

City of Biddeford
City Council
May 21, 2019 6:00 PM Council Chambers

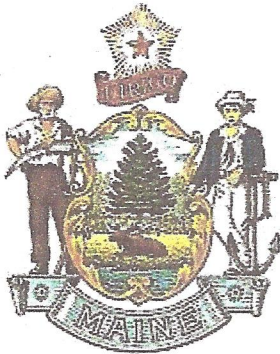
- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
 - 3.a. ADD: Order 2019.54
- 4. Game of Chance Beano/Bingo - Applications**
 - 4.a. Sports Projects, Inc. (@ LaKermesse)
[5-21-2019 Sports Projects Game of Chance Apps - LaKermesse.pdf](#)
- 5. Recognition:**
 - 5.a. Fire Department Officers
Captain Eric Wheeler
Lieutenant Kenneth Thorpe
- 6. Proclamations:**
 - 6.a. Emergency Medical Services (EMS) Week - May 19th - 25th, 2019
[5-21-2019 Proc-EMS Week-PDF.pdf](#)
 - 6.b. Public Works Week - May 19th - 25th, 2019
[5-21-2019 Proc-Public Works Week.PDF](#)
- 7. Presentation:**
 - 7.a. Update: Apartment Buildings Inspection Program - Code Enforcement Officer, Roby Fecteau
- 8. Consideration of Minutes:**
 - 8.a. May 7, 2019 Council Meeting Minutes
[5-07-2019 Council Meeting Minutes.docx](#)
 - 8.b. May 8, 2019 - FY20 Budget Public Hearing & 1st Reading of the School Dept. & City Government Budgets
[5-08-2019 Special Council Meeting-1st Reading of Budgets.docx](#)
 - 8.c. May 14, 2019 Special Council Meeting - 2nd Reading of School Dept. & City Government Budgets
[5-14-2019 Special Council Meeting-2nd Reading of Budgets.docx](#)
- 9. Second Readings:**
 - 9.a. 2019.47) Amendment/Ch. 46, Parks/Sec. 46-11, Alcoholic beverages, fire, use of closed areas/Add Camping and erection of structures
[5-07-2019 Ch 46, Camping in Parks.docx](#)
 - 9.b. 2019.48) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-1-Definitions and Sec. 42-7-General Parking Prohibitions/Add Hammerhead Turn Around
[5-07-2019 No Parking Dead Ends or Hammerheads.docx](#)
- 10. Orders of the Day:**

- 10.a. 2019.50) Amendment/Land Development Regulations/Art. III-Official Zoning Map/Rezone 226 Guinea Road from R-F Zone to SR-1 Zone
[5-21-2019 Van Hertl Amendment-ORDER.docx](#)
[5-21-2019 Van Hertl Amendment-backup docs.pdf](#)
[5-21-2019 VanHertl Proposed Zone Line.pdf](#)
- 10.b 2019.51) Approval/LaKermesse Franco-Americaine to Serve Alcohol on Public Property; Approval/Special Event Permits to LaKermesse Franco-Americaine
[5-21-2019 LaKermesse Waiver Request for Alcohol Service-ORDER.docx](#)
[5-21-2019 LaKermesse Waiver Request for Alcohol Service.doc](#)
[5-21-2019 LaKermesse Special Event Application.pdf](#)
- 10.c. 2019.52) Approval/Request to Waive Parking Lot Fees/Doc's Tiger Road Race
[5-21-2019 Parking Fees Waiver Request-Docs Tiger Road Race-ORDER.doc](#)
[5-21-2019 Paid Parking Waiver Request-Doc's Tavern Road Race.pdf](#)
[2-11-2019 Event Parking Waiver Policy.docx](#)
- 10.d 2019.53) Amendment/Ch. 58, Solid Waste/Amendments to Multifamily Dwellings of 5 to 5 Units
[5-21-2019 Ch 58-Solid Waste-3 to 5 Unit Buildings-Recycling Program-PDF.pdf](#)
- 10.e. 2019.54) Approval/Transfer of Funds/Police Department Substantial Contribution to a Criminal Case
[5-21-2019 Transfer of Funds-PD.doc](#)
- 11. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
- 12. City Manager Report**
- 13. Other Business**
- 14. Council President Addressing the Council**
- 15. Mayor Addressing the Council**
- 16. Adjourn**

FOR OFFICE USE ONLY

Check # _____

Amount \$ _____



Application to License Games of Chance

MGCU - 5300

****The application (to include the rules for the game(s)) and license fees must be received by the Gambling Control Unit at least ten business days prior to the Game(s) of Chance requested****

Games of Chance (I.E. Poker, Blackjack): \$15 Calendar Week (Monday through Sunday); \$60 Calendar Month; \$700 Calendar Year

Video Poker: \$15 Calendar Week (Monday through Sunday) or \$60 Calendar Month

Cards (Cribbage): \$30 Calendar Year or Portion Thereof

Super Cribbage Tournament Game: \$75.00 Per Tournament

Tournament Game (up to 100 players) (I.E. Texas Hold'em): \$75.00 Per Tournament; \$200.00 Calendar Month (Two Tournaments Per Month); \$1,500 Calendar Year (Two Tournaments Per Month)

Make check payable to Treasurer, State of Maine

Return the completed and signed application to:

**Department of Public Safety
Gambling Control Unit
Central Maine Commerce Center
87 State House Station
45 Commerce Drive, Suite 3
Augusta, Maine 04333-0087
(207) 626-3900 – Office
(207) 287-4356 – Fax**

1. For what game(s) are you licensing (please indicate number adjacent name and attach rules for the game(s)):

CARD Game(s) 2 (Specify Name of Game) BLACKJACK + HIGH SPIDE (30⁰⁰)

Video Poker _____ Cards (Cribbage) _____ Super Cribbage Tournament _____ Tournament _____

2. Organization Name: SPORTS PROTECTS TAX

Organization Number: 1653 Federal Tax ID # (EIN): 01-0342859

Business Address: 389 RANDALL Rd.

City: LEWISTON State: ME Zip Code 04240

Mailing Address: SAME Phone: 782-5526

City: _____ State: _____ Zip Code: _____

3. Current Officers:

"Mickey"
Roland Amotte Pres 389 RANDALL Rd Lewiston 04240 782 5526 Dec 2019
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES

Howard Siegel V. Pres 15 OAK ST. MECHANIC FALLS 345-9506 Dec 2019
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES
04256

Betty Siegel Sec 15 OAK ST. MECHANIC FALLS 345-9506 Dec 2019
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES
04256

Melissa Leighton Treas 160 LEWISTON Rd New Gloucester Dec 2019
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES
04260 240-5450

4. Location where Game of Chance is to be conducted:

St Louis Field Bridgford ME 04005
BUILDING ADDRESS CITY/ZIP

5. Person responsible for the conduct of the Game(s) of Chance:

NAME Mickey Amloffe DAYTIME PHONE & EVENING PHONE 782-5526 7825526

E-Mail Address: MICKEYAML@aol.com

6. Circle the day(s) of the week you will be conducting Game of Chance:

Mon

Tue

Wed

(Thu)

(Fri)

(Sat)

(Sun)

7. What time do the doors open? 10 AM What time does the game start? Noon

8. Dates – Please specify weeks (Monday through Sunday), full calendar months or calendar year.

1 WEEK JUNE 20, 21, 22, 23

9. Does the organization own all the equipment used in operating the Game of Chance? Yes ☒ No ☐

If "NO", Attach a sheet of paper to this application explaining the circumstances under which the equipment was acquired. Please write your organization name and number on the sheet.

10. Has any current officer of this organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine?

Yes ☐ No ☒

If "YES" attach a sheet of paper to this application providing the person's name, address, and date and place of conviction or date and location of pending charge. Please write your organization name and number on the sheet.

11. Fair Association Only: Attach a list of the names and home addresses of the persons operating or assisting in the licensed activity. Please write your organization name and number on the list.

12. Tournament Game Only: Specify the name(s) of the charitable organization(s) that the proceeds of the tournament will benefit.

13. The following consent must be completed by the municipal officers of the city or town where the Game(s) of Chance will take place unless a separate "Blanket Letter of Approval" is attached to this application.

☐ Check here if you have attached a "Blanket Letter of Approval".

Municipal Consent to Register

The undersigned being municipal officers of the City/Town of Biddeford hereby certify that we consent to the application for registration by Sports Projects Inc to operate Games of Chance in accordance with the provisions of 17 M.R.S.A. Chapter 62 and in accordance with the Rules promulgated by the State of Maine, Department of Public Safety, Gambling Control Unit governing the conduct of Games of Chance.

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

14. The applicant agrees to obey Federal, State of Maine laws, and rules governing Games of Chance promulgated by the Department of Public Safety, Gambling Control Unit. The applicant warrants the truth of the foregoing statements on penalty of perjury.

Signed: _____

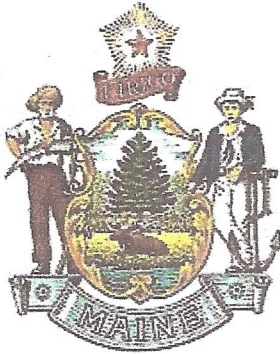
Print Name: Rolando "Mickey" Amato Title: President

Date: May 15, 2019 Age 18 or older: Yes ☒ No ☐

FOR OFFICE USE ONLY

Check # _____

Amount \$ _____



Application to License Games of Chance

MGCU - 5300

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Games of Chance (I.E. Poker, Blackjack): \$15 Calendar Week (Monday through Sunday); \$60 Calendar Month; \$700 Calendar Year

Video Poker: \$15 Calendar Week (Monday through Sunday) or \$60 Calendar Month

Cards (Cribbage): \$30 Calendar Year or Portion Thereof

Super Cribbage Tournament Game: \$75.00 Per Tournament

Tournament Game (up to 100 players) (I.E. Texas Hold'em): \$75.00 Per Tournament; \$200.00 Calendar Month (Two Tournaments Per Month); \$1,500 Calendar Year (Two Tournaments Per Month)

Make check payable to Treasurer, State of Maine

Return the completed and signed application to:

**Department of Public Safety
Gambling Control Unit
Central Maine Commerce Center
87 State House Station
45 Commerce Drive, Suite 3
Augusta, Maine 04333-0087
(207) 626-3900 – Office
(207) 287-4356 – Fax**

1. For what game(s) are you licensing (please indicate number adjacent name and attach rules for the game(s)):

CARDS
Game(s) 1 (Specify Name of Game) PICK-A-WINNER

Video Poker _____ Cards (Cribbage) _____ Super Cribbage Tournament _____ Tournament _____

2. Organization Name: SPORTS PROJECTS INC

Organization Number: 1653 Federal Tax ID # (EIN): 01-0342859

Business Address: 389 RANDALL Rd.

City: LEWISTON State: ME Zip Code 04240

Mailing Address: SAME Phone: 782-5526

City: _____ State: _____ Zip Code: _____

3. Current Officers:

"Mickey"
Roland Amiotte Pres 389 RANDALL Rd Lewiston 04240 782 5526 Dec 2019
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES

Howard Siegel V. Pres 15 OAK ST. MECHANIC FALLS 345-9506 Dec 2019
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04256

Betty Siegel Sec 15 OAK ST. MECHANIC FALLS 345-9506 Dec 2019
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES
04256

Melissa Leighton Treas 160 LEWISTON Rd New Gloucester Dec 2019
NAME & TITLE ADDRESS CITY/ZIP PHONE DATE TERM EXPIRES
04260 240-5450

4. Location where Game of Chance is to be conducted:

St. Louis Field Biddeford ME 04005
BUILDING ADDRESS CITY/ZIP

5. Person responsible for the conduct of the Game(s) of Chance:

Mickey Amloffe 782-5526 782-5526
NAME DAYTIME PHONE & EVENING PHONE

E-Mail Address: MickeyamL@aol.com

6. Circle the day(s) of the week you will be conducting Game of Chance:

Mon Tue Wed Thu Fri Sat Sun

7. What time do the doors open? 10 AM What time does the game start? Noon

8. Dates – Please specify weeks (Monday through Sunday), full calendar months or calendar year.

1 week June 2021, 2023

9. Does the organization own all the equipment used in operating the Game of Chance? Yes ☒ No ☐

If "NO", Attach a sheet of paper to this application explaining the circumstances under which the equipment was acquired. Please write your organization name and number on the sheet.

10. Has any current officer of this organization or association ever been convicted of or have any charges currently pending for violating the gambling or lottery laws of the United States or the State of Maine?

