

City of Biddeford
Policy Committee
June 10, 2019 6:30 PM

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustments to the Agenda**
- 4. Acceptance of Minutes**
 - 4.1. April 22, 2019 Policy Committee Meeting Minutes
[4-22-2019 Policy Committee Minutes.docx](#)
- 5. Discussion/Review**
 - 5.1. Discussion: Request by C.M. Cimino Realty, Inc. of Ledgewood Apartments to Waive Code Enforcement Inspection Fees for Multi-Unit Buildings
[6-10-2019 Codes Inspection Prog - Complaint Letter.docx](#)
 - 5.2. Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-66-Beach permit parking regulations enumerated/Increase Beach Permit Fees
[Beach Permits-Increase in fees-2019.docx](#)
 - 5.3. Discussion: Disposal Fees at Public Works for Non-profits
[6-10-2019 Public Works Recommendation-Fee Waiver for Non-profits.pdf](#)
[6-10-2019 Request for DPW Disposal Fee Waiver.pdf](#)
[Disposal Fees at DPW-Fee Waivers.docx](#)
 - 5.4. Discussion: Ch. 2, Administration/Sec. 2-336-Competitive sealed bidding
[5-13-2019 Competitive Sealed Bidding-ORDINANCE.docx](#)
- 6. Adjourn**

**Policy Committee Meeting
April 22, 2019**

Committee Member, Councilor Norman Belanger called the meeting to order at 6:30 p.m.

Roll Call: Councilor Norman Belanger; Committee Members Renee O’Neil and Nathan Bean

Councilors Marc Lessard and Laura Seaver were excused.

Staff Members Present:

Police Chief, Roger Beaupre

Recreation Director, Carl Walsh

Economic Development Coordinator, Brad Favreau

City Clerk, Carmen Morris

As well as, DDC Chair, Julian Schlaver

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

Adjustment to the Agenda:

Add: Discussion/Review: Ch. 46, Parks and Recreation/Sec. 46-11 – Alcoholic beverages; fires; use of closed areas/Add Camping and erection of structures

Acceptance of Minutes: **March 18, 2019**

Motion by Member Bean, seconded by Member O’Neil to accept the minutes as written.

Vote: Unanimous.

Discussion/Review:

A. Ch. 2, Administration/Art. IV, Division 6 – Downtown Development Commission – Various Amendments

Chapter 2. Administration

ARTICLE IV. BOARDS, COMMITTEES, COMMISSIONS

Sec. 2-251. Established.

The Biddeford Downtown Development Commission is hereby established.

Sec. 2-252. "Commission" defined.

Unless otherwise indicated, the term "Commission," as used in this division, shall mean the Biddeford Downtown Development Commission.

Sec. 2-253. Composition; appointment of Commissioners; terms of office; removal of members.

(a) The Commission shall consist of 9 members, referred to in this division as "Commissioners." Such Commissioners shall be nominated by the Mayor and confirmed by the City Council.

(b) Commissioners shall serve for three-year terms. The terms of each Commissioner shall be staggered so that no more than three (3) Commissioners' terms shall expire in the same year. Any Commissioner appointed to fill a vacancy for which more than half of the unexpired term remains shall be deemed to have served one full term.

(c) A Commissioner shall automatically be removed from office in the event that he or she no longer is a resident of the City of Biddeford or is absent for three consecutive regular meetings without being excused by the Chair.

Sec. 2-254. Functions and purposes.

It shall be the function of the Downtown Development Commission to:

(1) Encourage and promote the expansion and development of existing commercial firms downtown and to promote and encourage the location of new commercial firms downtown.

(2) Through the Planning and Development Department, establish and maintain files of data and information of interest and assistance for downtown publicity and marketing.

(3) Review downtown ordinances and recommend revisions to the Policy Committee.

(4) Serve as coordinator for such boards, merchant groups, commissions and City departments as shall be established from time to time to provide analysis and make policy recommendations to City Council and other city committees, commissions and boards relating, but not limited to downtown parking, traffic circulation, historic districts, land use, public utilities, landscape, streetscape and a downtown comprehensive plan; hold downtown promotions and events; and promote and implement downtown beautification and cleanup projects.

