

City of Biddeford
City Council
June 20, 2017 6:00 PM Council Chambers

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Presentation:**
 - 4.a. Update on Main Street Road & Paving Project
 - 4.b. FEMA Flood Maps
- 5. Consideration of Minutes:**
 - 5.a. June 6, 2017 Council Meeting Minutes
[6-06-2017 Council Meeting Minutes.docx](#)
- 6. Second Reading:**
 - 6.a. 2017.57) Amendment/Land Development Regulations/Accessory Dwelling Units Amendments
[6-06-2017 Accessory Dwelling Units Amendment-ORDER.docx](#)
[6-06-2017 ADU Amendment-MEMO.pdf](#)
 - 6.b. 2017.58) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Dartmouth Street
[6-06-2017 Dartmouth Street No Parking Amendment.docx](#)
 - 6.c. 2017.59) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Round Hill Street
[6-06-2017 Round Hill Street - No Parking.docx](#)
 - 6.d. 2017.60) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-92-Limited Parking/Add on Yates Street
[6-06-2017 Yates Street - Limited Parking.docx](#)
 - 6.e. 2017.61) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-99-No Through Trucks/Edit Grayson Street to Hill Street
[6-06-2017 No Through Trucks-Grayson to Hill.doc](#)
 - 6.f. 2017.56) Amendment/Ch. 2, Administration, Art. I - In General/Add New Section 2-3 - Code of Ethics
[6-06-2017 Code of Ethics - REVISED.docx](#)
- 7. Orders of the Day:**
 - 7.a. 2017.66) Amendment/Land Development Regulations - Art. III-Official Zoning Map/Rezone 38 South Street from MSRD-2 to MSRD-1
[6-20-2017 38 South Zone Change-ORDER.docx](#)
[6-20-2017 38 South Zone Change-MEMO.pdf](#)
 - 7.b. 2017.67) Approval/Purchase of Ten-Wheel Freightliner Plow Truck/Freightliner of Maine
[6-20-2017 Ten-wheel Plow Truck FY18.docx](#)

- [6-20-2017 Bid Opening 10 Wheeler.docx](#)
- 7.c. 2017.68) Approval/Purchase of Single Axle Western Star Plow Truck/O'Connor Motor Co.
 - [6-20-2017 Single Axle Plow Truck FY18.docx](#)
 - [6-20-2017 Bid Opening 10 Wheeler.docx](#)
- 7.d. 2017.69) Approval/Sewer Rate Fee Structure
 - [6-20-2017 Sewer Rates Change-MEMO.pdf](#)
 - [6-20-2017 Sewer User Rates FY18-ORDER.docx](#)
- 7.e. 2017.70) Authorization/School Department Request/Use of Bond Refunding Savings for Phase I of Field Plan (Waterhouse Field and Track at BHS)
 - [6-20-2017 School Dept-Bond Refunding Savings-ORDER.doc](#)
 - [6-20-2017 Field Improvement Plans and Recommendations.pdf](#)
 - [6-20-2017 Waterhouse Commission Letter.pdf](#)
 - [6-20-2017 Track Upgrade Memo.pdf](#)
- 7.f. 2017.71) Confirmation/Council President Appointment to the Finance Committee
 - [6-20-2017 Council Pres Appt to Finance-Ready.docx](#)
- 7.g. 2017.72) Approval/Postponement of July 4th, 2017 City Council Meeting
 - [6-20-2017 Postpone July 4th council meeting.docx](#)
- 8. Appointments:**
 - 8.a. Councilor Swanton...Joint Biddeford-Saco Committee
 - [6-20-2017 Appt-Joint Bidd-Saco Committee-Swanton.docx](#)
 - 8.b. Social Service Committee
 - [6-20-2017 Appt-Social Service Committee.docx](#)
- 9. City Manager Report**
- 10. Public Addressing the Council..(3 minute limit per speaker)**
- 11. Other Business**
- 12. Council President Addressing the Council**
- 13. Mayor Addressing the Council**
- 14. Executive Session**
 - 14.a. 1MRSA 405(6)(D)...Labor Negotiations
 - 14.b. 1MRSA 405(6)(A)...Performance Review - City Manager
- 15. Adjourn**

**COUNCIL MEETING
JUNE 6, 2017**

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

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Bob Mills, Michael Ready, Laura Seaver, Marc Lessard

Norman Belanger was excused.

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

Adjustment to the Agenda:

Add: Consideration of LaKermesse Request to Waive City Licensing Fees

Recognition: Newly Hired Police Officers

Chief Roger Beaupre presented newly hired Police Officers Peter Gilman, Justin Lavertue and Devon Spates. On May 19th, Officers Gilman, Lavertue and Spates graduated from the Maine Criminal Justice Academy. After completion of their field training with the Biddeford Police Department, they will be assigned to the patrol division's third shift.

Presentation: Biddeford Historical Society

Louise Merriman, a member of the Biddeford Historical Society, introduced the newly launched website for the Biddeford Historical Society and she encouraged folks to check it out and also to get involved the Fireside Chats that are scheduled throughout the year.

Consideration of Minutes: **May 16, 2017; May 18, 2017; May 24, 2017**

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

Vote: Unanimous.

Consideration of LaKermesse Request to Waive City Licensing Fees

Motion by Councilor McCurry, seconded by Councilor Mills to waive all licensing and permitting fees, as set by City ordinance, for LaKermesse Franco-Americaine.

Motion by Councilor Mills, seconded by Councilor St. Cyr to allow Councilor Quattrone to abstain from this vote due to the fact that his wife is the President of the LaKermesse organization.

Vote: 4/4; Councilors Lessard, Seaver, Ready and McCurry opposed.

Councilor Swanton, St. Cyr, Quattrone and Mills in favor.

Point of order called by Councilor Lessard, who stated that the Mayor could not vote to break the tie because the final vote had been called.

Motion by Councilor McCurry, seconded by Councilor Mills to reconsider the previous motion.

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

Councilors Swanton, McCurry, St. Cyr, Quattrone and Mills in favor.

Motion carries.

Motion by Councilor Mills, seconded by Councilor St. Cyr to allow Councilor Quattrone to abstain from this vote due to the fact that his wife is the President of the LaKermesse organization.

Vote: 4/4; Councilors Lessard, Seaver, Ready and McCurry opposed.

Councilor Swanton, St. Cyr, Quattrone and Mills in favor.

Mayor Casavant voted in favor to allow the abstention.

Vote on waiver of licensing and permitting fees: 3/4; Councilors Lessard, Ready and Seaver and St. Cyr opposed.

Councilors Swanton, McCurry and Mills in favor.

Request is denied.

Second Readings:

{For a copy of the ordinance amendments and first readings, see the Council Meeting minutes of May 16, 2017}

2017.39) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Summit Street

Motion by Councilor Mills, seconded by Councilor Swanton to grant the second reading of the ordinance amendment.

Motion by Councilor McCurry, seconded by Councilor Mills to amend the ordinance by reverting back to the originally proposed language to institute no parking on both sides of the street.

Vote: 4/4; Councilors Swanton, St. Cyr, Mills and Lessard opposed.

Councilors McCurry, Quattrone, Ready and Seaver in favor.

Mayor Casavant voted in opposition to break the tie.

Vote on ordinance, as revised: 5/3; Councilors Seaver, Ready and McCurry opposed.

Councilors Swanton, St. Cyr, Quattrone, Mills and Lessard in favor.

Motion carries.

2017.50) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-64-Fees for parking violations/Fee Increases

Motion by Councilor Lessard, seconded by Councilor Mills to grant the second reading of the ordinance amendment.

Vote: 6/2; Councilors Seaver and Ready opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills and Lessard in favor.

Motion carries.

2017.51) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-92.1-Waiver of parking fees under specific circumstances/Delete Entire Section

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

Vote: 7/1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Mills, Ready, Seaver and Lessard in favor.

Motion carries.

2017.52) Amendment/Ch. 18, Buildings and Building Regulations/Sec. 18-61-Permit fee schedule/Increase Construction Permit Fee; and Sec. 18-158-Electrical Permit Fees/Add Administrative Fees

Motion by Councilor Lessard, seconded by Councilor Mills to grant the second reading of the ordinance amendment.

Vote: 7/1; Councilor Ready opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Seaver and Lessard in favor.

Motion carries.

2017.53) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-66-Beach permit parking regulations enumerated/Increase in all beach permit fees

Motion by Councilor Mills, seconded by Councilor Swanton to grant the second reading of the ordinance amendment.

Vote: 6/2; Councilors Ready and Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Mills, Seaver and Lessard in favor.

Motion carries.

2017.54) Amendment/Ch. 6, Amusements, Art. IV-Special Events, Sec. 6-143-Permit required/Add Special Event Permit Fees

Motion by Councilor Mills, seconded by Councilor Seaver to grant the second reading of the ordinance amendment.

Vote: Unanimous.

Orders of the Day:

2017.57

IN BOARD OF CITY COUNCIL..JUNE 6, 2017

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 IV (Nonconformance), be amended as follows:

Section 1. Purposes.

The intent of this Zoning Ordinance is to regulate nonconforming lots, uses and structures. This ordinance intends to be realistic so that: nonconforming vacant lots of record can be reasonably developed; nonconforming existing structures can be properly maintained or repaired; ~~and~~ nonconforming uses can continue to be changed to other less nonconforming or to conforming uses; and nonconforming (as to use) single-family residential dwelling units can create Accessory Dwelling Units subject to the performance standards in Article VI of this ordinance. When

nonconforming uses fall into disuse, the intent of these regulations is not to allow them to be reestablished after a twelve-month period of dormancy. These regulations are designed for the betterment of the community and for the improvement of property values.

Section 3. Nonconforming use.

B. A structure nonconforming as to use.

1. A building or structure, nonconforming as to use, shall not be enlarged unless the nonconforming use is terminated, and otherwise meets the provisions of this ordinance. This does not apply to Accessory Dwelling Units which may be created in accordance with the performance standards in Article VI of this ordinance.
2. A nonconforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this ordinance, or of any amendment making such use nonconforming. This shall not apply Accessory Dwelling Units which may be created in accordance with the performance standards in Article VI of this Ordinance.
3. Accessory Dwelling Units on parcels containing a single non-conforming (as to use) dwelling unit, which was in existence as of January 1, 2017, that are created in accordance with the performance standards in Article VI of this ordinance shall not be considered the expansion or creation of a non-conforming use.