Yes ☐ No ☒

If "YES" attach a sheet of paper to this application providing the person's name, address, and date and place of conviction or date and location of pending charge. Please write your organization name and number on the sheet.

11. Fair Association Only: Attach a list of the names and home addresses of the persons operating or assisting in the licensed activity. Please write your organization name and number on the list.

12. **Tournament Game Only:** Specify the name(s) of the charitable organization(s) that the proceeds of the tournament will benefit.

13. The following consent must be completed by the municipal officers of the city or town where the Game(s) of Chance will take place unless a separate "Blanket Letter of Approval" is attached to this application.

☐ Check here if you have attached a "Blanket Letter of Approval".

Municipal Consent to Register

The undersigned being municipal officers of the City/Town of Baldwin hereby certify that we consent to the application for registration by Spice Projects Inc to operate Games of Chance in accordance with the provisions of 17 M.R.S.A. Chapter 62 and in accordance with the Rules promulgated by the State of Maine, Department of Public Safety, Gambling Control Unit governing the conduct of Games of Chance.

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

Date: _____ Title: _____

Name: _____

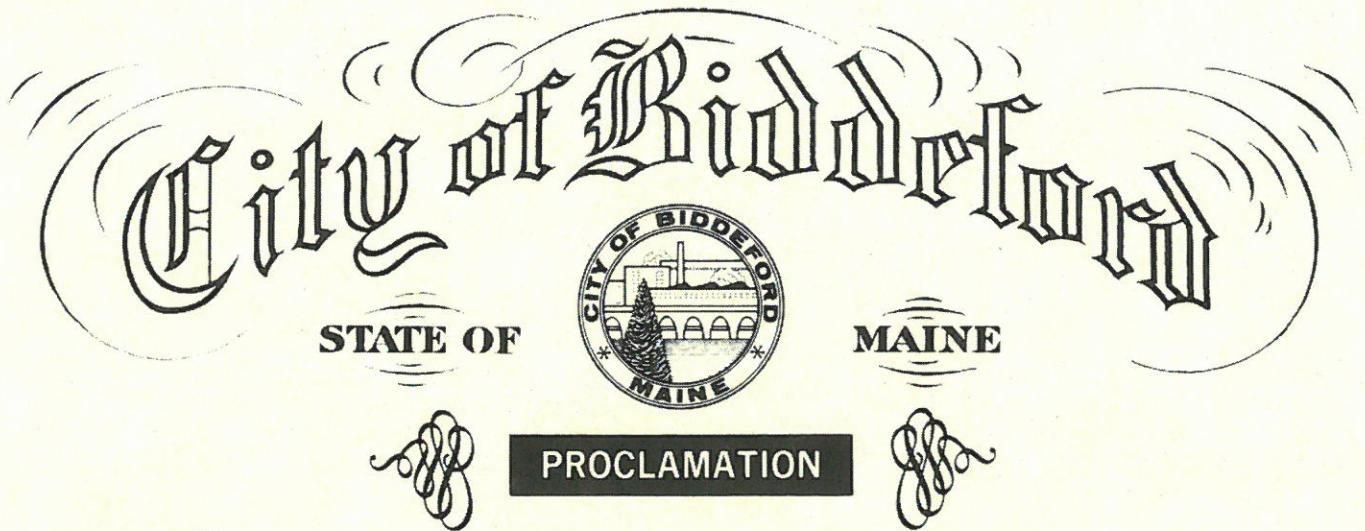
Date: _____ Title: _____

14. The applicant agrees to obey Federal, State of Maine laws, and rules governing Games of Chance promulgated by the Department of Public Safety, Gambling Control Unit. The applicant warrants the truth of the foregoing statements on penalty of perjury.

Signed: _____

Print Name: Roland "Macrey" Amore Title: President

Date: May 15, 2019 Age 18 or older: Yes ☒ No ☐



Whereas Emergency medical services is a vital public service and members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

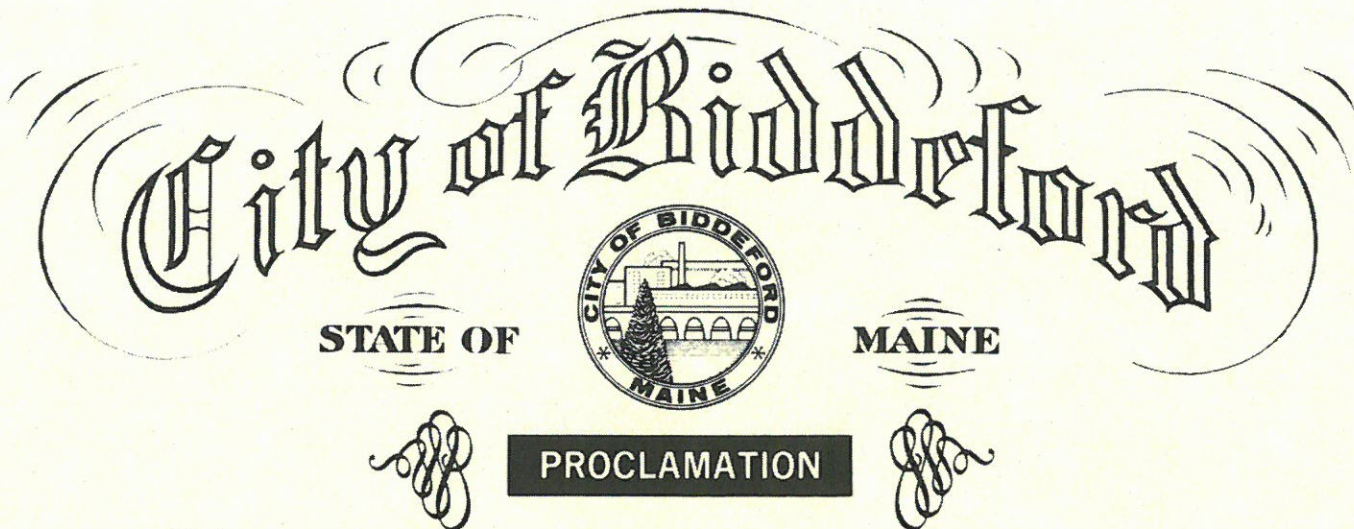
NOW, THEREFORE, I, Mayor Alan M. Casavant, on behalf of the Biddeford City Council and the citizens of Biddeford do hereby proclaim the week of May 19th to 15th, 2019 as **EMERGENCY MEDICAL SERVICES WEEK**, with the theme, **EMS Strong: Stronger Together**.

In Witness Whereof, We, the undersigned have herewith affixed our signatures this 21st day of May 2019

Carmen J. Moran
City Clerk



Mayor



Whereas Public Works infrastructure, facilities and services are of vital importance to the health, safety and well-being of the residents of the City of Biddeford; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers and administrators who are responsible for building, operating and maintaining the public works systems that serve our citizens; and

WHEREAS, the Public Works Association instituted Public Works Week as a public education campaign "to inform communities and their leaders on the importance of our nations' public infrastructure and public works services;" and

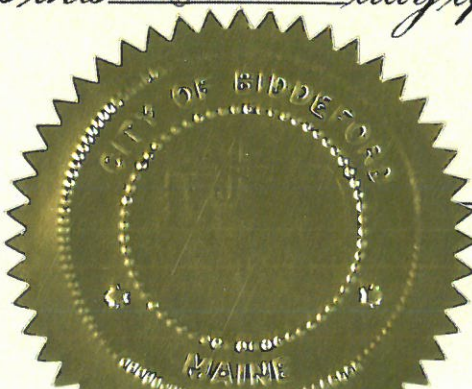
WHEREAS, it is in the public interest of citizens and civic leaders to gain knowledge of the public works needs and programs of their respective communities; and

WHEREAS, Public Works Week also recognizes the contributions of our Public Works Employees;

NOW, THEREFORE, I, Mayor Alan M. Casavant, on behalf of the Biddeford City Council and the citizens of Biddeford, do hereby proclaim the week of May 19th – 25th, 2019 as **Public Works Week** in the City of Biddeford, and urges all citizens to remember that "**Public Works Connects Us.**"

In Witness Whereof, We, the undersigned have herewith affixed our signatures this 21st day of May 2019

Carmen J. Mori
City Clerk



Mayor

**COUNCIL MEETING
MAY 7, 2019**

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., Amy Clearwater, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

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

Adjustments to the Agenda:

- Remove Order 2019.41 – Reconfiguration of Green Parking Lot
- Add Proclamation

Presentation: UNE Student Volunteer of the Year

Mayor Casavant recognized UNE Student, Courtney Reynolds for all her volunteer efforts outside of the University of New England; and presented her with a plaque. He expressed appreciation on behalf of the City Council and the citizens of the Biddeford.

Proclamations:

- **Police Week – May 12th to 18th, 2019**
- **Kids to Park Day – May 18, 2019**
- **Municipal Clerks Week – May 5th to 11th, 2019**

Mayor Casavant read all three Proclamations. He noted that the Municipal Clerks Week Proclamation was included as a surprise to City Clerk, Carmen Morris; and he thanked her and her Staff for all that they do.

Public Hearing: 9th Amendment to the Rte 111-Mill Redevelopment Municipal Development & Tax Increment Financing (TIF) District

The Chair opened the Public Hearing at 6:11 p.m.

There were no public comments.

The Public Hearing was closed at 6:11 p.m.

Public Hearing: Riverdam Municipal Development & Tax Increment Financing (TIF) District

The Chair opened the Public Hearing at 6:11 p.m.

There were no public comments.

The Public Hearing was closed at 6:11 p.m.

Public Hearing: Liquor License – Lorne Wine (61 Main Street)

The Chair opened the Public Hearing at 6:11 p.m.

There were no public comments.

The Public Hearing was closed at 6:11 p.m.

Consideration of Liquor License: Lorne Wine (61 Main Street)

Motion by Councilor McCurry, seconded by Councilor Clearwater to recommend the issuance of a liquor license to Lorne Wine.

Vote: Unanimous.

Consideration of Minutes: April 16, 2019; April 25, 2019

Motion by Councilor Ready, seconded by Councilor Clearwater to accept the April 16, 2019 minutes as printed.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Clearwater to accept the April 25, 2019 minutes as printed.

Vote: Unanimous.

Orders of the Day:

2019.37

IN BOARD OF CITY COUNCIL...MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve and authorize the City Manager to sign, execute and submit the City's Final Draft of the CDBG Year 2 Action Plan and all associated documents in connection with the Community Development Block Grant (CDBG) Program to the U.S. Department of Housing and Urban Development.

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

Vote: Unanimous.

2019.38

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to sign the Inter-Local Agreement between the City of Biddeford and the Town of Hollis to provide Public Safety Answering Point (PSAP) Services through June 30, 2022.

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

Vote: Unanimous.

2019.39

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager or his designee to organize, advertise, conduct a sealed bid auction for the sale of surplus equipment, and ultimately dispose of surplus equipment, as per the attached list, which is deemed no longer useful to the City of Biddeford.

BE IT FURTHER ORDERED, that the successful bidder shall be the highest bidder for each piece of equipment or if an aggregate bid is submitted, that combination of single and aggregate bids that provides the highest cumulative sale price(s) to the City.

BE IT FURTHER ORDERED, that all proceeds from the auction shall be deposited into the General Fund.

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

Vote: Unanimous.

2019.40

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby award a contract for Line Striping to Poirier Guidelines for an amount not to exceed \$47,342.79.

NOTE: The Finance Committee will review this item at their May 7, 2019 meeting.

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

Vote: Unanimous.

2019.42

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDERED, by the City Council of the City of Biddeford that the additional Paving Program Funds of \$40,000, coming out of the Road Construction Account - 21204-60604 be used to pave Paul Street and part of Forest Street – from Ridgeview Drive to Elm Street.

NOTE: The Finance Committee will review this item at their May 7, 2019 meeting.

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

Vote: Unanimous.