(5) Work with the Planning and Development Department to gather, correlate and preserve records, statistics, surveys and other data relating to downtown land classifications and uses, buildings, commercial firms, labor, and such matters that will enable it to carry out its functions and purposes.

(6) Perform such other functions as may be required or delegated by the Mayor and City Council.

Sec. 2-255. Filling of vacancies.

Vacancies on the Commission shall be filled for the remainder of the term in the same manner as original appointments are made.

Sec. 2-256. Quorum.

A simple majority of Commissioners shall constitute a quorum.

Sec. 2-257. Required vote.

The Commission shall act by majority vote of those present and voting. The Commission by majority vote may permit a Commissioner to participate and vote in a meeting by conference call, video streaming or similar means of remote access.

Sec. 2-258. Annual election of Chairman.

The Commission shall hold a meeting at the beginning of each calendar year for the purpose of electing a Chair. The Chair shall not vote except to break a tie.

Sec. 2-259. Management of Commission.

The management of the Commission shall be vested in the Commissioners appointed and confirmed in accordance with Section 2-253. The Commission shall be staffed by the Director of Planning and Development or designee.

Sec. 2-260. through Sec. 2-261. (Reserved)

[1] Editor's Note: Former Section 2-260, Nomination of Director, as amended, and former Section 2-261, Director to perform assigned duties, were repealed 3-21-2013 by Ord. No. 2013.13.

Sec. 2-262. Director to supervise Commission activities.

The day-to-day operation and administration of the Commission shall be under the supervision of a Director.

Sec. 2-263. Chair to submit budget, reports.

Annually, the Commission Chair shall, on or before January 1 of each year, submit a budget for the ensuing year and submit reports as requested to the Commission and Council.

Sec. 2-264. Director, Chairman to execute contracts and agreements.

All contracts, agreements and other matters entered into under the authority contained in this division shall be executed by the Director and Chairman of the Commission with Mayor and Council approval.

Sec. 2-265. Authority to establish subcommittees.

The Commission may from time to time establish subcommittees composed of such persons as the Commission shall desire to provide advice and counsel on downtown matters.

Sec. 2-266. Authority of Council to assign powers, duties.

The Council may assign additional powers and duties to the Commission as it deems necessary.

Sec. 2-267. Designation as agent for City.

The Council may from time to time designate the Commission to serve as agent for the City in matters relating to other cities and towns, persons or corporations.

Sec. 2-268. Expenditures.

All Commission expenditures shall comply with the City procurement policies established in the City Code of Ordinances, Procurement, Sec. 2-331 et seq.

Motion by Member Bean, seconded by Member O'Neil to recommend the proposed ordinance amendments.

Vote: Unanimous.

B. Ch. 42, Motor Vehicles & Traffic/Sec. 42-1 – Definitions/Add Hammerhead Turn Around; and Sec. 42-7 – General Parking Prohibitions

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article I, IN GERNERAL, **Section 42-1 Definitions**, is amended by adding or ~~deleting~~ to read as follows:

HAMMERHEAD TURN AROUND – Consists of two rectangular turnouts directly opposite to each other and oriented perpendicular to the street centerline.

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article I, IN GERNEAL, **Section 42-7 General Parking Prohibitions**, is amended by adding or ~~deleting~~ to read as follows:

(7) Within any portion of, and within twenty (20) feet of the approach of a Hammerhead Turnaround

(8) Within twenty (20) feet **at the end** of any dead end street (includes both sides and entire width)

Motion by Member Bean, seconded by Member O'Neil to recommend the proposed ordinance amendments.

Motion by Member Bean, seconded by Member O'Neil to amend the language to include in Sec. 42-7 (8), the words “at the end” after twenty (20) feet.

Vote: Unanimous.

Vote on proposed amendment, as amended: Unanimous.

C. Ch. 46, Parks and Recreation/Sec. 46-11 – Alcoholic beverages; fire; use of closed areas/Add Camping and erection of structures

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, PARKS, **Section 46-11, Alcoholic beverages, fires, use of closed areas** is amended by adding or ~~deleting~~ to read as follows:

Section 46-11, Alcoholic beverages; camping and erection of structures; fires; use of closed areas.