Part III (Land Development Regulations), Article II (Definitions), be amended as follows:

ACCESSORY DWELLING UNIT - An Accessory Dwelling Unit (ADU) is a self-contained housing unit incorporated within a single-family dwelling, attached to a single-family dwelling, or in a separate building on the same lot as a single-family dwelling home.

PRIMARY RESIDENCE - A building in which is conducted the principal use of the lot on which it is located. For ~~residentially zoned~~ lots, such a building would be a dwelling.

Part III (Land Development Regulations), Article VI (Performance Standards), Section 77 (Accessory Dwelling Units (ADUs)), be amended as follows:

A. Procedural Requirements.

1. Review procedure:
 - a. One ADU is permitted per residentially zoned parcel (see Article V, Table A, Table of Land Uses), except-within the Coastal Residential (CR) zone, including the RP and LR overlay districts within the CR zone, where ADUs are not permitted. ADUs are also permitted on non-residentially zoned parcels containing a single non-conforming (as to use) dwelling unit which was in existence as of January 1, 2017. A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.

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

Vote: Unanimous.

2017.58

IN BOARD OF CITY COUNCIL..JUNE 6, 2017

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

Dartmouth Street, even-numbered side, from the intersection with Elm Street thence westerly to the intersection with May Street.

NOTE: The Policy Committee considered this amendment at their May 22, 2017 meeting and voted unanimously to forward to the City Council with a recommendation for adoption.

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

Vote: Unanimous.

2017.59

IN BOARD OF CITY COUNCIL..JUNE 6, 2017

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

Round Hill Street, odd-numbered side, from the intersection with May Street thence northeasterly to the intersection with Dartmouth Street.

NOTE: The Policy Committee considered this amendment at their May 22, 2017 meeting and voted unanimously to forward to the City Council with a recommendation for adoption.

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

Vote: Unanimous.

2017.60

IN BOARD OF CITY COUNCIL..JUNE 6, 2017

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

Yates Street, odd-numbered side, beginning at a point 552 feet northwest from the intersection with Mile Stretch Road thence northwesterly to CMP utility pole CMP 9 (entrance to Biddeford Pool Yacht Club), three (3) hours between the hours of 8:00 a.m. and 4:00 p.m. from June 15 to Labor Day of each year.

NOTE: The Policy Committee considered this amendment at their May 22, 2017 meeting and voted unanimously to forward to the City Council with a recommendation for adoption.

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

Vote: 6/2; Councilors McCurry and Lessard opposed.

Councilors Swanton, St. Cyr, Quattrone, Mills, Ready and Seaver in favor.

Motion carries.

2017.61

IN BOARD OF CITY COUNCIL..JUNE 6, 2017

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-99 No through trucks**, is amended by adding or ~~deleting~~ to read as follows:

Sec. 42-99_ **No through trucks.**

(a) One-~~and one~~ half-ton and over.

There shall be no through trucks over one and one half (1 ½) ton in size on the following streets:

Diamond Street, no trucks greater than one and one-half ton (~~gvw~~); local deliveries only

Stone Street, no trucks greater than one and one-half ton (~~gvw~~); local deliveries only

Summer Street, signs to be placed at Summer Street and Harrison Street and Summer Street and Birch Street

(b) Five tons and over.

There shall be no through trucks over five tons gross vehicle weight on the following streets:

Edwards Avenue

Graham Street, any part between Crescent Street and Alfred Streets

Grayson Street, any part between Elm Street and ~~Marcel Avenue~~ Hill Street

Janelle Street

Maple Avenue, any part

May Street, any part

NOTE: The Policy Committee considered this amendment at their May 22, 2017 meeting and voted unanimously to forward to the City Council with a recommendation for adoption.

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

Motion by Councilor Ready, seconded by Councilor Seaver to amend the ordinance by changing (a) to **One and one half ton and over.**

Vote: Unanimous.

Motion by Councilor Swanton, seconded by Councilor Lessard to remove the references to (grvw).

Vote: Unanimous.

Vote on first reading, as amended: Unanimous.

2017.62

IN BOARD OF CITY COUNCIL... JUNE 6, 2017

BE IT ORDERED, that City Manager, James Bennett's appointment of *Cheryl Fournier* as Finance Director for the City of Biddeford, be confirmed.

Motion by Councilor McCurry, seconded by Councilor Lessard to confirm the appointment.

Motion by Councilor McCurry, seconded by Councilor Ready to move into Executive Session, per 1MRSA 405(6)(A) – Personnel Matter.

Vote: Unanimous.

Time: 6:41 p.m.

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

Vote: Unanimous.

Time: 6:55 p.m.

Vote on appointment: Unanimous.

2017.63

IN BOARD OF CITY COUNCIL...JUNE 6, 2017

WHEREAS, the City Council of the City of Biddeford requires all departments to maintain a balanced budget; and

WHEREAS, the practices, policies, and procedures of the Community TV Program are under review as part of the Plan; and

WHEREAS, Article XI, Sec. 3, of the City Charter allows for the transfer of funds between accounts provided the resolution authorizing the transfer is adopted by a 2/3 vote of the members present and voting and the vote is recorded.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Biddeford hereby authorizes the City Manager to direct transfer of a sum equivalent to the payoff of the Community TV construction loan held by Saco & Biddeford Savings Bank minus the project end-of-year FY2017 budget surplus, from the *Community TV Fund* account (12183-30500) to the *Community TV Use of Fund Balance* account (31138-41199).

BE IT FURTHER RESOLVED that the City Council of the City of Biddeford authorizes the City Manager to use the transferred funds and estimates end-of-year savings to pay off the Community TV construction loan held by Saco & Biddeford Savings Bank in the amount of approximately \$45,847.50, with the exact amount to be determined at the time of pay off to account for daily interest accruals.

NOTE: This order needs a 2/3rds vote for approval, due to the fact that it's a transfer of funds from one account to another.

Motion by Councilor McCurry, seconded by Councilor Mills to grant the order.
Vote: Unanimous.

2017.44

IN BOARD OF CITY COUNCIL...MAY 2, 2017

BE IT ORDERED, that the City Council of the City of Biddeford does hereby set the date, time and place for a General Meeting of the citizens, as per the petition filed with and certified by the City Clerk on April 25, 2017.

We the undersigned, duly registered voters of the City of Biddeford, qualified to vote at a General Election, in accordance with the Charter of the City of Biddeford, do hereby call for a meeting of the citizens to address concerns of taxation without representation. Topics including, but not limited to, neglect of Waterhouse Field and overzealous spending downtown are to be discussed and addressed at this meeting.

This meeting will be held in accordance to the rules of the City Charter. A moderator will be chosen by majority vote of the citizens attending the meeting.

Per the City Charter, ART. XII – Miscellaneous Provisions

Sec. 4. General meetings of citizens.

General meetings of the citizens qualified to vote in the City affairs may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress of any grievances according to the right secured to the people by the Constitution of this State; and such meetings may and shall be duly warned by the City Council, upon the requisition of 100 qualified voters of said City. A moderator shall be selected by majority vote of the citizens attending the meeting.

Motion by Councilor Ready, seconded by Councilor McCurry to remove the order from the table.
Vote: 7/1; Councilor Lessard opposed.
Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Ready and Seaver in favor.
Motion carries.

Motion by Councilor McCurry, seconded by Councilor Ready to set a General Meeting of Citizens for Monday, June 19th, 2017 from 6:00 p.m. to 8:00 p.m. in the Council Chambers.
Vote: Unanimous.

REVISED VERSION, WITH THE POLICY COMMITTEE RECOMMENDATIONS

2017.56

IN BOARD OF CITY COUNCIL..MAY 16, 2017

BE IT ORDAINED, that the City Council of the City of Biddeford does hereby adopt the following Code of Ethics for all Elected and Appointed City Officials; to be included in the Code of Ordinances, **Chapter 2, Administration, Article I, Sec. 2-3 – CODE OF ETHICS**, as follows:

Ch. 2 – Administration, Article I – In General

Sec. 2-3 – Code of Ethics

There shall be a Code of Ethics for all Elected and Appointed Officials in and for the City of Biddeford:

- Officials shall view service to the City as an opportunity to serve the public, state and nation as the best means to promote the City of Biddeford and its citizens. We are working to make Biddeford the best place to live, work and do business.
- ~~Officials shall not make disparaging remarks about other City Officials or their opinions.~~
- Officials must maintain a courteous tone, especially in reference to any divergence of opinion and shall avoid injecting any personal note into discussions or debate. Officials must never attack or make any allusion to the motives of another Official.
- Officials shall remember at all times that ~~as an individual~~, they have no legal authority within the City outside the scope of their position, and ~~will~~ shall conduct their relationships with the City of Biddeford staff, the local citizenry, and all media communications in recognition of their authority. ~~on the basis of this fact.~~

- ~~Officials shall recognize that their responsibility is not to operate the City, but to see that the City is well operated.~~
- Officials shall not interfere with the daily administration of City business.
- ~~Officials shall listen to all citizens but will refer all complaints to the proper authorities and will discuss such complaints only at a regular meeting after failure of an administrative solution.~~
- Officials shall listen to all citizens and shall refer all complaints or concerns to the proper authorities.
- ~~Officials shall graciously support a decision once it has been made by a majority of the Council/Committee.~~
- Officials shall not criticize City employees publicly, but shall make such comments to the City Manager for investigation and action, if necessary.
- Officials shall make decisions only after all facts bearing on a question have been presented and discussed.
- ~~Officials shall refuse to make promises as to how they will vote on a matter which should properly come before the Council/Committee as a whole.~~
- ~~Officials shall not discuss the confidential business of the Council/Committee in their home, on the street or in their workplace; the place for such discussion is at the Council/Committee meetings.~~
- Officials shall not disclose the confidential business of the City to unauthorized persons.
- ~~Officials shall confine their Council/Committee action to policy making, planning or appraisal; leaving the administration of the City to the City Manager.~~
- ~~Officials shall endeavor at all times to see that the City has adequate financial support within the capabilities of the community and state, in order that every citizen may receive the best possible service.~~
- ~~Officials shall resist every temptation and outside pressure to use their position as a City Official to benefit themselves or any other individual or agency apart from the total interest of the City.~~
- No Official shall be permitted to vote on any question when his or her private rights or interests, distinct from public interest, is immediately involved.
- ~~Officials shall attempt to attend all meetings of the Council/Committee and, if it should become necessary to miss more than three (3) consecutive regular meetings of the Council/Committee or twenty five percent (25%) of all meetings within any six (6) month period, will meet with the Chair of the Council/Committee and explain the nature of the reason for the absence.~~
- Officials shall take notice of the date and time that meetings at which their attendance is expected are scheduled and shall punctually attend all meetings unless for good cause they are unavailable.
- ~~Officials shall abstain from individual action on those matters rightfully the authority of the Council/Committee.~~

Motion by Councilor McCurry, seconded by Councilor Mills to remove the item from the table.
 Vote: 7/1; Councilor Lessard opposed.
 Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Ready and Seaver in favor.
 Motion carries.