2019.43

CITY OF BIDDEFORD CITY COUNCIL ORDER.....MAY 7, 2019

Ninth Amendment to the Rte 111-Mill Redevelopment Municipal Development and Tax Increment Financing District

and

Riverdam Municipal Development and Tax Increment Financing District

WHEREAS, the City of Biddeford (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend the **Rte 111-Mill Redevelopment Municipal**

Development and Tax Increment Financing District (the “Rte 111-Mill District”) Development Program (as amended, the “Rte 111-Mill Development Program”); and

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate the **Riverdam Municipal Development and Tax Increment Financing District** (the “Riverdam District,” and together with the Rte 111-Mill District, the “Districts”) and the Development Program (the “Riverdam Development Program,” and together with the Rte 111-Mill Development Program, the “Development Programs”) for the Riverdam District; and

WHEREAS, there is a need for economic development in the City of Biddeford, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the City of Biddeford; and to improve the general economy of the City of Biddeford and the surrounding region; and

WHEREAS, implementation of the Development Programs will help to improve and broaden the tax base in the City of Biddeford and improve the economy of the City of Biddeford and the region by attracting business development to the Districts; and

WHEREAS, there is a need to implement continued economic development initiatives in the Districts through the Development Programs in accordance with the provision of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the “Department”), approving the *Ninth Amendment to the Rte 111-Mill Redevelopment Municipal Development and Tax Increment Financing District* and the Rte 111-Mill Development Program related thereto and approving the *Riverdam Municipal Development and Tax Increment Financing District* and the Riverdam Development Program related thereto;

ORDERED AS FOLLOWS:

Section 1. The City of Biddeford hereby approves the Ninth Amendment to the Rte 111-Mill Redevelopment TIF District and Development Program; such amendment to be pursuant to the following findings, terms, and provisions:

Section 2. The City Council hereby finds and determines that:

a. This amendment to the Rte 111-Mill Development Program will not result in the Rte 111-Mill District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3); and

b. The Rte 111-Mill District and the Rte 111-Mill Development Program will make a contribution to the economic growth and well being of the City of Biddeford and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Biddeford, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the Ninth Amendment to the Rte 111-Mill Development Program.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Rte 111-Mill Development Program is hereby established as set forth in the Rte 111-Mill Development Program.

Section 4. The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Ninth Amendment to the Rte 111-Mill Development Program for the Rte 111-Mill District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 5. The foregoing adoption of the Ninth Amendment to the Rte 111-Mill Development Program for the Rte 111-Mill District shall automatically become final and shall take full force and effect upon receipt by the City of approval of the by the Department, without requirement of further action by the City, the City Council, or any other party.

Section 6. The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Ninth Amendment to the Rte 111-Mill Development Program for the Rte 111-Mill District as the City Manager, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Rte 111-Mill District

by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Rte 111-Mill Development Program.

Section 7. The City of Biddeford hereby designates the Riverdam District and adopts the associated Riverdam Development Program for the Riverdam District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 8. The City Council hereby finds and determines that:

- a. At least twenty-five percent (25%), by area, of the real property within the Riverdam District, as hereinafter designated, is suitable for commercial uses; and
- b. The total area of the Riverdam District does not exceed two percent (2%) of the total acreage of the City, and the total area of all existing and proposed development districts within the City (including the Riverdam District) does not exceed five percent (5%) of the total acreage of the City; and
- c. The original assessed value of all existing and proposed tax increment financing districts (including the Riverdam District) does not exceed five percent (5%) of the total value of equalized taxable property within the City as of April 1, 2013; and
- d. The Riverdam District and pursuit of the Riverdam Development Program will make a contribution to the economic growth and well-being of the City of Biddeford and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Biddeford, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the Riverdam District and Riverdam Development Program.

Section 9. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Riverdam Development Program is hereby established as set forth in the Riverdam Development Program.

Section 10. The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Riverdam Development Program for the Riverdam District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 11. The foregoing designation of the Riverdam District and adoption of the Riverdam Development Program for the Riverdam District shall automatically become final and shall take full force and effect upon receipt by the City of approval by the State of Maine Department of Economic and Community Development, without requirement of further action by the City, the City Council, or any other party.

Section 12. The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Riverdam District and Riverdam Development Program for the Riverdam District as the City Manager may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Riverdam Development Program.

Section 13. The City Manager, in the name and on behalf of the City, is hereby authorized and directed to enter into a credit enhancement agreement between the City and the developer of the project to be located in the Riverdam District, on terms as described in the Riverdam Development Program.

Dated: May 7, 2019

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

There were no public comments or Council discussion.

Vote on Order: 7/2; Councilors McCurry and Quattrone opposed.

Councilors Swanton, St. Cyr, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

2019.44

IN BOARD OF CITY COUNCIL... MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute a Joint Development Agreement with Draft Room LLC substantially in the form as presented, for the development of the Riverdam Mill Building.

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

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

Councilors Swanton, St. Cyr, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

2019.45

IN BOARD OF CITY COUNCIL...MAY 7, 2019

BE IT ORDERED, by the City Council of the City of Biddeford does hereby authorize the City Manager to accept ownership, on behalf of the inhabitants of the City of Biddeford, of a land gift from Mary Brown identified as MBLU 3-52 comprised of approximately ±7.0 acres.

BE IT FURTHER ORDERD, that each party involved in the transaction shall pay their respective legal fees as may be applicable.

Note: *It is understood that the City Manager will prepare or direct to be prepared all necessary paperwork for the transfer in consultation with the City Solicitor.*

Motion by Councilor Ready, seconded by Councilor Seaver to grant the order.

Vote: Unanimous.

2019.46

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the LaKermesse Franco-Americaine Festival revisions to the field layout for the 2019 Festival.

NOTE: This item was reviewed by the Recreation Commission on April 29, 2019 and their recommendation is included in the attached Memo from Recreation Director, Carl Walsh.

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

Vote: Unanimous.

2019.47

IN BOARD OF CITY COUNCIL..MAY 7, 2019

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.

NOTE: The Policy Committee considered this ordinance amendment at their April 22, 2019 meeting and voted unanimously to recommend approval by the Council.

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

Vote: Unanimous.

2019.48

IN BOARD OF CITY COUNCIL...MAY 7, 2019

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)

NOTE: The Policy Committee considered this ordinance amendment at their April 22, 2019 meeting and voted unanimously to recommend approval by the Council.

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

Vote: Unanimous.

2019.49

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 2, Administration, Article IV, Boards, Committee, Commissions, Division 6. DOWNTOWN DEVELOPMENT COMMISSION**, is amended by adding or ~~deleting~~ to read as follows

ARTICLE IV. BOARDS, COMMITTEES, COMMISSIONS

DIVISION 6. DOWNTOWN DEVELOPMENT COMMISSION

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.

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.

NOTE: The Policy Committee considered this ordinance amendment at their April 22, 2019 meeting and voted unanimously to recommend approval by the Council.

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

Vote: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Clearwater to suspend the rules and allow for an immediate second reading and effective date of the ordinance amendment.

Vote: 7/2; Councilors Lessard and McCurry opposed.

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

Motion carries.

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

Vote: 7/2; Councilors Lessard and McCurry opposed.

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

Motion carries.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):

Recreation Director, Carl Walsh announced that the Recreation Department will be sponsoring some activities on May 18th from 9:00 a.m. to noon at May Field in recognition of *Kids to Park Day*.

City Manager, James Bennett did not have a report.

Other Business:

Councilor Swanton: informed that even though Earth Day was this past weekend, folks may still purchase composters at the Public Works Department.

He asked if it would be possible to waive the disposal fee for disposing of brush for the Biddeford Pool Land Trust who has taken responsibility for keeping the walking trails at Biddeford Pool cleaned up. City Manager, Jim Bennett said he would take care of it.

Councilor Clearwater: announced that last week's Plogging event went well and ten huge bags of trash were collected.

She also announced that the newly formed Biddeford Youth Council is taking applications until May 24th.

Councilor Lessard: has asked that Staff look into the possibility of swapping the trash and recycling containers, resulting in the larger container being for trash and the smaller container being for recyclables.

He noted that the Recycling Facility at Public Works is open on Sundays in May (except for Mother's Day) and on the first Sunday in June; as well as a few Sundays during the Fall. These Sunday hours are instituted to accommodate folks who are doing Spring and Fall cleanup.

Council President Addressing the Council: Councilor McCurry gave a reminder that the Budget Public Hearing and 1st Reading of the Budgets is scheduled for tomorrow, May 8th at 6:00 p.m. in the Council Chambers.

He informed the Council that it was discussed at the Finance Committee meeting that the Water, Main and Hill Streets Project will not be scheduled to begin until May 2020 due to delays with DOT and getting easements in place.

Mayor Addressing the Council: Mayor Casavant shared that he attending an Eagle Scout ceremony this past Sunday for a young Biddeford resident. He was quite impressed; and was also impressed to find out that the City's Engineer, Tom Milligan was once installed as an Eagle Scout.

Executive Session: 1 MRSA 405(6)(D)...Labor Contract Negotiations – Fire Department

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

Vote: Unanimous.

Time: 6:40 p.m.

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

Vote: Unanimous.

Time: 7:45 p.m.

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

Vote: Unanimous.

Time: 7:45 p.m.

Attest by:_____ **Carmen J. Morris, City Clerk**

**SPECIAL COUNCIL MEETING
MAY 8, 2019**

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., Amy Clearwater, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

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

There were no adjustments to the agenda.

Public Hearing: 2019/2020 Proposed City Government & School Department Budgets

Mayor Casavant opened the Public Hearing at 6:02 p.m.

Mayor Casavant explained that each speaker will have 3 minutes to speak. All comments on the budgets will be heard during this time; and only if and when amendments are made, the public will be able to speak further on the budget orders.

A few citizens addressed their concerns about increasing property taxes; expressed their support for the McArthur Library and urged the Council to fund the Library's full budget request; asked for support for the Biddeford Mills Museum and the Biddeford Cultural Heritage Center budget requests; and suggested that the City invest in cycling initiatives throughout the City.

The Public Hearing was closed at 6:30 p.m.

City Manager, James Bennett gave a recap of the final budget figures that came out of the Budget Committee process.

Orders of the Day:

2019

IN BOARD OF CITY COUNCIL...MAY 8, 2019

WHEREAS, the Maine Dept. of Education has determined the total cost of funding public education from kindergarten to grade 12, for Biddeford, as described in the Essential Programs and Services Funding Act to be **\$29,869,454.**

THEREFORE, BE IT ORDERED, that the City Council does appropriate and will raise the sum of **\$18,708,384** for the Biddeford School Department's contribution to the total cost of funding public education for kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 2-A, section 15688.

Explanation: The Biddeford School Department's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

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

Vote: Unanimous.

2019

IN BOARD OF CITY COUNCIL...MAY 8, 2019

BE IT ORDERED, that the City Council does appropriate and will raise the sum of **\$2,601,748** for the annual payments on debt service previously approved by the City Council for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the City of Biddeford's contribution to the total cost of funding public education from kindergarten to grade 12.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was approved by the voters.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the first reading of the order.
Vote: Unanimous.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**
BE IT ORDERED, that the City Council will raise and appropriate \$1,346,236 in additional local funds, which exceeds the State’s Essential Programs and Services allocation model by \$1,346,236 as required to fund the budget recommended by the Biddeford School Committee.

The Biddeford School Committee recommends \$1,346,236 for additional local funds and gives the following reasons for exceeding the State’s Essential Programs and Services funding model by \$1,346,236.

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit’s local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Biddeford budget for educational programs.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the first reading of the order.
Vote: Unanimous.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**
BE IT ORDERED, that the City Council does hereby authorize the Biddeford School Committee to expend \$38,254,794 or the fiscal year commencing July 1, 2019 and ending June 30, 2020 from the City of Biddeford’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools, and broken down as follows:

REGULAR INSTRUCTION	\$13,723,077
SPECIAL EDUCATION	\$ 6,499,105
CAREER & TECHNICAL EDUCATION	\$ 3,308,562
OTHER INSTRUCTION	\$ 666,875
STUDENT & STAFF SUPPORT	\$ 2,416,020
SYSTEM ADMINISTRATION	\$ 1,059,461
SCHOOL ADMINISTRATION	\$ 1,635,813
TRANSPORTATION & BUSES	\$ 1,624,714
FACILITIES MAINTENANCE	\$ 3,603,468
DEBT SERVICE & OTHER COMMITMENTS	\$ 3,703,651
ALL OTHER EXPENDITURES	\$ 14,048
TOTAL SCHOOL BUDGET	<u>\$38,254,794</u>

BE IT FURTHER ORDERED, that the School Department is authorized to accept grant funds during the fiscal year and to expend such funds for the purposes for which they are intended.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the first reading of the order.
Vote: Unanimous.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of \$689,478 for ADULT EDUCATION for the fiscal year commencing July 1, 2019 and ending June 30, 2020, and does hereby appropriate and will raise the local share for ADULT EDUCATION in the amount of \$389,517.