(d) Except by Permit issued by the Recreation Director, no person may erect, setup, or maintain any tent, shack, shelter or any other structure within or on any Park as identified under Section 46-5 of this Chapter. The Recreation Director may cause the removal of any such structure that has been erected without permission.

Motion by Member Bean, seconded by Member O'Neil to recommend the ordinance amendment.

Vote: Unanimous.

Motion by Member O'Neil, seconded by Member Bean to adjourn.

Vote: Unanimous.

Time: 6:38 p.m.

April 8, 2019

Mayor Alan Casavant
City of Biddeford
PO Box 586
Biddeford, ME 04005

Dear Mayor Casavant,

This letter is in response to the invoice sent to our office, dated 3/15/19 regarding the City of Biddeford's new code enforcement multiple unit annual fees.

C. M. Cimino Realty Inc. has owned and operated Ledgewood Apartments since 1974. For 45 years our property has been operating elderly housing under the supervision of the Maine State Housing Authority (now Maine Housing) and Housing and Urban Development (HUD).

Our property has been under a strict and rigorous inspection program since its inception and has continually passed these inspections with a nearly 100% rating upon each yearly inspection. These inspections include, but are not limited to, review of selected apartments, inspection of all electrical, mechanical, fire, smoke detection and sprinkler systems.

In addition to the yearly inspections from Maine Housing and random inspections from the Federal authorities (HUD), our facility has quarterly inspections of all sprinkler systems, and is routinely inspected by the Biddeford Fire Department. Our building is monitored 24/7 by Seacoast Security.

We understand why this program was developed within the City of Biddeford. We have spoken to our local City Councilor and with various staff at City Hall. It is our belief that the program did not take into account a building like Ledgewood Apartments.

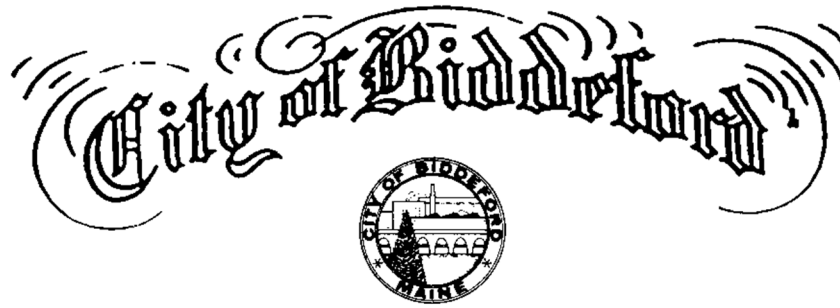
C. M. Cimino Realty Inc. is proposing that Ledgewood Apartments be provided a waiver from the existing program. In return we will provide the City of Biddeford with our Maine Housing yearly inspection reports as well appropriate quarterly inspection reports. We expect to pay a small administrative fee for processing this work on an annual basis.

I hope you will consider our proposal and recognize the unique aspect of Ledgewood Apartments. We have maintained our building and its systems to the highest quality for 45 years and hope we can work together to resolve this matter.

Regards,

Christopher M. Cimino
Executive Vice President

Cc: Ms. Amy Clearwater



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

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

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

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

NOTE: This item was submitted by Councilor Michael Swanton.

MEMORANDUM

May 29, 2019

TO: Policy Committee
FROM: Jeff Demers / Director Public Works / Wastewater
RE: Transfer Station charges non-profit
CC: Alan Casavant, Mayor; James Bennett, City Manager

Dear Policy Committee Members:

Due to the large number of non-profit entities in Biddeford and our requirements for proof of residency, I do not believe our Transfer Station should be accepting any non-profits yard debris at no charge.

We find that most non-profit entities hire contractors to dispose of their yard debris. The City of Biddeford charges all contractors to use the Transfer Station. When staff informs the contractors of the required fees, they are sometimes met with hostility. Contractors feel if that they are doing work for a non-profit organization, they should not have to pay to dump. However, we have no proof that they are actually working for a non-profit company or not charging that said non-profit organization. We have no proof the yard debris even comes from the City of Biddeford.