Motion by Councilor McCurry, seconded by Councilor Seaver to grant the first reading of the ordinance amendment, as revised and recommended by the Policy Committee.
 Vote: 7/1; Councilor Ready opposed.
 Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Seaver and Lessard in favor.
 Motion carries.

2017.64

IN BOARD OF CITY COUNCIL..JUNE 6, 2017

BE IT ORDERED, that the City Council of the City of Biddeford does hereby accept the resignation of Bob Mills as the Councilor representing Ward 5.

Motion by Councilor Ready, seconded by Councilor McCurry to accept the resignation, which is to be effective immediately.

Vote: Unanimous.

2017.65

IN BOARD OF CITY COUNCIL..JUNE 6, 2017

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

**Victoria Foley
26 Mason Street**

as **City Councilor for Ward 5**, replacing Bob Mills, for the remainder of the current term, which will expire in December 2017.

BE IT FURTHER ORDERED, that Councilor Foley will replace former Councilor Bob Mills on the Capital Projects Committee.

Motion by Councilor McCurry, seconded by Councilor Ready to confirm the appointment.

Vote: Unanimous.

Appointments:

IN BOARD OF CITY COUNCIL..JUNE 6, 2017

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

**Bob Mills
10 Windsor Lane**

to the *Board of Assessment Review*, with a term to expire December 2022.

Motion by Councilor Lessard, seconded by Councilor Quattrone to confirm the appointment.

Vote: Unanimous.

IN BOARD OF CITY COUNCIL..JUNE 6, 2017

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

**Bob Mills
10 Windsor Lane**

to the *Wastewater Management Commission*, with a term to expire December 2020.

Motion by Councilor Lessard, seconded by Councilor McCurry to confirm the appointment.

Vote: Unanimous.

IN BOARD OF CITY COUNCIL..JUNE 6, 2017

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

**Bob Mills
10 Windsor Lane**

to the *Zoning Board of Appeals*, with a term to expire December 2020.

Motion by Councilor Lessard, seconded by Councilor Seaver to confirm the appointment.

Vote: Unanimous.

City Manager Report:

City Manager, James Bennett gave a brief explanation on the current status of the State budget for fiscal year 2018. He noted that the City will not commit taxes for the next fiscal year until after the State budget has been passed.

Public Addressing the Council..(3 minute limit per speaker; 30 minute total time limit):
There were no public comments.

Other Business:

Councilor Ready: reminded folks of the upcoming School Budget Validation Referendum and Special State Referendum Election on Tuesday, June 13th. The poll will be open from 7:00am to 8:00pm at the Tiger Gym at Biddeford High School.

Councilor Ready also informed folks that on Monday, June 12th the Policy Committee will be meeting at 6:30pm in the Council Chambers, and will be discussing a proposed ordinance for Delivery of Unsolicited Items.

Councilor Swanton: asked about the ballots for next week's election. City Clerk, Carmen Morris explained that there is a State ballot that includes on Bond Referendum question; and the City ballot that includes the validation of the School Budget.

Councilor McCurry: stated that he'd still like the City to look into the issue of marijuana growers living in multi-unit buildings and the dangers around that due to the electricity load used to grow marijuana. He has spoken with Roby Fecteau, the Code Enforcement Officer and is hoping to come up with some direction in the near future.

Council President Addressing the Council: Councilor McCurry offer congratulations to all the recently graduated Biddeford High School Graduates. He also offered congratulations to those who will be graduating from the Adult Education program.

Councilor McCurry noted that the petitioned-for General Meeting of Citizens has been scheduled; however, he had hoped that citizens would have come out to speak on the issues of concern prior to now – like during the Waterhouse Field meetings, School Committee meetings and during the budget public hearing and meetings.

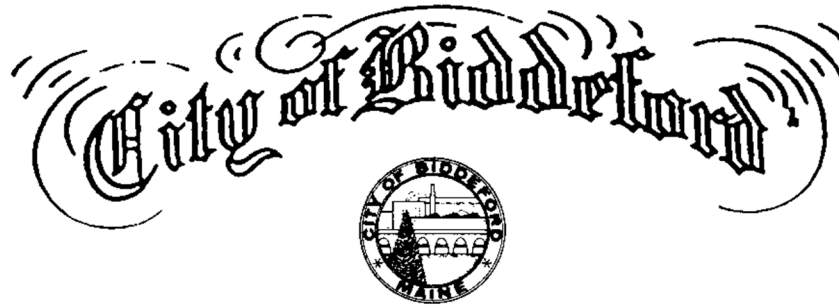
Councilor McCurry thanked City Staff, the City Attorney and his fellow Councilors for all the hard work that is done day in and day out.

Mayor Addressing the Council: Mayor Casavant congratulated the City Council on finishing and passing the FY18 budget by the June 30th deadline, all while maintaining a professional manner. He is proud that the Council truly does work for what's best for the community, no matter what personal views may be. He commended the Council for the tough decisions they made during the budget process, and is confident they will deal with upcoming tough decisions with the same professionalism and with the City's best interest in mind.

Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.
Vote: Unanimous.

Time: 7:22 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



2017.57

IN BOARD OF CITY COUNCIL...JUNE 6, 2017

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 IV (Nonconformance), be amended as follows:

Section 1. Purposes.

The intent of this Zoning Ordinance is to regulate nonconforming lots, uses and structures. This ordinance intends to be realistic so that: nonconforming vacant lots of record can be reasonably developed; nonconforming existing structures can be properly maintained or repaired; ~~and~~ nonconforming uses can continue to be changed to other less nonconforming or to conforming uses; and nonconforming (as to use) single-family residential dwelling units can create Accessory Dwelling Units subject to the performance standards in Article VI of this ordinance. When nonconforming uses fall into disuse, the intent of these regulations is not to allow them to be reestablished after a twelve-month period of dormancy. These regulations are designed for the betterment of the community and for the improvement of property values.

Section 3. Nonconforming use.

B. A structure nonconforming as to use.

1. A building or structure, nonconforming as to use, shall not be enlarged unless the nonconforming use is terminated, and otherwise meets the provisions of this ordinance. This does not apply to Accessory Dwelling Units which may be created in accordance with the performance standards in Article VI of this ordinance.
2. A nonconforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this ordinance, or of any amendment making such use nonconforming. This shall not apply Accessory Dwelling Units which may be created in accordance with the performance standards in Article VI of this Ordinance.
3. Accessory Dwelling Units on parcels containing a single non-conforming (as to use) dwelling unit, which was in existence as of January 1, 2017, that are created in accordance with the performance standards in Article VI of this ordinance shall not be considered the expansion or creation of a non-conforming use.

Part III (Land Development Regulations), Article II (Definitions), be amended as follows:

ACCESSORY DWELLING UNIT - An Accessory Dwelling Unit (ADU) is a self-contained housing unit incorporated within a single-family dwelling, attached to a single-family dwelling, or in a separate building on the same lot as a single-family dwelling home.

PRIMARY RESIDENCE - A building in which is conducted the principal use of the lot on which it is located. For residentially ~~zoned~~ lots, such a building would be a dwelling.

Part III (Land Development Regulations), Article VI (Performance Standards), Section 77 (Accessory Dwelling Units (ADUs)), be amended as follows:

A. Procedural Requirements.

1. Review procedure:

- a. One ADU is permitted per residentially zoned parcel (see Article V, Table A, Table of Land Uses), except-within the Coastal Residential (CR) zone, including the RP and LR overlay districts within the CR zone, where ADUs are not permitted. ADUs are also permitted on non-residentially zoned parcels containing a single non-conforming (as to use) dwelling unit which was in existence as of January 1, 2017. A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.

June 6, 2017

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

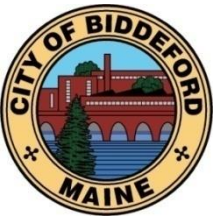
Vote: Unanimous.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table A (Table of Land Uses):

	Article VI Section ¹	SR-1	R-1-A	R-2	R-3	W-1	W-3	R-F	OR	MSRD-2
Residential Uses:										
<u>Accessory Dwelling Units* 27</u>	<u>77</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

NOTES:

27. Accessory Dwelling Units may also be Permitted in non-residential zones where there exists a non-conforming (as to use) single-family dwelling on a lot that was in existence as of January 1, 2017. See Article VI, Section 77.



CITY OF BIDDEFORD

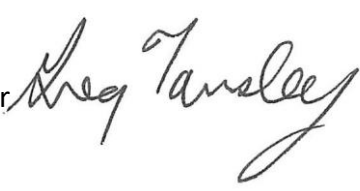
PLANNING DEPARTMENT

Greg D. Tansley, AICP
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115

Greg.Tansley@biddefordmaine.org

MEMORANDUM

To: Mayor Casavant
Council President McCurry & Members of City Council
J. Bennett, City Manager

From: Greg Tansley, AICP, City Planner 

Date: May 18, 2017

Re: **Proposed Amendments Related to "Accessory Dwelling Units" (ADUs)**

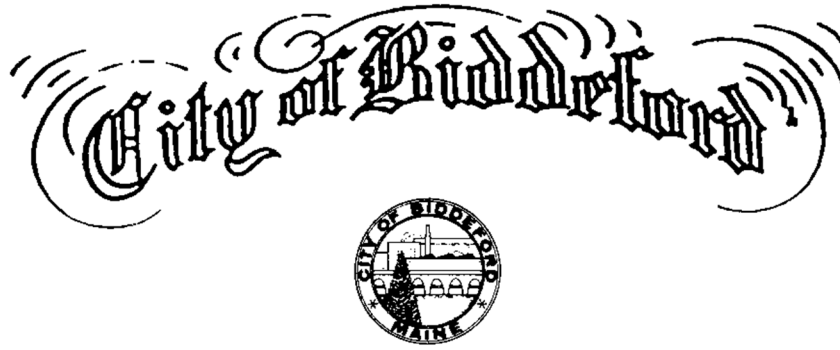
As directed, the Planning Board held a Public Hearing on proposed amendments to the ADUs Ordinance to address an oversight whereby some non-conforming residential lots of record would not be able to take advantage of the ADUs Ordinance. Examples include Marcel Avenue (in an I-2 Zone) and the north side of Fogg Avenue (in a B-2 Zone). These amendments will allow those properties (and others) to take advantage of the ADUs Ordinance.