BE IT FURTHER ORDERED that Biddeford Adult Education is authorized to expend any additional, incidental or miscellaneous receipts in the interest and for the wellbeing of the Adult Education Program.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the first reading of the order.
Vote: Unanimous.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum **\$1,301,708** for School FOOD SERVICE (“Hot Lunch”) for the fiscal year commencing on July 1, 2019, and ending on June 30, 2020, and

BE IT FURTHER ORDERED, that the sum of **\$1,301,708** in estimated revenues is adopted in support of FOOD SERVICE, with a local share for FOOD SERVICE in the amount of \$0.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the first reading of the order.
Vote: Unanimous.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt the following estimated revenues and appropriations from fund balance in support of the general fund budget for the fiscal year commencing July 1, 2019 and ending June 30, 2020:

School Estimated Revenue:	
Education:	\$ 373,930
Adult Education:	\$ 299,961
State Allocation to Education:	\$ 13,847,109
Appropriations from Fund Balance, Education:	\$ 1,377,387
TOTAL ESTIMATED REVENUES AND APPROPRIATIONS FROM FUND BALANCE:	\$ 15,898,387

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the first reading of the order.
Vote; Unanimous.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$33,051,372** for the CITY GENERAL FUND budget excluding Schools, Adult Education, TIF Funding and County Tax for the fiscal year commencing on July 1, 2019 and ending June 30, 2020, broken down as follows:

GENERAL GOVERNMENT	\$11,471,902
PUBLIC SAFETY	\$10,240,913
PUBLIC WORKS	\$4,790,546
PUBLIC SERVICES	\$1,302,417
SOCIAL & MUNICIPAL SERVICES	\$917,317
DEBT SERVICE	\$2,866,730
CAPITAL OUTLAYS	\$1,515,547
TOTAL	\$ 33,051,372

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the first reading of the order.
Vote: Unanimous.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt the following estimated revenues and appropriations from fund balance in support of the general fund budget for the fiscal year commencing July 1, 2019 and ending June 30, 2020:

City Estimated Revenues:	
Non-School:	\$ 7,754,552
State Revenue Sharing:	\$ 1,830,000
Homestead:	\$ 835,415
BETE:	\$ 365,000
Appropriations from Fund Balance, City:	\$ 0
TOTAL ESTIMATED REVENUES AND APPROPRIATIONS FROM FUND BALANCE:	\$ 10,784,967

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the first reading of the order.
Vote: Unanimous.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$5,424,060** for the Biddeford Airport comprised of \$260,810 for the AIRPORT OPERATIONS FUND and \$5,163,250 in reimbursable grant expenses for the AIRPORT REIMBURSABLE IMPROVEMENT FUND for the fiscal year commencing on July 1, 2019 and ending June 30, 2020, and

BE IT FURTHER ORDERED, that estimated revenues to the Biddeford Airport Fund in the sum of **\$5,150,593** comprised of \$245,505 for the AIPORT OPERTIONS FUND and \$4,905,088 for the AIRPORT REIMBURSABLE IMPROVEMENT FUND be hereby adopted in support of the Biddeford Airport appropriation.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the first reading of the order.
Vote: 6/3; Councilors St. Cyr, Lessard and Quattrone opposed.
Councilors Swanton, McCurry, Clearwater, Belanger, Ready and Seaver in favor.
Motion carries.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$462,200** for the CDBG FUND for the fiscal year commencing on July 1, 2019 and ending June 30, 2020, and

BE IT FURTHER ORDERED, that the sum of **\$462,200** in estimated revenues to the CDBG Fund be hereby adopted in support of the CDBG Fund appropriation and other approved CDBG projects.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the first reading of the order.
Vote: Unanimous.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$280,647** for the COMMUNITY TV CENTER FUND for the fiscal year commencing on July 1, 2019 and ending June 30, 2020, and

BE IT FURTHER ORDERED, that the sum of **\$280,700** in estimated revenues to and use of Fund Balance from the Community TV Center Fund be hereby adopted in support of the above Community TV Center Appropriations.

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

Vote: 7/2; Councilors Lessard and McCurry opposed.

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

Motion carries.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$46,490** for the MOORING FEES FUND for the fiscal year commencing on July 1, 2019 and ending June 30, 2020 and

BE IT FURTHER ORDERED, that the sum of **\$41,800** in estimated revenues to the Mooring Fees Fund be hereby adopted in support of the Mooring Fees Fund appropriation.

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

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

Councilors Swanton, McCurry, Clearwater, Belanger, Ready and Seaver in favor.

Motion carries.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$148,824** for the POOL BEACH PERMITS FUND for the fiscal year commencing on July 1, 2019 and ending June 30, 2020, and

BE IT FURTHER ORDERED, that the sum of **\$99,500** in estimated revenues to the Pool Beach Permits Fund be hereby adopted in support of the Pool Beach Permits Fund appropriation.

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

Vote: 7/2; Councilors St. Cyr and Quattrone.

Councilors Swanton, McCurry, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$749,710** for the RECREATION PROGRAMS FUND for the fiscal year commencing on July 1, 2019 and ending June 30, 2020, and

BE IT FURTHER ORDERED, that the sum of **\$721,129** in estimated revenues to the Recreation Programs Fund be hereby adopted in support of the Recreation Programs Fund appropriation.

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

Vote: Unanimous.

2019 **IN BOARD OF CITY COUNCIL...MAY 8, 2019**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$199,136** for the PARKING FUND for the fiscal year commencing on July 1, 2019 and ending June 30, 2020 and

BE IT FURTHER ORDERED, that the sum of **\$294,140** in estimated revenues to the Parking Fund be hereby adopted in support of the Parking Fund appropriation.

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

Vote: 8/1; Councilor Seaver opposed.

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

Motion carries.

2019

IN BOARD OF CITY COUNCIL...MAY 8, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$1,540,000** for the AMBULANCE FUND for the fiscal year commencing on July 1, 2019 and ending June 30, 2020 and

BE IT FURTHER ORDERED, that the sum of **\$1,425,000** in estimated revenues to the Ambulance Fund be hereby adopted in support of the Ambulance Fund appropriation.

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

Vote: 7/2; Councilors St. Cyr and Quattrone opposed.

Councilors Swanton, McCurry, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

2019

IN BOARD OF CITY COUNCIL...MAY 8, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby appropriate the sum of **\$4,448,001** for the SEWER OPERATIONS FUND for fiscal year commencing July 1, 2019 and ending June 30, 2020, and detailed as follows:

Sewer Operations:	\$2,480,875
Industrial Pretreatment	\$ 67,764
Maintenance:	\$ 857,832
Depreciation	<u>\$1,041,530</u>
Total	<u>\$4,448,001</u>

BE IT FURTHER ORDERED, that the sum of **\$4,532,096** in estimated revenues to the Biddeford Sewer Operations Fund be hereby adopted in support of the Sewer Operation Fund appropriation.

Sewer User Fees	\$3,758,045
Other Revenue	\$ 174,051
Transfer from General Fund	<u>\$ 600,000</u>
Total	<u>\$4,532,096</u>

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

Vote: 8/1; Councilor McCurry opposed.

Councilors Swanton, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

Mayor's Comments:

Mayor Casavant thanked City Manager, Jim Bennett and the City Staff for all their work on putting together the proposed budget. He noted that the Budget Committee worked diligently for about two months and had done a lot of work to bring in a reasonable and responsible budget. He also recognized Finance Director, Cheryl Fournier for being the driving force behind the process.

He went on to remind folks that the City budget is partly crafted at the mercy of the State Government. Because of this, the loss of State Revenue Sharing over the years has really served as a detriment to the City, and ultimately, to the taxpayers.

He ended with a big thank you to the City Council for their foresight and support to make the tough decisions to work towards revitalization of the downtown and other development throughout the City.

NOTE: The 2nd Reading of the City Government and School Department Budgets is scheduled for Tuesday, May 14th at 6:00 p.m. in the Council Chambers.

Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.
Vote: Unanimous. Time: 7:17 p.m.

Attest by: _____
Carmen J. Morris, City Clerk

**SPECIAL COUNCIL MEETING
MAY 14, 2019**

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., Amy Clearwater, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

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

There were no adjustments to the agenda.

Second Readings:

SCHOOL DEPARTMENT FY20 BUDGET:

Essential Programs & Services Funding Act:

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

Vote: Unanimous.

School Construction Projects – Local Share

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

Vote: Unanimous.

Additional Local Funds – for School Purposes

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

Vote: Unanimous.

School Appropriations:

- A. Regular Instruction**
- B. Special Education**
- C. Career & Technical Education**
- D. Other Instruction**
- E. Student & Staff Support**
- F. System Administration**
- G. School Administration**
- H. Transportation & Buses**
- I. Facilities Maintenance**
- J. Debt Service & Other Commitments**
- K. All Other Expenditures**
- TOTAL SCHOOL BUDGET**

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

Vote: Unanimous.

Adult Education

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

Vote: Unanimous.

Food Service

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

Vote: Unanimous.

School Department Estimated Revenues

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

Vote: Unanimous.

CITY GOVERNMENT FY20 BUDGET:

City Government:

- A. General Government**
- B. Public Safety**
- C. Public Works**
- D. Public Services**
- E. Social & Municipal Services**
- F. Debt Service**
- G. Capital Outlays**

TOTAL CITY BUDGET

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

Councilor Lessard, without making an amendment, noted that he would support giving additional funds to the School Department for unbudgeted CIP items; as well as to the McArthur Library to cover the additional funds requested in their budget, in the event that the City has a substantial increase in revenues in permitting and other fees.

Vote: 8/1; Councilor McCurry opposed.

Councilors Swanton, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Seaver and Lessard in favor. Motion carries.

Estimated Revenues/Fund Balance Appropriation

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

Vote: Unanimous.

Airport Operations Fund

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

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

Councilors Swanton, McCurry, Clearwater, Belanger, Ready and Seaver in favor.

Motion carries.

CDBG Fund

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

Vote: Unanimous.

Community T.V. Fund

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

Vote: 7/2; Councilors McCurry and Lessard opposed.

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

Motion carries.

Mooring Fees Fund

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

Vote: 5/4; Councilors St. Cyr, Lessard, McCurry and Quattrone opposed.

Councilors Swanton, Clearwater, Belanger, Ready and Seaver in favor.

Motion carries.

Pool Beach Permits Fund

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

Vote: 7/2; Councilors St. Cyr and Quattrone opposed.

Councilors Swanton, McCurry, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

Recreation Programs Fund

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

Vote: Unanimous.

Parking Fund

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

Vote: 8/1; Councilor Seaver opposed.

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

Motion carries.

Ambulance Fund

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

Vote: 7/2; Councilors Quattrone and St. Cyr opposed.

Councilors Swanton, McCurry, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

Sewer Operations Fund

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

Vote: 7/2; Councilors Lessard and McCurry opposed.

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

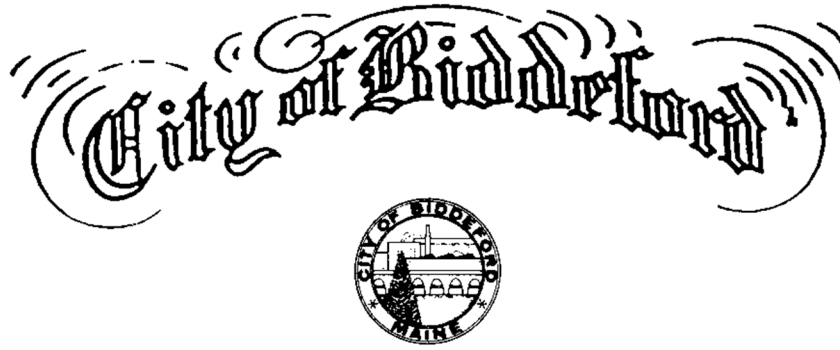
Motion carries.

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

Vote: Unanimous.

Time: 6:13 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



2019.47

IN BOARD OF CITY COUNCIL..MAY 7, 2019

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.

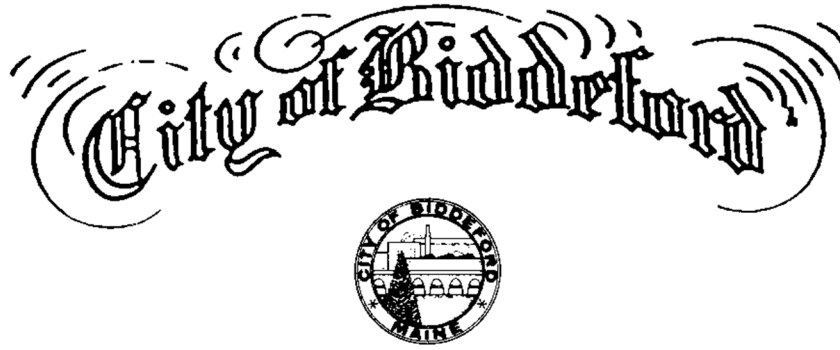
(d) Except by Permit issued by the Recreation Director, no person may erect, setup, or maintain any tent, shack, shelter or any other structure within or on any Park as identified under Section 46-5 of this Chapter. The Recreation Director may cause the removal of any such structure that has been erected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

NOTE: The Policy Committee considered this ordinance amendment at their April 22, 2019 meeting and voted unanimously to recommend approval by the Council.