The Recycling / Transfer Station has 3 attendants. One of their many jobs is to make certain only residents of Biddeford are using this facility. As you know, the City is growing quickly and the attendants are busy from the moment they open the Transfer Station gate (which usually has a line of cars waiting to enter) to the moment they close. We do not have the time or manpower to be following these contractors to the site they say they are working, in order to have required proof they are working for a non-profit in Biddeford. When certain contractors are questioned, it also causes tension between the Transfer Station attendants and the contractor. The supervisor is not always available to help ease the tension. I don't think it's fair to put the attendants in that situation.

After speaking to the State of Maine, I was told that any identifying materials that non-profit entities have, may not mean that they are still in good standing with the state. A call would have to be made to the State of Maine or to the non-profits accountant to determine their good standing as a non-profit entity.

At this time it is my request that we leave the protocol in place with no changes. We are seeing a lot less commercial haulers using the transfer station now that the city has a fee base structure.

Regards,



Jeff Demers

Director of Public Works/Waste Water

Morris, Carmen

To: Lessard, Marc
Subject: RE: Greenwood Cemetery

From: Lessard, Marc <Marc.Lessard@Biddefordmaine.org>
Sent: Friday, May 17, 2019 4:21 PM
To: Morris, Carmen <Carmen.Morris@Biddefordmaine.org>
Subject: Fwd: Greenwood Cemetery

For Policy
Sent from my iPad

Begin forwarded message:

From: "Casavant, Alan" <Alan.Casavant@Biddefordmaine.org>
Date: May 14, 2019 at 8:28:33 PM EDT
To: "Lessard, Marc" <Marc.Lessard@Biddefordmaine.org>
Subject: Fw: Greenwood Cemetery

Hi Marc:

I shared this email with Jim, and he suggested, and I agreed, that policy should consider this issue with non profits. I had not considered this (cemeteries) when the vote was taken. Please place on a Policy committee agenda, and let me know when scheduled so that I can inform Mr. Mansfield.

Alan

From: Jerry Mansfield <h2ocsmjr@gmail.com>
Sent: Tuesday, May 14, 2019 10:07 AM
To: Casavant, Alan
Subject: Greenwood Cemetery

Hello Mayor Casavant,

I am sorry to bother you, but I do have a question to ask. One of the various Biddeford organizations that I am still actively involved with in my old age/retired years is the Greenwood Cemetery Association, and my question for you involves the cemetery. At Greenwood, we have always tried to maintain our cemetery as a pleasant and peaceful sanctuary for our community, and one of the features that helps keep our cemetery so pleasant year-round is that virtually the entire area is very well treed. The unavoidable result of our cemetery being so well treed is that we will always have a lot of leaves and branches that must be collected and removed, which brings

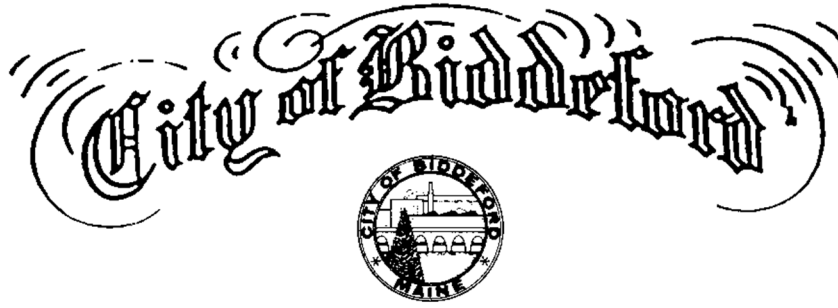
me to my question for you. We have always taken those leaves and branches to the Biddeford Recycling Center for handling, and until yesterday, we have not been charged for this service. Yesterday however, our Superintendent was informed that there will be a charge of \$10.00 per cubic yard for any such materials we bring to the recycling center going forward, which if fully imposed would result in an annual cost to our organization of approximately \$5,000.00 based upon our normal operations. We are a non profit and must maintain operations on a very limited budget; being faced with such a charge going forward presents us with an unexpected, and quite significant challenge. So I am writing you now to ask if it might be possible for our non profit organization to be granted a waiver from this fee?

I want to thank you for all your many years of exceptional service as Mayor, and thank you also for your consideration and any help you might be able to provide with Greenwood's financial challenge. If you have any questions, or if there might be anything I could do to help, please do not hesitate to ask. All the best...