There are also a couple of clean-up items that do not affect the intent of the original ADUs Ordinance, such as integrating the ADUs as Permitted uses in residential zones into the Table of Land Uses.

The Planning Board held the Public Hearing on May 17, 2017 and unanimously recommended the Ordinance Amendments to pass at the City Council.

Please let me know if you have any questions about this item before the June 6, 2017 Council meeting.

Cc: File



2017.58

IN BOARD OF CITY COUNCIL...JUNE 6, 2017

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

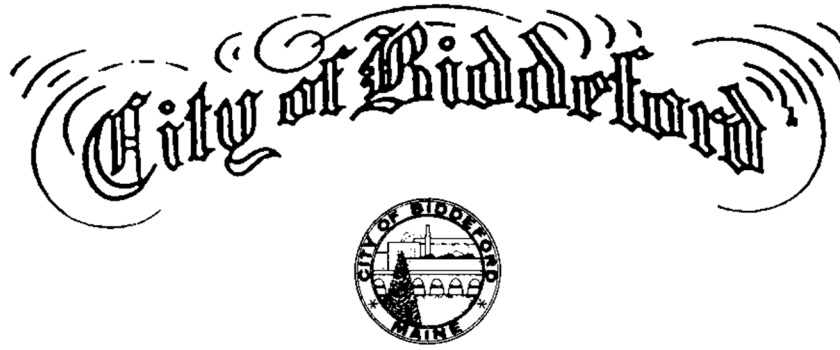
Dartmouth Street, even-numbered side, from the intersection with Elm Street thence westerly to the intersection with May Street.

NOTE: The Policy Committee considered this amendment at their May 22, 2017 meeting and voted unanimously to forward to the City Council with a recommendation for adoption.

June 6, 2017

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

Vote: Unanimous.



2017.59

IN BOARD OF CITY COUNCIL...JUNE 6, 2017

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

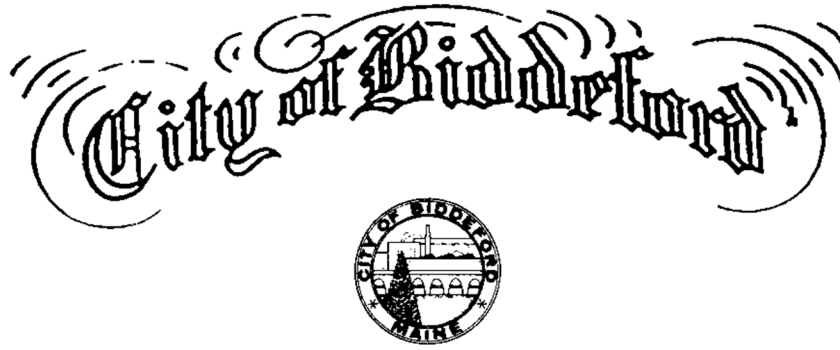
Round Hill Street, odd-numbered side, from the intersection with May Street thence northeasterly to the intersection with Dartmouth Street.

NOTE: The Policy Committee considered this amendment at their May 22, 2017 meeting and voted unanimously to forward to the City Council with a recommendation for adoption.

June 6, 2017

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

Vote: Unanimous.



2017.60

IN BOARD OF CITY COUNCIL...JUNE 6, 2017

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

Yates Street, odd-numbered side, beginning at a point 552 feet northwest from the intersection with Mile Stretch Road thence northwesterly to CMP utility pole CMP 9 (entrance to Biddeford Pool Yacht Club), three (3) hours between the hours of 8:00 a.m. and 4:00 p.m. from June 15 to Labor Day of each year.

NOTE: The Policy Committee considered this amendment at their May 22, 2017 meeting and voted unanimously to forward to the City Council with a recommendation for adoption.

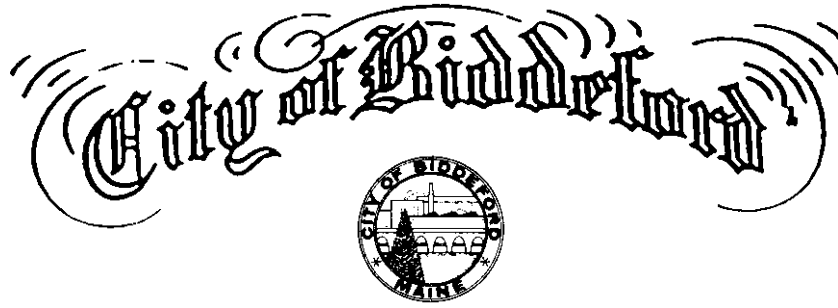
June 6, 2017

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

Vote: 6/2; Councilors McCurry and Lessard opposed.

Councilors Swanton, St. Cyr, Quattrone, Mills, Ready and Seaver in favor.

Motion carries.



2017.61

IN BOARD OF CITY COUNCIL...JUNE 6, 2017

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-99 No through trucks**, is amended by adding or ~~deleting~~ to read as follows:

Sec. 42-99 No through trucks.

(a) One ~~and one~~ half-ton and over.

There shall be no through trucks over one and one half (1 ½) ton in size on the following streets:

Diamond Street, no trucks greater than one and one-half ton (~~gvw~~); local deliveries only

Stone Street, no trucks greater than one and one-half ton (~~gvw~~); local deliveries only

Summer Street, signs to be placed at Summer Street and Harrison Street and Summer Street and Birch Street

(b) Five tons and over.

There shall be no through trucks over five tons gross vehicle weight on the following streets:

Edwards Avenue

Graham Street, any part between Crescent Street and Alfred Streets

Grayson Street, any part between Elm Street and ~~Marcel Avenue~~ Hill Street

Janelle Street

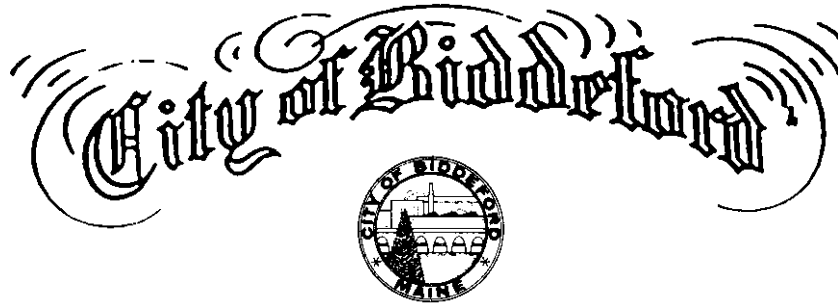
Maple Avenue, any part

May Street, any part

NOTE: The Policy Committee considered this amendment at their May 22, 2017 meeting and voted unanimously to forward to the City Council with a recommendation for adoption.

June 6, 2017

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



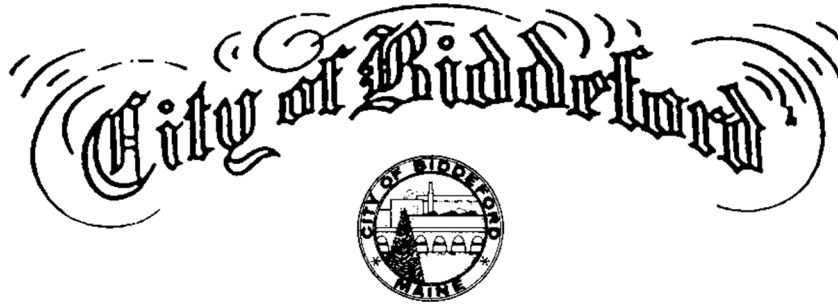
Motion by Councilor Ready, seconded by Councilor Seaver to amend the ordinance by changing (a) to **One and one half ton and over.**

Vote: Unanimous.

Motion by Councilor Swanton, seconded by Councilor Lessard to remove the references to (grvw).

Vote: Unanimous.

Vote on first reading, as amended: Unanimous.



**REVISED VERSION, WITH THE POLICY COMMITTEE
RECOMMENDATIONS**

2017.56

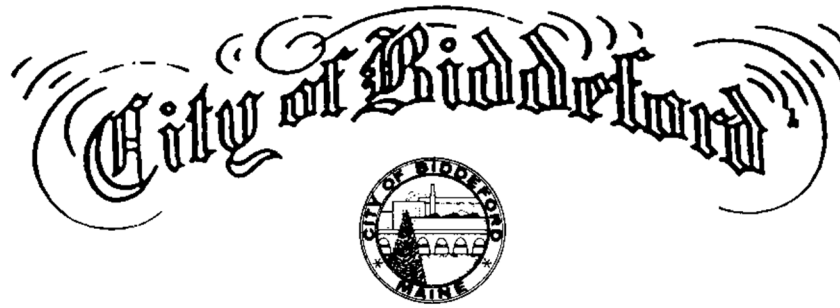
IN BOARD OF CITY COUNCIL..MAY 16, 2017

BE IT ORDAINED, that the City Council of the City of Biddeford does hereby adopt the following Code of Ethics for all Elected and Appointed City Officials; to be included in the Code of Ordinances, **Chapter 2, Administration, Article I, Sec. 2-3 – CODE OF ETHICS**, as follows:

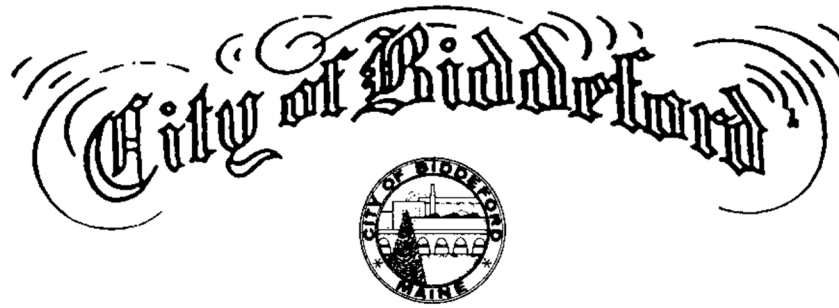
Ch. 2 – Administration, Article I – In General
Sec. 2-3 – Code of Ethics

There shall be a Code of Ethics for all Elected and Appointed Officials in and for the City of Biddeford:

- Officials shall view service to the City as an opportunity to serve the public, state and nation as the best means to promote the City of Biddeford and its citizens. We are working to make Biddeford the best place to live, work and do business.
- ~~Officials shall not make disparaging remarks about other City Officials or their opinions.~~
- Officials must maintain a courteous tone, especially in reference to any divergence of opinion and shall avoid injecting any personal note into discussions or debate. Officials must never attack or make any allusion to the motives of another Official.
- Officials shall remember at all times that ~~as an individual~~, they have no legal authority within the City outside the scope of their position, and ~~will~~ shall conduct their relationships with the City of Biddeford staff, the local citizenry, and all media communications in recognition of their authority. ~~on the basis of this fact.~~
- ~~Officials shall recognize that their responsibility is not to operate the City, but to see that the City is well operated.~~



- Officials shall not interfere with the daily administration of City business.
- ~~Officials shall listen to all citizens but will refer all complaints to the proper authorities and will discuss such complaints only at a regular meeting after failure of an administrative solution.~~
- Officials shall listen to all citizens and shall refer all complaints or concerns to the proper authorities.
- ~~Officials shall graciously support a decision once it has been made by a majority of the Council/Committee.~~
- Officials shall not criticize City employees publicly, but shall make such comments to the City Manager for investigation and action, if necessary.
- Officials shall make decisions only after all facts bearing on a question have been presented and discussed.
- ~~Officials shall refuse to make promises as to how they will vote on a matter which should properly come before the Council/Committee as a whole.~~
- ~~Officials shall not discuss the confidential business of the Council/Committee in their home, on the street or in their workplace; the place for such discussion is at the Council/Committee meetings.~~
- Officials shall not disclose the confidential business of the City to unauthorized persons.
- ~~Officials shall confine their Council/Committee action to policy making, planning or appraisal; leaving the administration of the City to the City Manager.~~
- ~~Officials shall endeavor at all times to see that the City has adequate financial support within the capabilities of the community and state, in order that every citizen may receive the best possible service.~~
- ~~Officials shall resist every temptation and outside pressure to use their position as a City Official to benefit themselves or any other individual or agency apart from the total interest of the City.~~



- No Official shall be permitted to vote on any question when his or her private rights or interests, distinct from public interest, is immediately involved.
- ~~Officials shall attempt to attend all meetings of the Council/Committee and, if it should become necessary to miss more than three (3) consecutive regular meetings of the Council/Committee or twenty five percent (25%) of all meetings within any six (6) month period, will meet with the Chair of the Council/Committee and explain the nature of the reason for the absence.~~
- Officials shall take notice of the date and time that meetings at which their attendance is expected are scheduled and shall punctually attend all meetings unless for good cause they are unavailable.
- ~~Officials shall abstain from individual action on those matters rightfully the authority of the Council/Committee.~~

May 16, 2017

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

Motion by Councilor McCurry to remove #2, #5 and #14.
Motion was withdrawn.

Motion by Councilor Swanton to table this ordinance amendment.
Motion was withdrawn.

Motion by Councilor Lessard, seconded by Councilor McCurry to table this ordinance and send to the Policy Committee for re-working; and bring back to the City Council at the June 6th, 2017 Council Meeting.

Vote: 5/4; Councilors Seaver, Ready, Mills and Swanton opposed.

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

Motion to table carries.

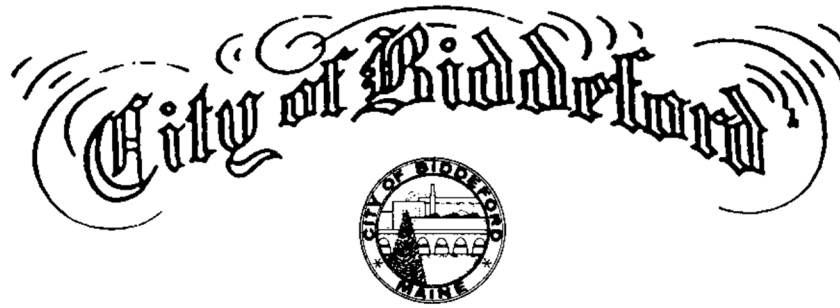
June 6, 2017

Motion by Councilor McCurry, seconded by Councilor Mills to remove the item from the table.

Vote: 7/1; Councilor Lessard opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Ready and Seaver in favor.

Motion carries.



Motion by Councilor McCurry, seconded by Councilor Seaver to grant the first reading of the ordinance amendment, as revised and recommended by the Policy Committee.

Vote: 7/1; Councilor Ready opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Seaver and Lessard in favor.

Motion carries.



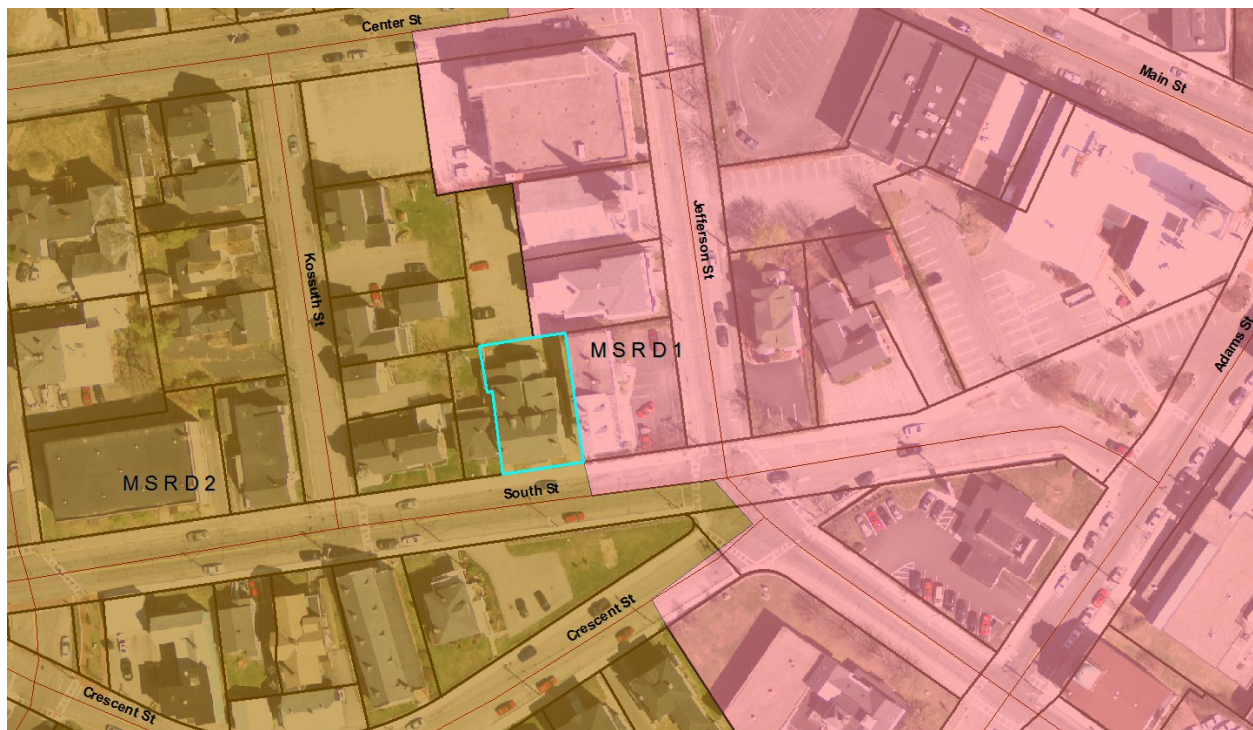
2017.66

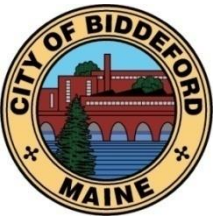
IN BOARD OF CITY COUNCIL..JUNE 20, 2017

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

Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone 38 South Street (Tax Map 38, Lot 190) from MSRD-2 to MSRD-1.

Note: Following a duly noticed Public Hearing the Planning Board recommended that this approval be adopted by a 4-0 vote.





CITY OF BIDDEFORD

PLANNING DEPARTMENT

Greg D. Tansley, AICP
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115

Greg.Tansley@biddefordmaine.org

MEMORANDUM

To: Mayor Casavant
Council President McCurry & Members of City Council
J. Bennett, City Manager

From: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, reading "Greg Tansley", is written over the "From:" line.

Date: June 13, 2017

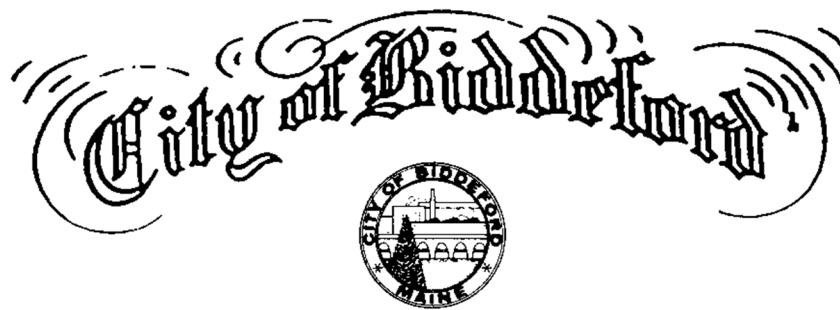
Re: **38 South Street Proposed Zone Change From MSRD-2 to MSRD-1**

As directed, the Planning Board held a Public Hearing on a proposed zone change for 38 South Street to change its zoning from MSRD-2 to MSRD-1. The proposed change was initiated by the City Council on behalf of former City Councilor Bob Mills. The rationale was to support the renovation of the existing structure by allowing increased density on the parcel.