May 7, 2019

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

Vote: Unanimous.



2019.48

IN BOARD OF CITY COUNCIL...MAY 7, 2019

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

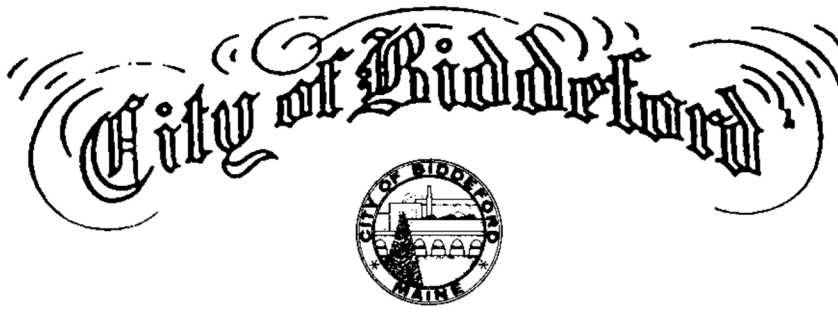
(8) Within twenty (20) feet at the end of any dead end street (includes both sides and entire width)

NOTE: The Policy Committee considered this ordinance amendment at their April 22, 2019 meeting and voted unanimously to recommend approval by the Council.

May 7, 2019

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

Vote: Unanimous.



2019.50

IN BOARD OF CITY COUNCIL..MAY 21, 2019

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 a portion of the property (300 feet deep off Guinea Road) at 226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1.



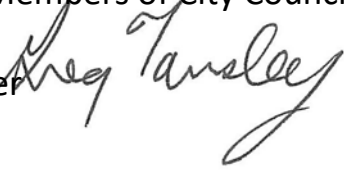
CITY OF BIDDEFORD PLANNING DEPARTMENT

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

From: Greg Tansley, AICP, City Planner 

Date: May 13, 2019

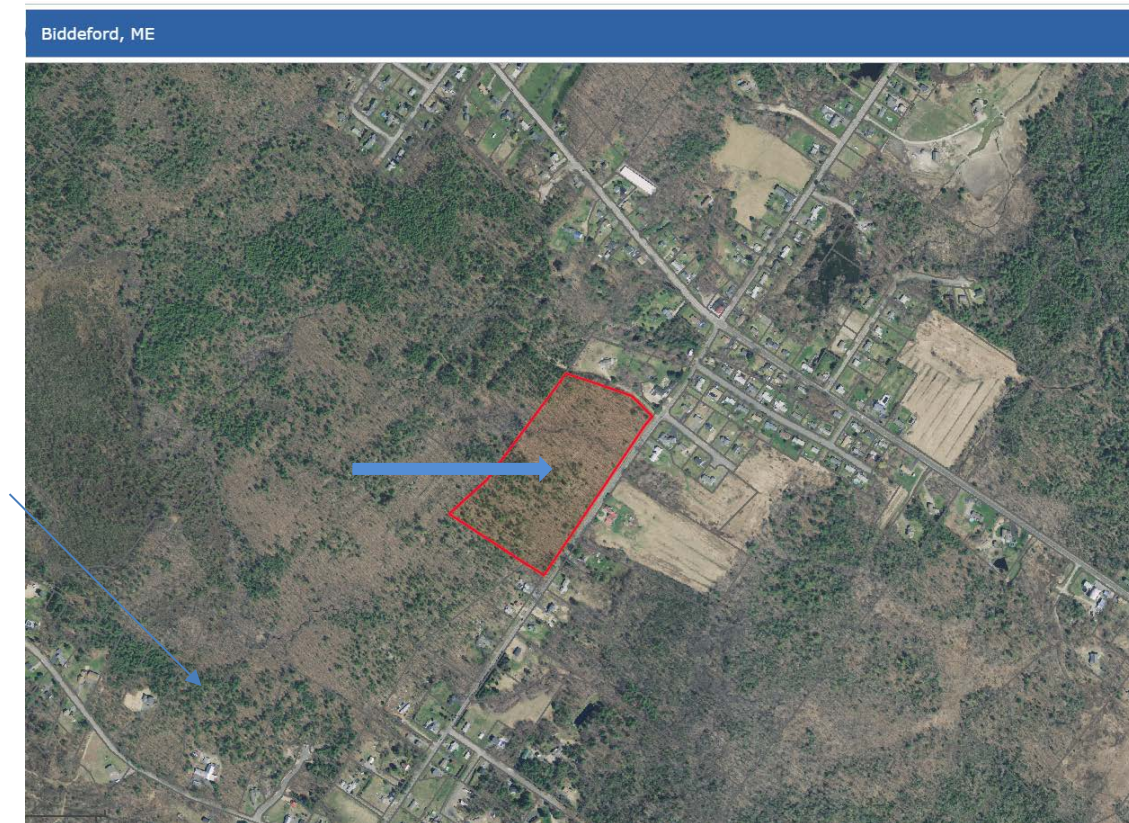
Re: **Applicant Requested Amendment to rezone a portion of the property (300 feet deep off Guinea Road) at 226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1.**

The property owner, Van Hertl, Jr., has requested that their property (and now only a portion thereof) be rezoned from R-F to SR-1. 226 Guinea Road is located just south of the intersection of West Street and Guinea Road, on the West side of the street.

The owner of the property *had* requested that the parcel be rezoned so that it is entirely Suburban Residential-1 (SR-1) rather than its current state of Rural Farm (R-F) with only a small corner of the property zoned SR-1. Following the April Planning Board Public Hearing, the applicant withdrew that original request based on the Planning Board's negative recommendation to the City Council.

As a "compromise", the applicant and property owner revised their request to limit the zone change to only the first 300' off Guinea Road (see attached plan).

The subject property is highlighted in **red**:



Source: "226 Guinea Road".

<http://gis.vgsi.com/BiddefordMEMap/index.html?pid=6860>. Accessed Date: 05/09/2019.

The arguments presented to the Board against the change over the course of two public hearings regarding this parcel seemed to focus on the following:

- One Conservation Commission and Saco Valley Land Trust member (as well as an abutter), Mr. Rhames, presented that there is a vernal pool on an adjacent property, although as of yet, nothing appears in the state's vernal pool database. E-mail presented to the Planning Board is attached as well as Conservation Commission submitting information (with the March 28 City Planner's Memo).
- Another Saco Valley Land Trust member, Mr. Rioux, expressed concerns that by taking a portion of the property out of R-F and putting it in SR-1 this was an attempt to "co-opt" the requirements in the Cluster Subdivision Ordinance that requires a subdivider put land into permanent conservation.

- The Conservation Commission has hired Mark Ward, an independent ecological consultant, to conduct further field assessments of potential vernal pools on private property in the area. As stated during the Public Hearing by Mr. Beuchs, Conservation Commission Chair, they (the Conservation Commission) hope this property owner will allow the Conservation Commission to have their Consultant field assess this property.
- Some members of the Planning Board appeared to be concerned that what is intended for the property has not been presented so the implications of the zone change were not entirely known from a development perspective.

On May 1, 2019 the Planning Board held a duly noticed Public Hearing on the proposal before you. **Following the Public Hearing the Planning Board voted 3-1 to recommend the proposed amendment before you NOT be approved by the City Council.**

Attachments: BH2M Letter to the Mayor and City Council dated May 13, 2019
 BH2M Plan Depicting 300' Proposed Zoning Line off Guinea Road
 City Planner's Packet to the Planning Board dated March 28, 2019
 (Including Conservation Commission Information)
 R. Rhames E-mail Dated April 2, 2019
 City Planner's Memo to the Planning Board dated April 25, 2019

Cc: W. Thompson, BH2M, Applicant's Representative (via e-mail)
 M. Eddy, Planning and Development Director (via email)
 T. Craven, Conservation Commission Chair (via e-mail)
 File



BH2M

Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

28 State Street, Gorham, Maine 04038
207 839-2771

WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY
ANDREW S. MORRELL
STEVEN J. BLAKE

May 13, 2019

Mayor Cassavant
City Council
205 Main Street
P.O. Box 586
Biddeford, Maine 04005

Re: Rezoning Request
226 Guinea Road

Dear Mr. Mayor Cassavant;

On behalf of the applicant, Van Hertel Jr., we are submitting a request to rezone a portion of the 18-acre parcel at 226 Guinea Road.

This wooded parcel is in two zones with the most northeasterly section zoned SR-1 and the balance of the parcel zoned RF.

Our first request to the planning board in April was to rezone the entire RF portion of this property to the SR-1 zone. The public comment and planning board members expressed concern that development under the SR-1 zone does not require the preservation of Open Space. We withdrew our request for a rezoning of the entire property to the SR-1 zone.

There were concerns raised about environmentally sensitive areas to the northwest off this parcel. We are aware of these areas and would be responsible to review their location and how this project's development might impact them.

All subdivision development in the RF zone has to be done as a cluster development which requires a portion of the acreage be assigned as Open Space. This Open Space cannot be developed and would be left in its natural state.

A cluster development does not allow us to use the Guinea Road frontage for new lots and requires an internal road to provide legal frontage for each lot. Our position on the RF zone development is, that with the new paved internal road, you create new impervious to manage more stormwater and impact the conservation goals.

Our proposal is to extend public water along north side of the Guinea Road. With this utility the development density would be very similar in either the SR-1 zone or RF zone.

Our revised request for a rezoning from RF to SR-1 would only include the 300-foot deep section of this land running parallel with the Guinea Road. The remaining existing RF zoned section of this property will stay as RF zoned.