Jerry Mansfield

Sent from my iPad

Sent from my iPad



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

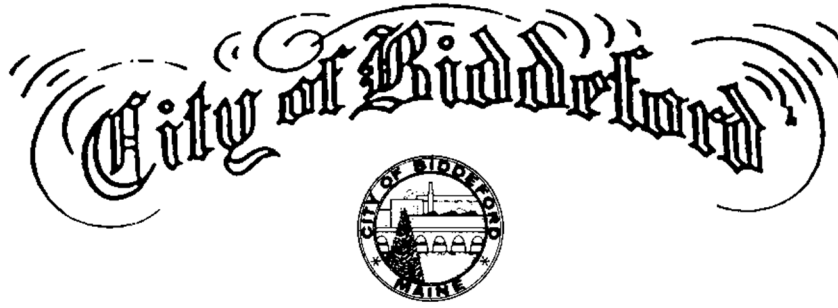
Sec. 58-64. Large item and recycling programs.

(a) Free disposal.

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

(b) Fees.

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



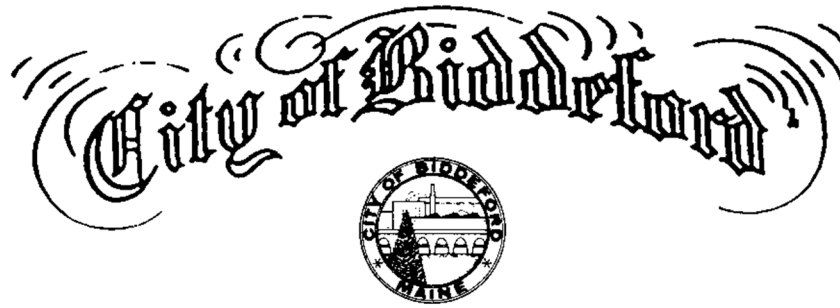
- a. Freon containing items
- b. Tires (car and pickup truck only, greater than four tires per year)
- c. CRTs (televisions, computer monitors, laptops)
- d. Computer CPU, keyboard, mouse and printers

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

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

(3) Exemptions.

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



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

Sec. 2-336 Competitive sealed bidding.

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

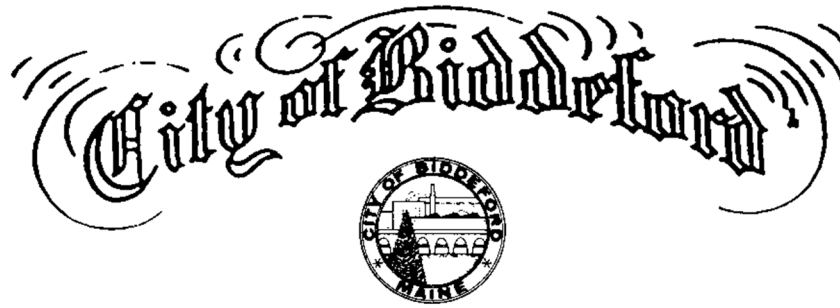
(b) An invitation to bid shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement.

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

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

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

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



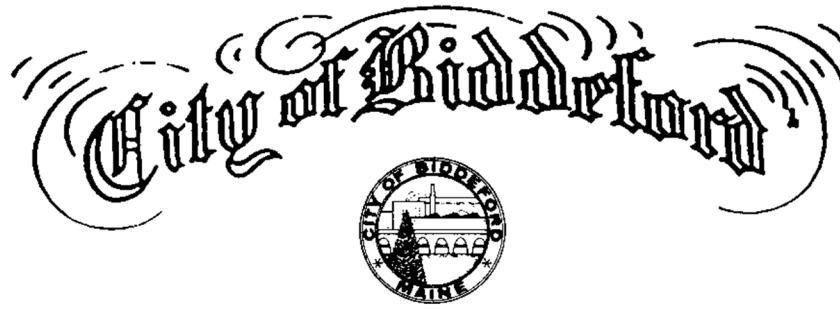
in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in bid prices or other provisions of bids prejudicial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

(1) The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or

(2) The bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the Purchasing Agent.

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

(h) When it is considered impractical to prepare initially a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those



bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.