The Planning Board held the Public Hearing on June 7, 2017 and unanimously recommended the Ordinance Amendments to pass at the City Council.

Please let me know if you have any questions about this item before the June 20, 2017 Council meeting.

Cc: File



2017.67

IN BOARD OF CITY COUNCIL.....JUNE 20, 2017

BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2018 Ten-Wheel Freightliner plow truck as per bid of June 9, 2017 (the "Equipment") from Freightliner of Maine (the "Vendor") and may pay the Vendor an amount not to exceed \$218,740.00 (before discounts valued at \$28,000.00) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$218,740.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$218,740.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on June 20, 2017 and vote to recommend it to the City Council for approval. The lease-purchase of this item is included in the FY18 CIP budget, with a down payment of \$16,000.00

Bid Opening for a Ten Wheel plow truck and a Single Axle plow truck

Present: Carl Marcotte – Public Works Richard Morrison – Portland North
Kara Cote – Public Works Kevin Barry – O'Connor
Brian Hallowell – Freightliner Travis Baker – HP Fairfield

Bids were opened at the Public Works Department on Friday, June 9 at 11:00 am. Staff is recommending the low bid that meets specification from Freightliner of Maine for the Ten Wheel plow truck in the amount of \$190,740.00 with trade. Staff is also recommending the low bid that meets specification from O'Connor Motor Co. for a Single Axle plow truck in the amount of \$166,632.00 with trade. These two trucks were approved in the FY/18 CIP budget 21204-60603 as leases.

O'Connor

10 Wheeler 2018 Western Star
Price: \$219,855.00
Trade: \$28,033.00
Total: \$191,822.00

Single Axle 2018 Western Star (Staff recommendation)
Price: \$186,665.00
Trade: \$20,033.00
Total: \$166,632.00

Portland North

10 Wheeler International w/ HP Fairfield
Price: \$219,434.00
Trade: \$20,000.00
Total: \$199,434.00

Single Axle International w/ HP Fairfield
Price: \$185,622.00
Trade: \$12,000.00
Total: \$173,622.00

10 Wheeler International w/ Viking (Does not meet specifications)
Price: \$213,195.00
Trade: \$20,000.00
Total: \$193,195.00

Single Axle International w/ Viking (Does not meet specifications)
Price: \$181,285.00
Trade: \$12,000.00
Total: \$169,285.00

Freightliner

10 Wheeler Freightliner w/ HP Fairfield (Staff recommendation)

Price: \$218,740.00

Trade: \$28,000.00

Total: \$190,740.00

Single Axle Freightliner 114SD w/ HP Fairfield

Price: \$189,481.00

Trade: \$20,000.00

Total: \$169,481.00

Single Axle Freightliner 108SD w/ HP Fairfield (Does not meet specifications)

Price: \$185,976.00

Trade: \$20,000.00

Total: \$165,976.00

10 Wheeler Freightliner 114SD w/ Viking (Does not meet specifications)

Price: \$212,501.00

Trade: \$28,000.00

Total: \$184,501.00

Single Axle Freightliner 108SD w/ Viking (Does not meet specifications)

Price: \$181,639.00

Trade: \$20,000.00

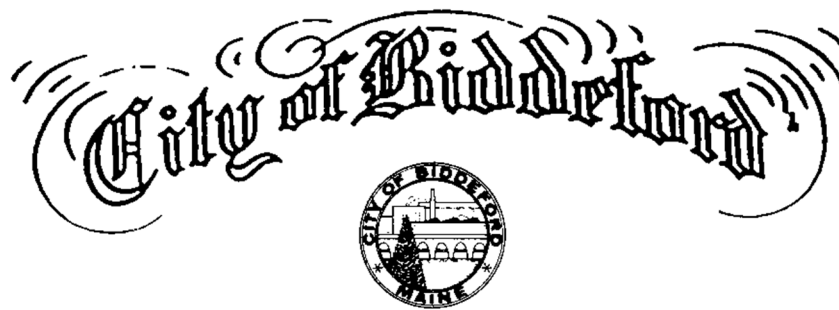
Total: \$161,639.00

Single Axle Freightliner 114 SD w/ Viking (Does not meet specifications)

Price: \$185,114.00

Trade: \$20,000.00

Total: \$165,114.00



2017.68

IN BOARD OF CITY COUNCIL.....JUNE 20, 2017

BE IT ORDERED, that the City Manager be authorized to purchase one (1) 2018 Single Axle Western Star plow truck as per bid of June 9, 2017 (the "Equipment") from O'Connor Motor Co. (the "Vendor") and may pay the Vendor an amount not to exceed \$186,665.00 (before discounts valued at \$20,033.00) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$186,665.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$186,665.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on June 20, 2017 and vote to recommend it to the City Council for approval. The lease-purchase of this item is included in the FY18 CIP budget, with a down payment of \$15,000.00

Bid Opening for a Ten Wheel plow truck and a Single Axle plow truck

Present: Carl Marcotte – Public Works Richard Morrison – Portland North
Kara Cote – Public Works Kevin Barry – O'Connor
Brian Hallowell – Freightliner Travis Baker – HP Fairfield

Bids were opened at the Public Works Department on Friday, June 9 at 11:00 am. Staff is recommending the low bid that meets specification from Freightliner of Maine for the Ten Wheel plow truck in the amount of \$190,740.00 with trade. Staff is also recommending the low bid that meets specification from O'Connor Motor Co. for a Single Axle plow truck in the amount of \$166,632.00 with trade. These two trucks were approved in the FY/18 CIP budget 21204-60603 as leases.

O'Connor

10 Wheeler 2018 Western Star
Price: \$219,855.00
Trade: \$28,033.00
Total: \$191,822.00

Single Axle 2018 Western Star (Staff recommendation)
Price: \$186,665.00
Trade: \$20,033.00
Total: \$166,632.00

Portland North

10 Wheeler International w/ HP Fairfield
Price: \$219,434.00
Trade: \$20,000.00
Total: \$199,434.00

Single Axle International w/ HP Fairfield
Price: \$185,622.00
Trade: \$12,000.00
Total: \$173,622.00

10 Wheeler International w/ Viking (Does not meet specifications)
Price: \$213,195.00
Trade: \$20,000.00
Total: \$193,195.00

Single Axle International w/ Viking (Does not meet specifications)
Price: \$181,285.00
Trade: \$12,000.00
Total: \$169,285.00

Freightliner

10 Wheeler Freightliner w/ HP Fairfield (Staff recommendation)

Price: \$218,740.00

Trade: \$28,000.00

Total: \$190,740.00

Single Axle Freightliner 114SD w/ HP Fairfield

Price: \$189,481.00

Trade: \$20,000.00

Total: \$169,481.00

Single Axle Freightliner 108SD w/ HP Fairfield (Does not meet specifications)

Price: \$185,976.00

Trade: \$20,000.00

Total: \$165,976.00

10 Wheeler Freightliner 114SD w/ Viking (Does not meet specifications)

Price: \$212,501.00

Trade: \$28,000.00

Total: \$184,501.00

Single Axle Freightliner 108SD w/ Viking (Does not meet specifications)

Price: \$181,639.00

Trade: \$20,000.00

Total: \$161,639.00

Single Axle Freightliner 114 SD w/ Viking (Does not meet specifications)

Price: \$185,114.00

Trade: \$20,000.00

Total: \$165,114.00



City of Biddeford

Chief Operating Officer/Technology Dept/IPP
P.O. Box 586 • 205 Main Street
Biddeford, ME 04005
Phone: (207) 571-0032 • Fax: (207) 571-0656

Briefing Memo

TO: Honorable Council President John McCurry and Members of the City Council
Honorable Mayor Alan Casavant
City Manager James Bennett

CC:

FROM: Brian S. Phinney, COO/Technology/IPP

DATE: June 14, 2017

RE: Approval of FY2018 Sewer Rates

The City Council approved the FY2018 municipal budget on May 24, 2017. The approval included a Sewer Operations Fund expense budget of \$4,589,692 in expenditures and a corresponding amount to be collected in revenues.

The budget workshop discussions included a general review of the sewer rate history indicating that the last rate increase occurred in fiscal year 2009. In addition, the discussions included a session specific to rate change calculations to cover the anticipated increase of \$98,013. During the deliberations a vote was taken to accept the “blended rate”. The blended rate is reflected in the attached Order. Please note that the industrial pretreatment expenses and revenues are not included in the sewer rate increase calculation.

For reference, sewer rates are comprised of two types - Residential and Commercial. Within these categories the rates are further defined by flow in cubic foot (cu. ft.) units for monthly and quarterly billings, see Table 1. The flows are billed on a 100 cu. ft. basis. No change is proposed for the types or categories.

The proposed rates are presented in Table 2.

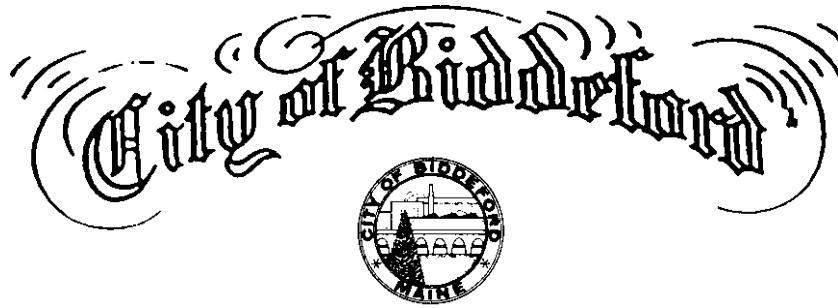
Table 1 – Rate Types and Categories

Type	Frequency	Min Volume (cu. ft.)	Max Volume (cu. ft.)
Residential	Monthly	0	392
Residential	Monthly	393	1,666
Residential	Monthly	1,667	Unlimited
Residential	Quarterly	0	1,175
Residential	Quarterly	1,176	5,000
Residential	Quarterly	5,001	Unlimited
Commercial	Monthly	0	425
Commercial	Monthly	426	1,667
Commercial	Monthly	1,668	4,167
Commercial	Monthly	4,168	1,000,000,000
Commercial	Quarterly	0	1,275
Commercial	Quarterly	1,276	5,000
Commercial	Quarterly	5,001	12,500
Commercial	Quarterly	12,501	1,000,000,000

Table 2 – Current & Proposed Rates

Type	Frequency	MinVolume (cu. ft.)	MaxVolume (cu. ft.)	Current Rate (per 100 cu.ft.)	Proposed Rate (per 100 cu.ft.)
Residential	Monthly	0	392	\$5.59	\$4.32
Residential	Monthly	393	1,666	\$5.59	\$5.87
Residential	Monthly	1,667	Unlimited	\$5.87	\$6.16
Residential	Quarterly	0	1,175	\$5.59	\$4.32
Residential	Quarterly	1,176	5,000	\$5.59	\$5.87
Residential	Quarterly	5,001	Unlimited	\$5.87	\$6.16
Commercial	Monthly	0	425	\$6.15	\$6.43
Commercial	Monthly	426	1,667	\$6.15	\$6.43
Commercial	Monthly	1,668	4,167	\$6.80	\$7.11
Commercial	Monthly	4,168	Unlimited	\$7.35	\$7.68
Commercial	Quarterly	0	1,275	\$6.15	\$6.43
Commercial	Quarterly	1,276	5,000	\$6.15	\$6.43
Commercial	Quarterly	5,001	12,500	\$6.80	\$7.11
Commercial	Quarterly	12,501	Unlimited	\$7.35	\$7.68

Note: To calculate potential sewer bills, multiply the flow by the rate and divide by 100.