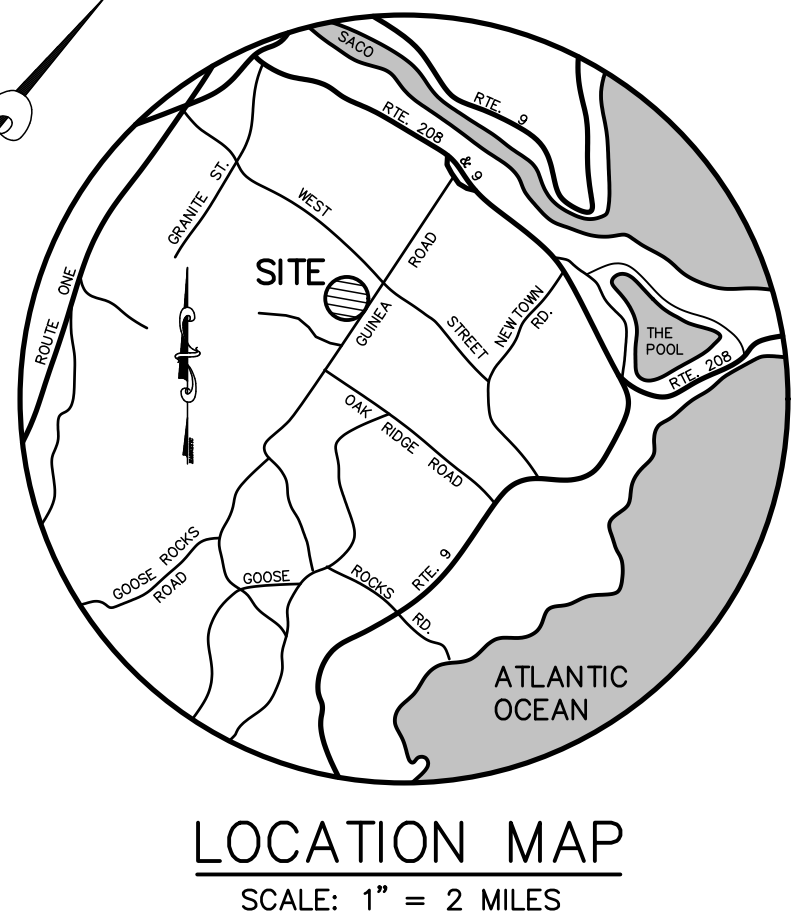
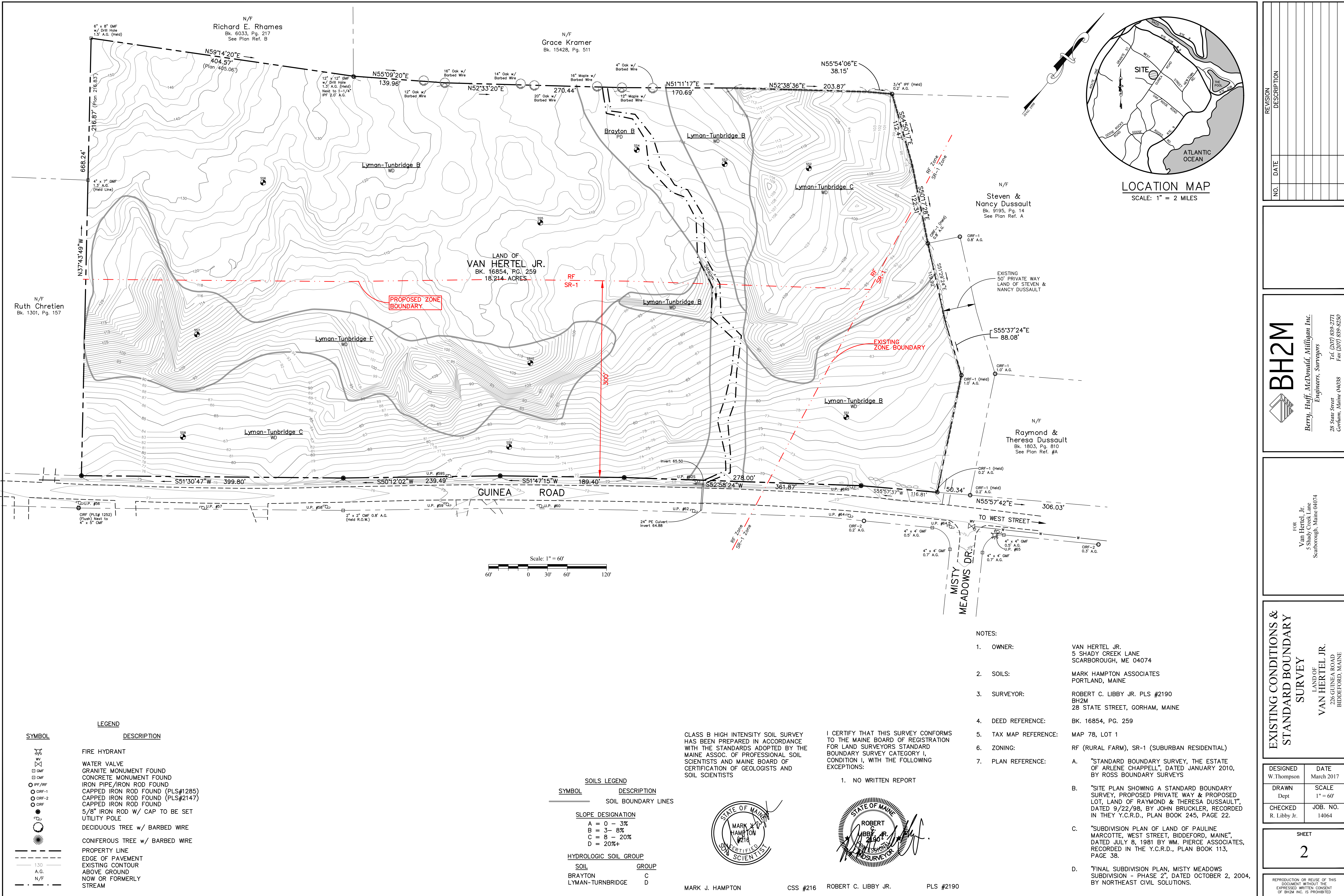
We appreciate your time and consideration of the revised request to rezone a portion of the Guinea Road.

Sincerely,

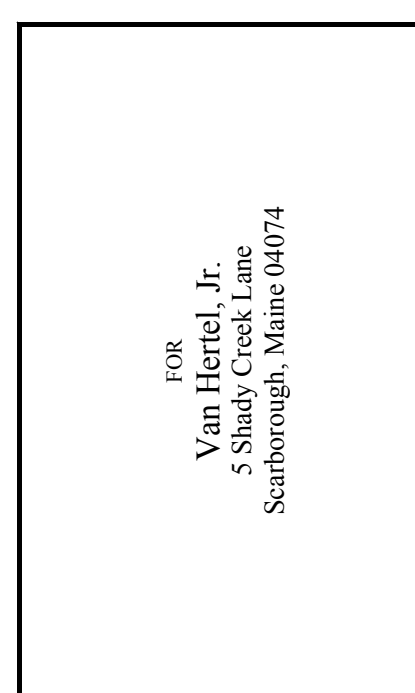
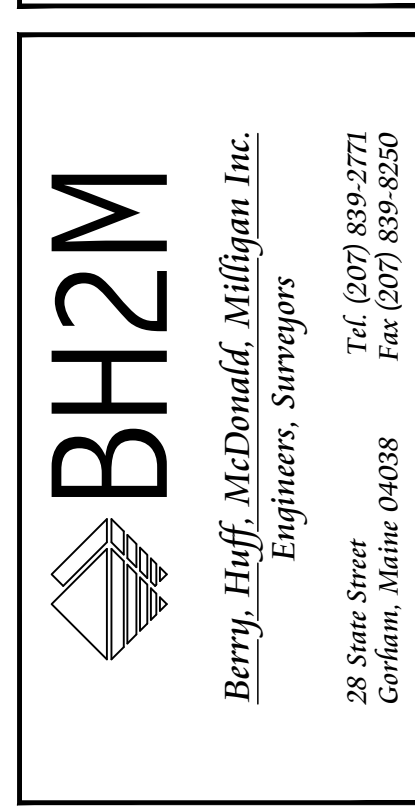
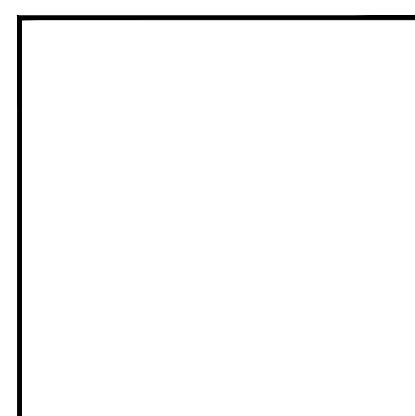
A handwritten signature in black ink, appearing to read 'William A. Thompson', written in a cursive style.

William A. Thompson
Project Manager

cc: V. Hertel, Jr.



REVISION	DESCRIPTION
NO.	DATE



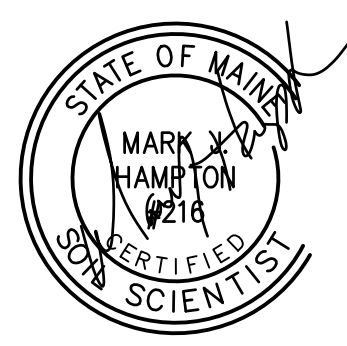
DESIGNED	DATE
W. Thompson	March 2017
DRAWN	SCALE
Dept	1" = 60'
CHECKED	JOB. NO.
R. Libby Jr.	14064

SHEET
2
REPRODUCTION OR REUSE OF THIS DOCUMENT WITHOUT THE EXPRESSED WRITTEN CONSENT OF BH2M INC. IS PROHIBITED.

SYMBOL	DESCRIPTION
	FIRE HYDRANT
	WATER VALVE
	GRANITE MONUMENT FOUND
	CONCRETE MONUMENT FOUND
	IRON PIPE/IRON ROD FOUND
	CAPPED IRON ROD FOUND (PLS#1285)
	CAPPED IRON ROD FOUND (PLS#2147)
	CAPPED IRON ROD FOUND
	5/8" IRON ROD W/ CAP TO BE SET
	UTILITY POLE
	DECIDUOUS TREE w/ BARBED WIRE
	CONIFEROUS TREE w/ BARBED WIRE
	PROPERTY LINE
	EDGE OF PAVEMENT
	EXISTING CONTOUR
	ABOVE GROUND
	NOW OR FORMERLY STREAM

<u>SOILS LEGEND</u>	
<u>SYMBOL</u>	<u>DESCRIPTION</u>
	SOIL BOUNDARY LINES
<u>SLOPE DESIGNATION</u>	
A = 0 - 3%	
B = 3- 8%	
C = 8 - 20%	
D = 20%+	
<u>HYDROLOGIC SOIL GROUP</u>	
<u>SOIL</u>	<u>GROUP</u>
BRAYTON	C
LYMAN- TURNBRIDGE	D

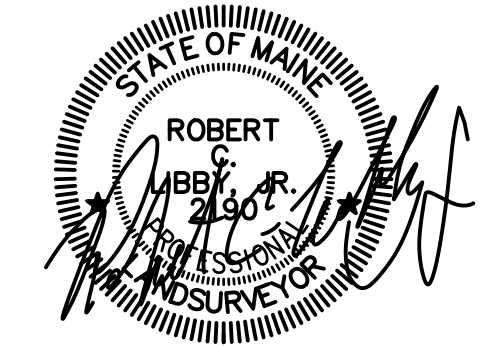
CLASS B HIGH INTENSITY SOIL SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS ADOPTED BY THE MAINE ASSOC. OF PROFESSIONAL SOIL SCIENTISTS AND MAINE BOARD OF CERTIFICATION OF GEOLOGISTS AND SOIL SCIENTISTS



MARK J. HAMPTON

I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF REGISTRATION FOR LAND SURVEYORS STANDARD BOUNDARY SURVEY CATEGORY I, CONDITION I, WITH THE FOLLOWING EXCEPTIONS:

1. NO WRITTEN REPORT



ROBERT C. LIBBY JR.

PLS #2190

- NOTES:
1. OWNER: VAN HERTEL JR. 5 SHADY CREEK LANE SCARBOROUGH, ME 04074
 2. SOILS: MARK HAMPTON ASSOCIATES PORTLAND, MAINE
 3. SURVEYOR: ROBERT C. LIBBY JR. PLS #2190 BH2M 28 STATE STREET, GORHAM, MAINE
 4. DEED REFERENCE: BK. 16854, PG. 259
 5. TAX MAP REFERENCE: MAP 78, LOT 1
 6. ZONING: RF (RURAL FARM), SR-1 (SUBURBAN RESIDENTIAL)
 7. PLAN REFERENCE: A. "STANDARD BOUNDARY SURVEY, THE ESTATE OF ARLENE CHAPPELL", DATED JANUARY 2010, BY ROSS BOUNDARY SURVEYS
B. "SITE PLAN SHOWING A STANDARD BOUNDARY SURVEY, PROPOSED PRIVATE WAY & PROPOSED LOT, LAND OF RAYMOND & THERESA DUSSAULT", DATED 9/22/98, BY JOHN BRUCKLER, RECORDED IN THE Y.C.R.D., PLAN BOOK 245, PAGE 22.
C. "SUBDIVISION PLAN OF LAND OF PAULINE MARCOTTE, WEST STREET, BIDDEFORD, MAINE", DATED JULY 8, 1981 BY WM. PIERCE ASSOCIATES, RECORDED IN THE Y.C.R.D., PLAN BOOK 113, PAGE 38.
D. "FINAL SUBDIVISION PLAN, MISTY MEADOWS SUBDIVISION - PHASE 2", DATED OCTOBER 2, 2004, BY NORTHEAST CIVIL SOLUTIONS.



CITY OF BIDDEFORD

PLANNING DEPARTMENT

2019.04

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, appearing to read "Greg Tansley", is written over the "FROM:" line.

DATE: March 28, 2019

RE: NEW BUSINESS ITEM #A - Remove from Table: 2019.04 Proposed amendment to the Official Zoning Map to rezone 226 Guinea Road (Tax Map 78, Lot 1) from a split between R-F and SR-1 to entirely SR-1 (at the request of the property owner).

MEETING DATE: April 3, 2019 @ 6:00 PM

The owner of the property at 226 Guinea Road has requested that the parcel be rezoned so that it is entirely Suburban Residential-1 (SR-1) rather than split between Rural Farm (RF) and SR-1. According to the applicant/owner's cover letter, the purpose of the rezoning would be to connect it with the rest of the SR-1 Zone in its entirety and eliminate the requirement that all lots be off of a new "internal" road. What is not noted is that in the R-F Zone Cluster Subdivisions are required. In the SR-1 Zone, Cluster Subdivisions are not required.

