buildings to advance the revitalization of downtown Biddeford; and

WHEREAS, Biddeford’s downtown is dramatically a different place than it was at the time of the current zoning; and

WHEREAS, the impacts of COVID have shown a dramatic change in the business climate in downtowns; and

WHEREAS, to encourage successful and positive downtowns, communities have had to change their land use regulations in order to meet the new expectations; and

WHEREAS, successful downtowns require a mixture of commercial and residential activity; and

WHEREAS, successful downtowns require a mixture of housing units, most especially in various affordability levels; and

WHEREAS, current rental costs are increasing at a pace that is far outpacing the inflation rate; and

WHEREAS, a traditional zoning approach is likely to be a less successful approach to assist this property with unique characteristics and impacts on the rest of the community; and

WHEREAS, to prevent an overburden of public facilities and because the current land use regulations are inadequate to prevent serious public harm from development in the aforementioned area;

WHEREAS, a unique overlay zone is likely to be a better vehicle to achieve mutual beneficial development; and

WHEREAS, absent said overlay zone the Complex is likely to continue redevelopment without a balance of mixed-uses; and

WHEREAS, having such development occur in that fashion would cause adverse harm on the public within the downtown area; and

WHEREAS, the City needs time to draft and approve an overlay zone;

NOW, THEREFORE, BE IT RESOLVED that we the City Council and Mayor of the City of Biddeford, enact a ninety (90) day moratorium on any new development within the Pepperell and North Dam Mill Complex consistent with Title 30-A §4356 et. al., effective June 16, 2022. Said moratorium may be extended by an affirmative vote of the City Council for an additional ninety (90) days.

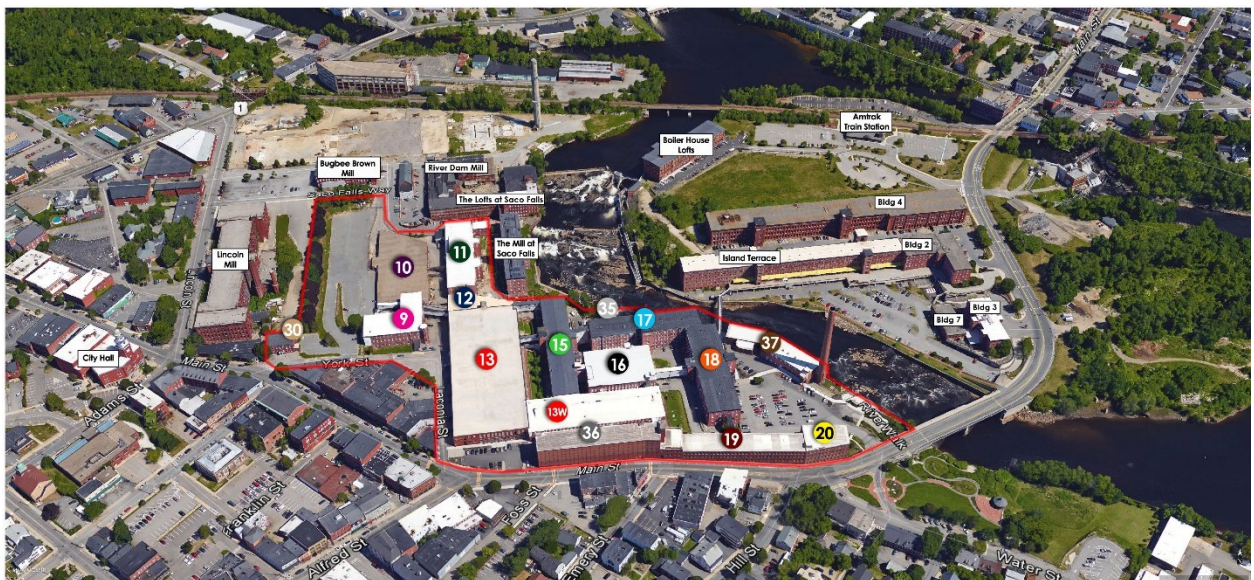
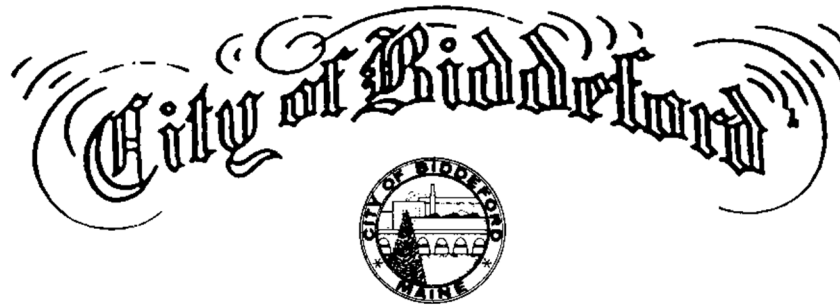


Figure 1: Aerial view of the Biddeford Downtown with Pepperell and North Dam Mill Complex indicating individual campus buildings (i.e. Building 13)

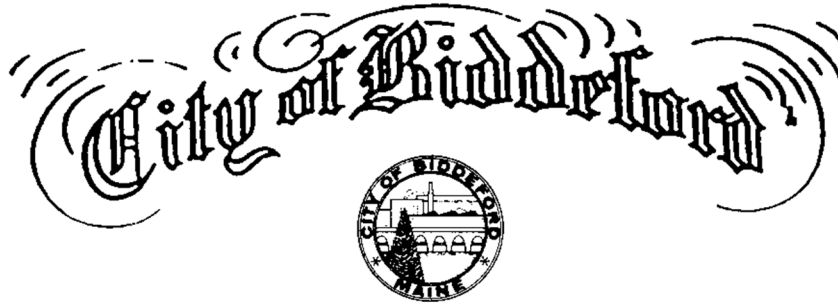


IN BOARD OF CITY COUNCIL...JUNE 21, 2022

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

**Michael Cantara
5 Cherry Lane
Ward 7**

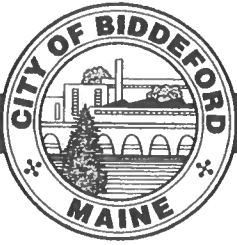
from an Associate Member to a Regular Member on the *Planning Board*, replacing Bruce Benway, for a term to expire in December 2022.



IN BOARD OF CITY COUNCIL...JUNE 21, 2022
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Susan Deschambault
100 Saco Falls Way
Ward 5

to the *Planning Board*, replacing Michael Cantara as an Associate Member, for a term to
expire in December 2022.



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: June 17, 2022

Name: Susan Deschambault

Street Address: 100 Saco Falls Way

Biddeford 04005

Mailing Address:
(if different) Same

Phone Number(s): 284-3570 cell

Email Address: susan.deschambault@gmail.com

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

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

CITY OF BIDDEFORD
Committee Application

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

City Councilor

Charter Revision Commission

Planning Bd.

Tri City Transport

Police Commission

Citizen expt on School Committee 1996-2000

2016 - 2022 - State Senator - Chair Crim Just. + Public Safety

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

Same as above

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

Planning Board experience and chairperson

On several ad hoc committees prior to election to State Office.

As a former member of Biddeford Planning Board and as chair expanded mill housing development. Also have worked on Affordable housing legislation on the State level.

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