2017.69

IN BOARD OF CITY COUNCIL..JUNE 20, 2017

WHEREAS, City ordinance declares it necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges, referred to as sewer user fees, from all users who contribute wastewater to the City's treatment works; and,

WHEREAS, the sewer user fees are collected and deposited in a non-lapsing fund known as the "Sewer System Operation, Maintenance Replacement Fund and Debt Retirement Fund"; and,

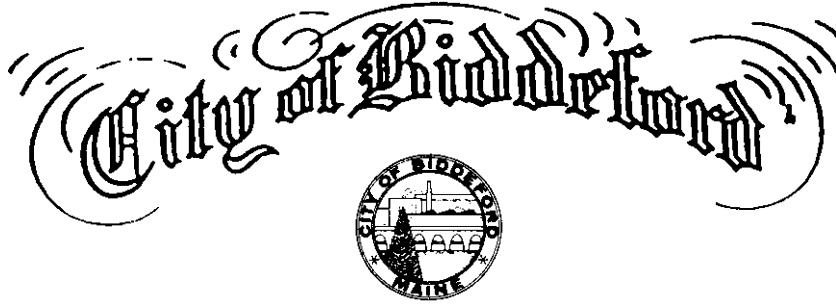
WHEREAS, the proceeds of such fees so derived are used for the purpose of operating and maintaining the public wastewater treatment works and providing for future needs; and,

WHEREAS, the City Council is authorized to review and, if necessary, revise the sewer rates used as the basis for sewer fee billing; and,

WHEREAS, the last sewer rate increase occurred in fiscal year 2009;

NOW THEREFORE BE IT ORDERED, that the following rate structure be adopted:

Type	Frequency	Min Volume (cu. ft.)	Max Volume (cu. ft.)	Proposed Rate (per 100 cu. ft.)
Residential	Monthly	0	392	\$4.32
Residential	Monthly	393	1,666	\$5.87
Residential	Monthly	1,667	Unlimited	\$6.16
Residential	Quarterly	0	1,175	\$4.32
Residential	Quarterly	1,176	5,000	\$5.87
Residential	Quarterly	5,001	Unlimited	\$6.16
Commercial	Monthly	0	425	\$6.43
Commercial	Monthly	426	1,667	\$6.43
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Commercial	Monthly	4,168	Unlimited	\$7.68
Commercial	Quarterly	0	1,275	\$6.43
Commercial	Quarterly	1,276	5,000	\$6.43
Commercial	Quarterly	5,001	12,500	\$7.11
Commercial	Quarterly	12,501	Unlimited	\$7.68



2017.70

IN BOARD OF CITY COUNCIL...JUNE 20, 2017

**RESOLUTION TO AUTHORIZE SCHOOL COMMITTEE TO ESTABLISH,
FUND, AND EXPEND A SPECIAL SCHOOL CAPITAL RESERVE FUND WITH
OPERATING FUNDS MADE AVAILABLE DUE TO THE CITY'S 2017
ADVANCE REFUNDING BOND**

WHEREAS, the 2017-18 school operating budget includes the sum of \$ 1,175,820.00 for high school debt service; and

WHEREAS, on June 8, 2017 the City advance refunded the outstanding high school bonds with a portion of the proceeds of the City's \$26,950,000 2017 General Obligation Refunding Bonds; and

WHEREAS, the advance refunding of the high school bonds makes the funds appropriated for high school debt service available for critical renovations and improvements at the Waterhouse Field and Brother Hebert Field at the high school (the "High School Renovations"):

NOW THEREFORE, be it hereby **RESOLVED** as follows:

That pursuant to Article XI, Section 3, of the Biddeford City Charter, and Title 30-A, section 5801 and Title 20-A, section 4001, of the Maine Revised Statutes, the School Committee be authorized to establish a Special School Capital Reserve Fund (the "Reserve Fund"), to fund the Reserve Fund by transferring the sum of \$1,175,820.00 from the debt service cost center of the 2017-18 school operating budget, and to expend up to that sum from said Special School Capital Reserve Fund for the Waterhouse Field and the Brother Hebert Field at the high school.

Field Improvement Plans and Recommendations

Phase 1

Waterhouse Field and BHS Track

June 13, 2017

Historical Timeline of Current Project

- Waterhouse Field Study Committee
- Initial School Bond Refunding Discussion
- Field Study Report Commissioned
- Field Study Information Gathering
- Community Survey
- Waterhouse Bleachers
- Presentation on Field Study
- Community Removal of Bleachers
- Refunding of School Bond
- Phase 1 Planning and Discussion
- Request for School Committee Approval
- Request for City Council Approval

January 2016

Sept 2016

December 2016

January-March 2017

March - April 2017

April 2017

April 2017

May 2017

May - June 2017

May - June 2017

June 13, 2017

June 20, 2017

Factors Used to Determine Project 1

- Weston & Sampson Field Study Priority Recommendations
- Percentage of Athletes Impacted
- Immediate Need
- Ability to Fund Projects
- Future Planning and Timeline

Action Plan and Summary of High Priority Initiatives

Implementation Strategies Outlined below is the suggested action plan or implementation strategy list in priority order for the facilities, as discussed during the master planning process. The level of implementation for each effort will greatly depend on available funding and the requirements of the funding source. This suggested strategy allows for the least amount of disruption during the construction processes. All proposed improvements should be in accordance with the preferred master plan for each site. All other improvements identified are lower priority and could be added as budget allows, added if dedicated donor funds become available or added in future phases.

Waterhouse Field

- Install new bleachers, press box, lighting as soon as possible
- Existing natural grass field can still be used after these installations
- Install a new enlarged synthetic turf field as scheduling allows
- Make other improvements to pathways, buildings and other facilities as budget allows

Biddeford High School Track and Field

- Reconstruct the track at the high school in accordance with the site master plan
- Reconstruct the athletic field with either a new natural turf field or synthetic turf (preferred for optimal use)
- Construct adjacent field elements, pathways and bleachers as budget allows

Action Plan and Summary of High Priority Initiatives Continued....

Middle/Intermediate Schools Fields

- Relocate the softball field to the upper field, include pathway systems for accessibility
- Renovate the upper practice field in conjunction with the construction of the new softball field
- Construct the proposed parking areas as budget allows.
- Install other referenced improvements as budget allows

Doran Field

- Add sports field lighting to the existing field
- Construct parking areas
- Renovate the field with new drainage, seating areas, bullpens and amenities.
- Reconstruct the playground

Number of Athletes Impacted

Waterhouse Field/BHS Track

Sport	# of Athletes BHS	# of Athletes BMS
Football	75	50
Girls Soccer	25	
Boys Soccer	35	
Girls LAX	30	16
Boys LAX	35	19
Outdoor Track	85	25
Total	285	110

*Future Installation of Synthetic Field Turf would allow for additional play of field hockey, increased middle level usage, increase youth sports usage, and adult recreational access.

Seating Capacity of Area Athletic Complexes

School	Capacity	School	Capacity
Scarborough	1100	Noble	2000
TA	3000	Falmouth	1200
Deering	3200	Gorham	900
Massebesic	1600	Kennebunk	1500
South Portland	3000	Marshwood	2250
Sanford	1500	Westbrook	2500
Bonny Eagle	1600	New Biddeford	2000

Recommendations from Waterhouse Commission

Project 1

Item	Estimated Cost	Item	Estimated Cost
Lights	\$260,000	Scoreboard	\$20,000
Bleachers Home (1500)	\$320,000	Audio System	\$40,000
Bleachers Visitor (500)	\$110,000	Exterior Fence	\$40,000
Contingency	\$50,000	Total	\$840,000

*Costs are pre-quote estimates

Recommendations for BHS Track

Project 1

Item	Estimated Cost		Item	Estimated Cost
Track Replacement	\$250,000		Jumping Pits/Throwing Pads	\$12,000
Track Equipment/Mats	\$20,000		Audio System	\$4,000
Additional Ground Work	\$15,000		Small Retaining Wall	\$2,000
Contingency	\$35,000		Total	\$338,000

*Costs are pre-quote estimates

Waterhouse and BHS Project 2 Costs

Project 2 - Waterhouse

Item	Estimated Cost	Item	Estimated Cost
Synthetic Turf	\$750,00-\$900,000	Building Upgrades	\$75,000
Emergency Road	\$25,000	Total	\$850,000-\$1,000,000

Project 2 - BHS Track

Item	Estimated Cost	Item	Estimated Cost
Ground Work	\$25,000	Small 20 Seat Bleachers (2)	\$3,000
Bleachers (300 on Trailer)	\$50,000	Total	\$78,000

Funding Solution



Refunding Timeline and Results



- Initial Discussion September 2016
- Pre-pricing October 2016
- Election Changes November 2016
- Market Improvement April 2017
- Refunding Approval June 2017

School Department Cash Flow Savings: \$1,176, 341.00

Required Process to Move Forward with Available Funds

- Approval of concept from the Biddeford School Committee
- Request the transfer of funds from School Department line item Debt Service and Other Commitments to Facilities and Maintenance
- City Council would authorize the transfer of funds from Debt Service & Other Commitments to Facilities and Maintenance