THIS ITEM WAS TABLED AT THE MARCH 6 PLANNING BOARD MEETING FOR MORE INFORMATION. SEE ATTACHED SUPPLEMENTAL INFORMATION PROVIDED BY BOTH THE APPLICANT AND THE CONSERVATION COMMISSION.

SAMPLE MOTIONS:

Motion to recommend/not recommend the Zoning Change pass at the City Council.

ATTACHMENTS

1. February 26, 2019 Staff Memorandum to the Planning Board.
2. Table A and Table B of the Zoning Ordinance.
3. Supplemental Information from the Applicant and the Conservation Commission.



Berry, Huff, McDonald, Milligan Inc.
Engineers, Surveyors

28 State Street, Gorham, Maine 04038
207 839-2771

WILLIAM A. THOMPSON
ROBERT C. LIBBY, Jr.
WALTER E. PELKEY
ANDREW S. MORRELL
STEVEN J. BLAKE

March 26, 2019

Greg Tansley
Biddeford City Planner
205 Main Street
P.O. Box 586
Biddeford, Maine 04005

Re: Rezoning request
226 Guinea Road

Dear Greg;

On behalf of the applicant, Van Hertel Jr., we are submitting additional documentation to address some of the public comments at the March 6, 2019 planning board meeting.

Our request is to have this parcel, which is in two zones, be rezoned to be completely in the SR-1 Zone. This request would take out the RF Zone which is on the southwesterly end of the parcel.

One of the letters from Mark Ward, Ecological Consultant, identified areas of ecological significance generally located to the northwest of the parcel we hope to rezone.

I have prepared copies of other resource maps. These maps locate our subject parcel in relationship to the "170-acre Cranberry Marsh" parcel, wetland inventory map and the map showing threatened species. Our parcel is located outside of these noted areas.

The USGS Map with the topography shows that our entire parcel drains away from the referenced sensitive areas.

Under the current zone of RF, we can complete a very similar residential design as in a SR-1 Zone, with lot sizes and road frontages. The biggest difference in the SR-1 Zone, we are not required to build interior roads to satisfy the minimum lot frontage and point of lot access.

With rezoning, utilizing the existing roadway frontage along the Guinea Road, we are accomplishing exactly what the conservation commission would like with less paving and less stormwater to manage.

We look forward to presenting this information at the April 3, 2019 planning board meeting.

Sincerely,


William A. Thompson
Project Manager

encl.



U.S. Fish and Wildlife Service

National Wetlands Inventory

Guinea Road Wetlands



March 7, 2019

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

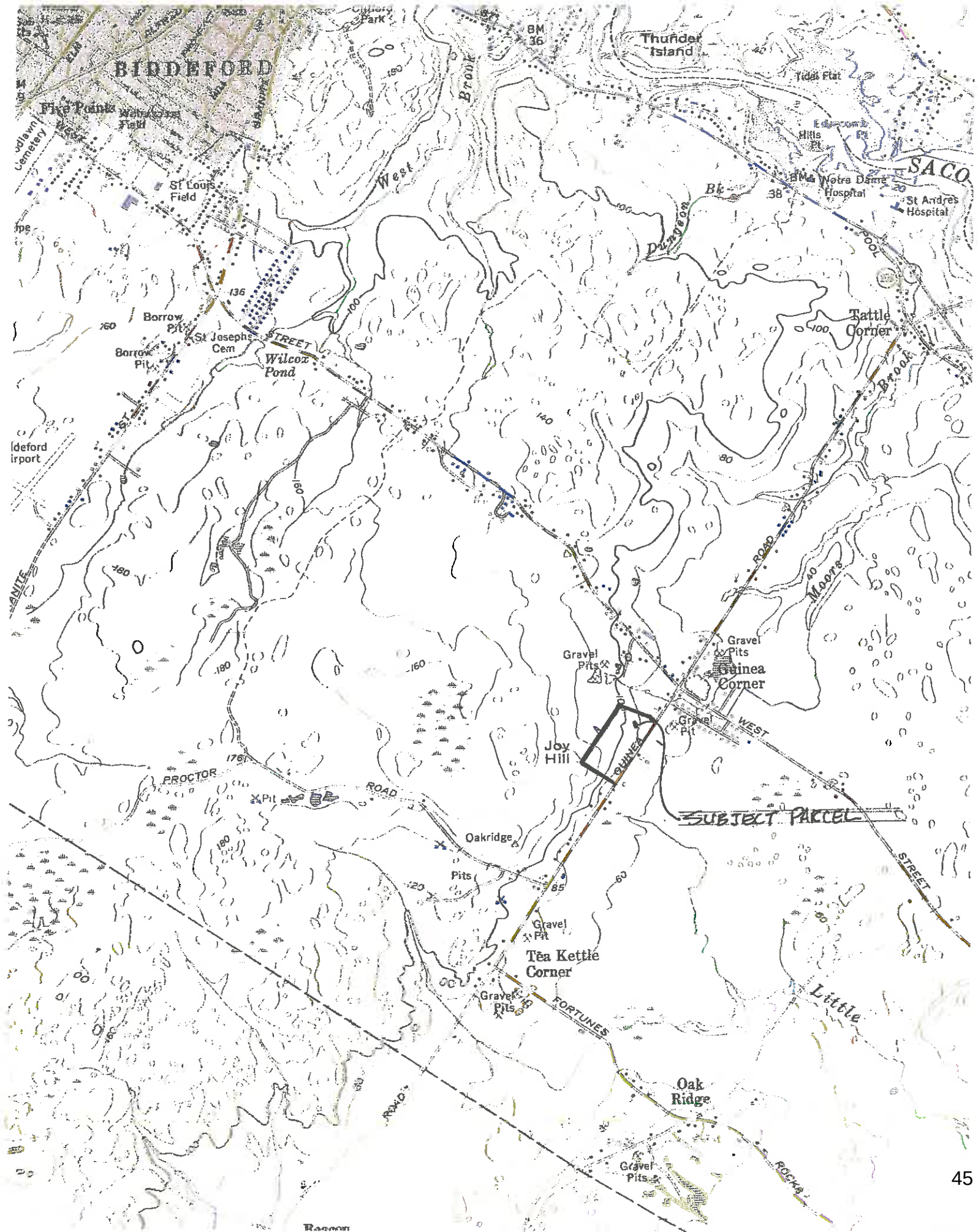
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

1" = 600'

226 GUINEA ROAD National Wetlands Inventory (NWI)
This page was produced by the NWI mapper





North is based on the
Maine State
Coordinate System
NAD 1983

North Rotation is 33°



UPDATED THROUGH APRIL 1, 2018
FOR ASSESSMENT PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCES

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



This Map is Prepared by
The City of Biddeford, Maine
Technology Department
GIS Division
203 Maine Street • P.O. Box 580 • Biddeford, Maine 04005
207-571-4050 • gis@biddefordmaine.org

3

Tax Map

KENNESBURYPORT

Comments from the Biddeford Conservation Commission (BCC) re potential zone change at "226 Guinea Road:" (Map 78, Lot 1)

We understand that the planning board has asked for BCC input regarding an applicant's request to rezone a 17 acre parcel abutting Guinea Road from RF/SR-1 to entirely SR-1. Currently most of 78/1 is zoned RF.

Maine's Growth Management Act holds among its goals : "To safeguard ... agricultural and forest resources from development which threatens those resources." Biddeford's 1999 Comprehensive Plan closely mirrors and reflects that concern.

Following the adoption of the '99 plan the BCC spent much of its time working with the planning office and elected officials devising and implementing a "Cluster Ordinance" covering Biddeford's Rural Farm (RF) zone (52% of the city's land mass). If granted, the change to SR-1 would eliminate the cluster requirement for 78/1 and facilitate a perhaps complete "build-out" of the parcel.

We believe this is unwarranted and unwise.

As you know, virtually the entire eastern portion of Biddeford is within the State-identified "Biddeford-Kennebunkport Vernal Pool Complex." This (currently) largely un-fragmented / intact area is of state-wide significance and supports the web of life which supports us.

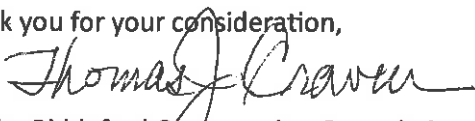
The 226 Guinea Road lot abuts a substantial wooded parcel on which the Saco Valley Land Trust holds a perpetual conservation easement. We believe that you have already received a letter from ecologist, and UNE adjunct Mark Ward documenting some of the unique environmental features of this easement-protected property.

We note here that the conservation easement covering this 170 acre "Cranberry Marsh North" parcel permits forest management under a plan approved by SVLT and that a timber stand improvement practice has recently been conducted there in cooperation with the USDA's Natural Resources Conservation Service (NRCS). SVLT actively collaborates with NRCS in the management/ stewardship of its fee holdings as well. (Please find attached a recent SVLT mailing showing the scope of its protected properties in this area.)

As you heard at the March 6th public hearing on this matter, the downslope Guinea Road neighbors are concerned about build-out of the 78/1 lot. The current erosion and storm water runoff concerns they expressed would likely only be increased by development under the existing zoning regime, much less by a change to SR-1 which would eliminate any requirement to permanently conserve a portion of 78/1 under the cluster ordinance. Frankly we find it hard to imagine how waving away the cluster provisions and the injection Saco River water into this shallow-to-bedrock and shallow-to-water table parcel can fail to impact the downslope abutters' "quiet enjoyment of their property."

In sum; the BCC observes that given the statewide significance of the area, the state/local goal to "safeguard...agricultural and forest resources from development which threatens those resources," the importance of the cluster ordinance within the context of an otherwise quite permissive RF zoning construct (unchanged since the 1960s), and the fact that an update of the 1999 Plan is currently ongoing, such an ad hoc zoning change would be unwise and ill-timed.

Thank you for your consideration,


For the Biddeford Conservation Commission
3/21/19

March 4, 2019

Members of the Biddeford Planning Board-

I am writing in regard to item 2019.04—the proposed rezoning of 226 Guinea Road (Tax Map 78, Lot 1) from a split between RF-1 and SR-1 to entirely SR-1. The planning board should take into consideration that the biological significance of eastern Biddeford is due to the presence of large blocks of undeveloped landscape with a high concentration of wetlands. Because of this, the Biddeford-Kennebunkport Vernal Pool complex has been designated as a natural area of statewide ecological significance.

The parcel in question (Map 78, Lot 1) lies within the largest block of undeveloped habitat east of the interstate (comprising ~1400 acres in Biddeford and ~3000 acres in Kennebunkport and Arundel). In past work with the Biddeford Conservation Commission we referred to this undeveloped habitat block (south of West St., west of Guinea Road and east of Route 1) as the Proctor Road Block. We considered it a high conservation priority because it includes large unfragmented interior forest, a high concentration of wetlands, and documented records of the state threatened spotted turtle.

While I have not personally visited the parcel in question, I have conducted ecological field work at the 170-acre Cranberry Marsh North parcel (Tax Map 3, Lot 32), which abuts this parcel on its west side. I conducted ecological work on the Cranberry Marsh North (CMN) parcel as an assistant on Rob Baldwin's graduate study project in 2003 and on behalf of Saco Valley Land Trust as a consultant for a forest management plan in 2011.

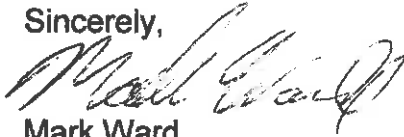
In 2003, I visited several potential vernal pools (on April 21, 2003 and May 9, 2003) including one (B53), which is located (UTM 383676E, 4812087N) in the area designated as Joy Hill on USGS topo maps and in close proximity to the parcel in question (Map 78, Lot1). The B53 wetland is a deep, open pool with scattered buttonbush stems and clear water. Its depth (waist deep in the spring) suggests a longer hydroperiod than many vernal pools, which typically indicates greater biological diversity. I counted a large number of wood frog egg masses (100) and observed numerous fairy shrimp (an obligate vernal pool species), which warrants its designation as a significant vernal pool in Maine and affords it protections for the associated wildlife values. The presence of fairy shrimp in a vernal pool is a particularly uncommon occurrence. Of the many vernal pools that I have visited in Maine, and which meet the state criteria to designate them as significant, I estimate that fairy shrimp were found in less than 2%. In short, B53 is a very special wetland. While it lies within the CMN parcel and is afforded some protection through a conservation easement, its wildlife values could nevertheless be compromised by impacts to adjacent lands.