Additional Funding Sources

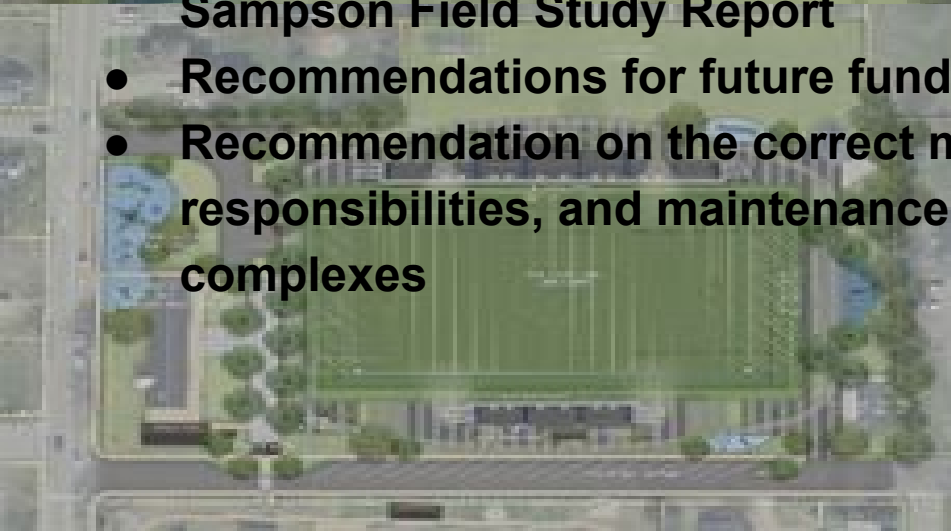
- Donations and Pledges
- Planned Budgeted Expenditures
- In-House Services
- Usage Partnerships
- Land & Water Conservation Funds
- Community Volunteerism

Field Study and Future Planning





Field Study Planning Committee

- **Membership from school committee, city council, administration, Waterhouse Commission**
 - **Commitment to future conversation and discussion of Weston & Sampson Field Study Report**
 - **Recommendations for future funding of field improvements**
 - **Recommendation on the correct management, oversight responsibilities, and maintenance of city and school athletic fields and complexes**
- 

Questions

MEMORANDUM

Date: June 1, 2017

To: Biddeford City Council and Biddeford School Committee

From: Jim Godbout, President, Waterhouse Field Alumni Association

RE: **Waterhouse Field Renovation Recommendations**

The Waterhouse Field Alumni Association held their annual meeting on May 30, 2017 to discuss the future lease and renovation at Waterhouse Field. We are all aware of the current condition of the bleachers and lights at Waterhouse Field, and as the lessor of the field to the City of Biddeford, we would like to make the following recommendation so that the students and community can continuing using a facility that has been a source of pride for 60+ years. ***The intent of Waterhouse Field has always been and will continue to be for the use of student athletes in the City of Biddeford.***

Field Recommendation

Phase 1

- Install a set of 1500 seat bleachers on the current home side of the field. Bleachers should meet all current code requirements and be constructed in a way to allow for future field expansion
- Install a set of 500 seat bleachers on the current visitor's side of the field. Bleachers should meet all current code requirements and be constructed in a way to allow for future field expansion
- Install new metal light poles and up-to-date fixtures to provide adequate lighting for all contests and events held at Waterhouse Field
- Install new school board and sound system
- Install new exterior fencing
- Construct new support system for the existing press box and make modification and minor improvements to the existing structure

Phase 2

- Installation of new synthetic turf that is equitable for all sports
- Develop and construct an emergency roadway around the playing surface
- Make minor improvements to the current locker room and structures on the property

Other Recommendations

- Include a non-voting member to represent the School Department and City Council at future meetings
- Develop an organizational and budgeting plan for future facility maintenance and repairs
- Formalize our lease agreement and commit to following all steps outlined in the document
- Study the report generated by Weston & Sampson and develop a plan for improving all playing surfaces in the City of Biddeford

The Waterhouse Field Alumni Association looks forward to partnering with the City and School Department to rebuild the field that is important to so many in the community.

MEMORANDUM

Date: June 2, 2017
To: Biddeford City Council and Biddeford School Committee
From: Dennis Walton, Athletic Administrator, Biddeford High School
RE: Brother Richard Hebert Field – Track

A meeting was held with Maine Track and Tennis on Friday May 12, 2017 to discuss the condition of the track on Brother Richard Hebert Field. After evaluating the track Maine Track and Tennis provided options and made recommendations based on their expertise.

Track Repair Options

1. Spray the track with rubber coating

This was done to the track in 2009. It was not recommended that a spray be done again based on the current condition of the track.

2. Resurface the track

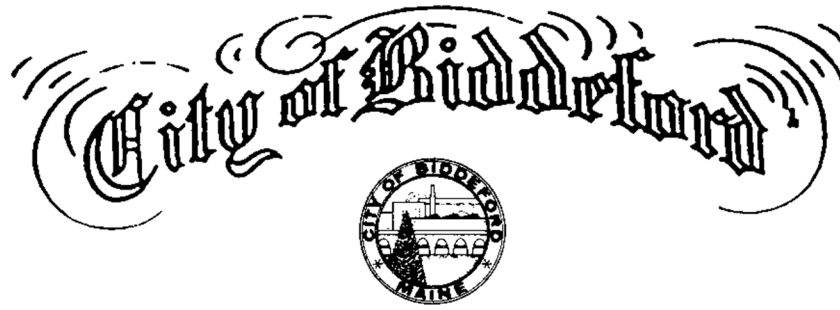
Resurfacing the track was an option; however, because of the cracks on and beneath the surface of the track, it was not guaranteed that this option would be effective. Also, resurfacing the track may only give the track another 4 or 5 years of use.

3. Replace the track

This was considered to be the most viable option based on the current condition of the track. Even with a resurfaced track, a complete replacement was only a few years away. The money used to resurface the track would be better spent as part of the overall cost of a new track.

Track Recommendations and Considerations (Maine Track and Tennis & Coach Ouellette)

- 6 lane vs. 8 lane track – Based on the facility limitations, and use expectations, a 6 lane track may be the best option.
- Track Color – Black (a colored surface would increase cost by 40%)
- Two long jump runways / pits are recommended. (placement to be determined by design)
- New Shot Put Pad / Discus Pad
- New Pole Vault Mat and Cover
- New Sound System
- New Spectator Bleachers (Approximate seating 300)
- Provide small sets of bleachers for jumping events
- Level the ground area along Maplewood Ave. for spectator purposes (Could be done by city and school employees)

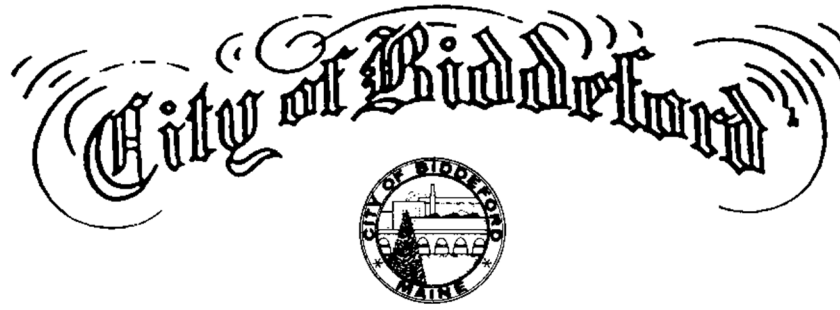


2017.71

IN BOARD OF CITY COUNCIL..JUNE 20, 2017

BE IT ORDERED, that the Council President's appointment of **Michael Ready** to the *Finance Committee*, be confirmed.

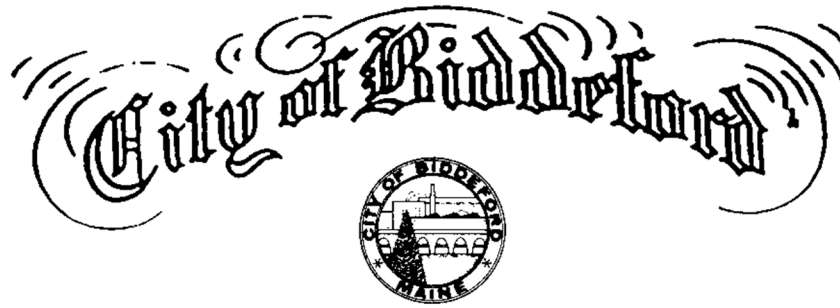
NOTE: Due to work-related commitments, Councilor Lessard has resigned from his Finance Committee seat.



2017.72

IN BOARD OF CITY COUNCIL...JUNE 20, 2017

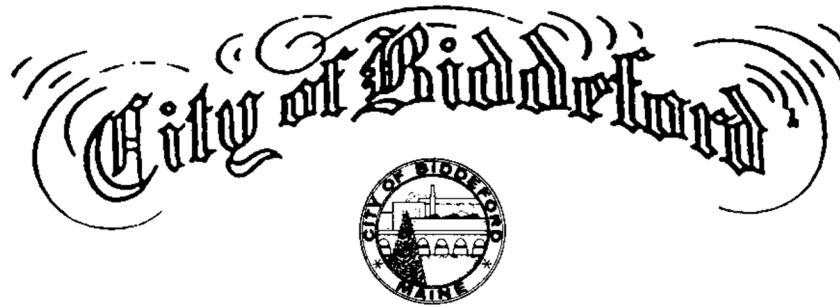
BE IT ORDERED, that the regularly scheduled Council meeting of July 4, 2017 be re-scheduled for Tuesday, July 11th, 2017 at 6:00 p.m. in the Council Chambers.



IN BOARD OF CITY COUNCIL...JUNE 20, 2017

BE IT ORDERED, that Mayor Casavant's appointment of **Michael Swanton** to the *Joint Biddeford-Saco Committee*, be confirmed.

NOTE: Due to work-related commitments, Councilor Lessard has resigned from this committee.



IN BOARD OF CITY COUNCIL...JUNE 20, 2017

ORDERED, that I, Alan Casavant, Mayor of the City of Biddeford, do hereby appoint the following City Councilors to the **Social Services Committee**:

**Laura Seaver
Stephen St. Cyr
Robert Quattrone, Jr.**