The CMN parcel is also home to spotted turtles. I documented the presence of 5 spotted turtles on two visits in 2011 (April 22 & April 29, 2011) in the Cranberry Marsh proper and in nearby small wetlands. The open water of Cranberry Marsh is presumably the primary overwintering habitat for this population of spotted turtles. But spotted turtles move overland to foraging wetlands in the spring and females seek out upland nesting sites in summer. I have not observed any spotted turtles at the B53 vernal pool adjacent to the parcel in question, but it is entirely conceivable that spotted

turtles could use this wetland (especially given its long hydroperiod) or adjacent uplands.

The location of the parcel at 226 Guinea Road (Map 78, Lot 1) within a large unfragmented habitat block and its proximity to a high value vernal pool (B53) warrant maintaining the existing RF-1 zoning category for the portion of this parcel that falls under such provision.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ward", written over the printed name.

Mark Ward
Ecological Consultant
28 Poor Farm Road
Bristol, ME 04539
207-350-6537

Little River Watershed Conservation Bridge Campaign

30 YEARS OF CONSERVING LAND IN BIDDEFORD AND SACO



**New England
Cottontail**



**Spotted
Salamander**



**Salt marsh
Sharp-tailed
Sparrow**

Building Bridges Together

You and the Saco Valley Land Trust-30 YEARS-32 PARCELS

Please help SVLT purchase two parcels (89 acres) that create a bridge to seven other parcels (569.6 acres) enabling the protection of forested wetlands, and early successional scrubland. These two parcels are a valuable part of the state significant Biddeford/Kennebunkport Vernal Pool Complex. This diversity-rich area is home to threatened and endangered species and species of concern: reptiles, amphibians, and migrating waterfowl and song birds. YOU can help by donating to our campaign.

Be a Part of Conserving Your Community for Our Future

1

LEARN

Project Details on back
and at
sacovalleylandtrust.org

2

PARTICIPATE

Interested in helping us
on this project? Please
contact us at
sacovalleymaine@gmail.com

3

DONATE

Please consider a factor
of \$30 in honor of our 30
years! \$30-\$300.

In our 30 years of existence,

SVLT has been fortunate to accumulate thirty two holdings in Biddeford, Saco and Buxton through easements, donations, and purchases. Funding from individuals, private foundations, and grants is essential to our all volunteer organization.

Eight of our parcels in eastern Biddeford (listed on our website and in our 2018 newsletter) are located near the intersection of West Street and Guinea Road. We have embarked on a fundraising campaign to purchase two additional parcels. We hope the entire community will help! All ten are within the *state-designated Biddeford /Kennebunkport Vernal Pool Complex that is significant habitat for a variety of species*. There are forested uplands that grew up after the 1947 fire and fields that are remnants of a farming past, interspersed with wetlands, brooks and tributaries to the Little and Batson Rivers and home to some endangered species.



Please donate today towards this significant purchase, by mail or by visiting our website:
www.sacovalleylandtrust.org

Please join these organizations who have already donated to this campaign:

Maine Outdoor Heritage Fund
 Davis Conservation Foundation
 Fields Pond Foundation
 Saco Biddeford Savings Institution

YES. I WANT TO SUPPORT THE LITTLE RIVER WATERSHED CONSERVATION CAMPAIGN

☐ \$30
 ☐ \$60
 ☐ \$150
 ☐ \$300
 ☐ other

Name _____

Address _____ Phone (optional) _____

Email address _____

Company Match? _____

Please mail to: Saco Valley Land Trust, PO Box 1581, Saco, ME 04072

Donations by debit / credit card or Paypal accepted securely at our website: www.sacovalleylandtrust.org



CITY OF BIDDEFORD

PLANNING DEPARTMENT

2019.04

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink that reads "Greg Tansley".

DATE: February 26, 2019

RE: **NEW BUSINESS ITEM #A - Part III (Land Development Regulations), Article III (Official Zoning Map), be amended to rezone the entire property at 226 Guinea Road (Tax Map 78, Lot 1) from both R-F and SR-1 to entirely SR-1.**

MEETING DATE: March 6, 2019 @ 6:00 PM

The owner of the property at 226 Guinea Road has requested that the parcel be rezoned so that it is entirely Suburban Residential-1 (SR-1) rather than split between Rural Farm (RF) and SR-1. According to the applicant/owner's cover letter, the purpose of the rezoning would be to connect it with the rest of the SR-1 Zone in its entirety and eliminate the requirement that all lots be off of a new "internal" road. What is not noted is that in the R-F Zone Cluster Subdivisions are required. In the SR-1 Zone, Cluster Subdivisions are not required.

SAMPLE MOTIONS:

Motion to recommend/not recommend the Zoning Change pass at the City Council.

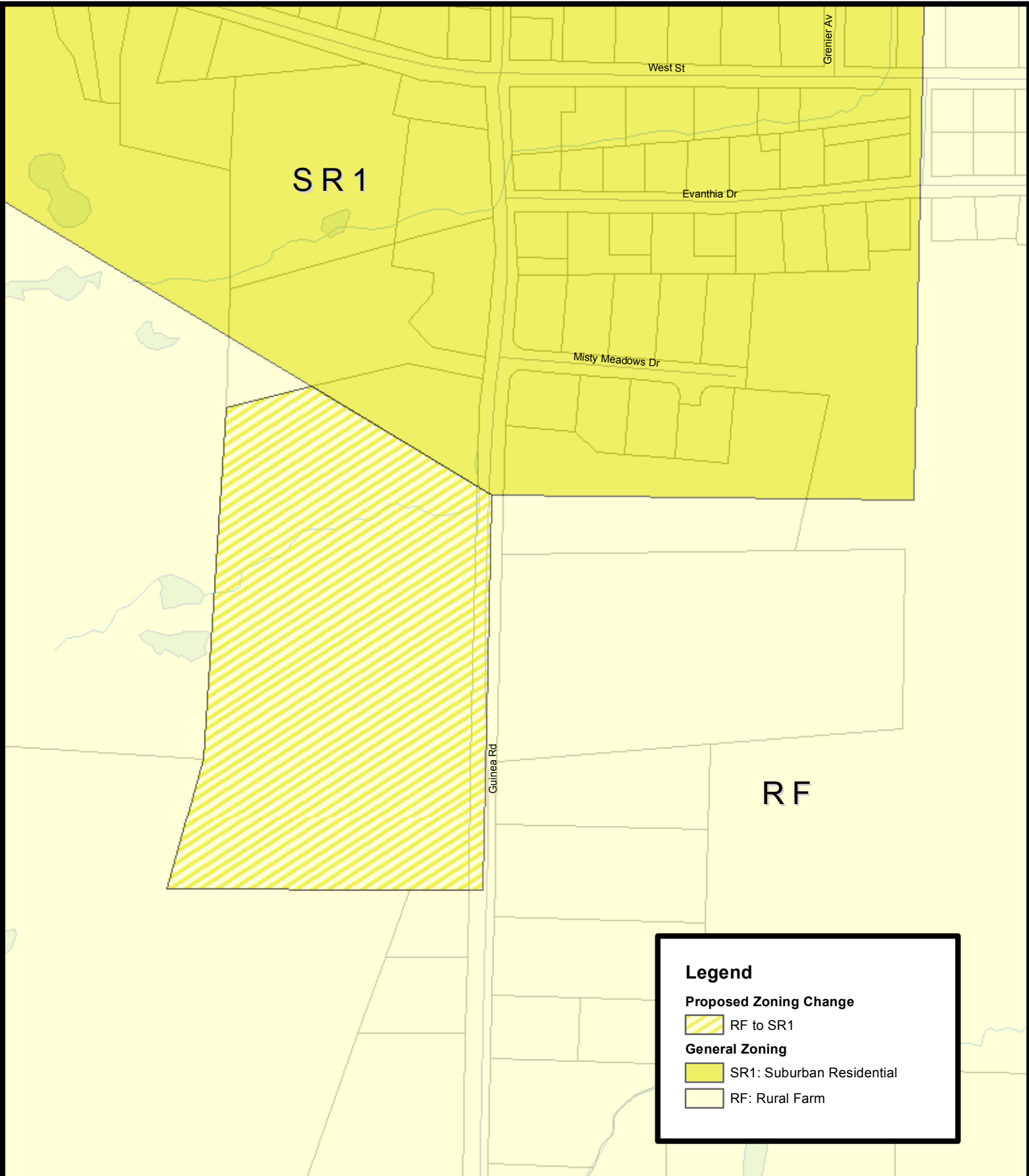
ATTACHMENTS

1. Proposed Map Amendment
2. Table A and Table B of the Zoning Ordinance

Sincerely,

Greg D. Tansley, A.I.C.P.
City Planner

Cc: File



Proposed Zoning Change - RF to SR1



This map was prepared by:
BiddGIS

The City of Biddeford, Maine
Technologies Department - GIS Mapping

205 Main Street • P.O. Box 586 • Biddeford, Maine 04005-0586"
Tel. 207-571-0660 • Email gis@biddefordmaine.org



0 300 600 Feet
1 inch = 300 feet

TABLE A: TABLE OF LAND USES

*	Subject to Article VI, Performance Standards, of this ordinance
{BLANK}	Not Permitted
P	Permitted
C	Conditional Use
A	Accessory Use

Residential uses:	Article VI Section	SR-1	R-F
Accessory dwelling units* 27	78	P	P
Accessory structure*	2	P3	P
Boarding, rooming house*	10		
Bed-and-breakfast*	9		C
Cluster development*	18	C	C17
Congregate housing*	19		C
Duplex/2-family	24	C	C
Home occupation*	38	C	C
Manufactured housing*	See Article VI, Section 45.		
Mobile home park*	See Article VI, Section 45.		
Multifamily dwelling*	47		
Planned unit development*	73		
Single-family dwelling 11	2	P	P
Commercial uses:	Article VI Section	SR-1	R-F
Adult business	3		
Amusement center*	5		
Art gallery			C
Art studio			C
Auto body shops			
Automobile graveyard, automobile recycling business, junkyard*	7		
Automobile repair, sales			
Boat building, repair, marine services, sales, boat livery, marina, yacht club			
Building materials retail sales			C
Carwash*	14		
Commercial gardening, commercial greenhouse*	17	C	P
Commercial recreation*	18		C
Commercial school*	53		
Drugstore/medical supply			
Financial institution			
Firewood processing*	33		P
Fisheries processing, storage*	34		

Funeral parlor			
Gasoline service station*	36		C
Hotel/motel*	40		
Indoor theater			
Kennel, veterinary hospital*	42		P
Medical marijuana dispensaries			
Medical marijuana growing facilities			
Neighborhood convenience store/service		C4	P
Off-street loading and parking lot and facilities, commercial parking garage	49		C
Offices, business and professional*	52		
Planned unit developments*	73		
Publishing, printing			
Restaurant*	56		C
Retail store			C
Sawmill*	33		C
Services			C
Shopping center			
Telecommunications facilities	71		C
Wholesale business			
Industrial uses:	Article VI Section	SR-1	R-F
Air transportation related use			
Air transportation dependent use*			
Airport	4		
Bulk oil terminal*	41		
Contractor's storage yard			C
Demolition disposal*	23		
Experimental research and testing laboratory	29		
Light manufacturing*	41		
Light trucking dependent industry*	41		
Manufacturing*	41		
Planned unit developments*	73		
Resource recovery facility			
Recycling facilities	76		
Redemption centers			
Storage of bulk gaseous fuels*	41		
Transportation facilities			
Trucking, distribution terminal*			
Warehousing and storage*	60		
Self-storage facilities*	60		

Educational, institutional public uses:	Article VI Section	SR-1	R-F
Addiction treatment facility	22		
Church, synagogue*		C	C
Civic, convention centers			
Community centers, clubs			
Day-care center, adult	22	C	C
Day-care home, adult	22	C	C
Day-care home, children's	22	C	C
Day-care center, children's	22	C	C
Essential services	27	C	C
Fire, police station			C
Group homes, hospice	19	C	C
Hospital*	39		
Municipal use	47.1	C	C
Museum, library			C
Nursing home*	39	C	C
Public and private schools*	53		P
Public facility		C	C
Rehabilitation facility			
University/college*		C	C
University uses*		C	C
Water supply system	27	C	C
Outdoor, resource-based uses:	Article VI Section	SR-1	R-F
Agriculture*	3, 31		P
Agricultural products processing and storage*	3, 31		P
Animal breeding or care	42		P
Campground*	13		C
Cemetery	14.1	C	P
Extractive industry*	30		P2
Farm stands* 13	31		P
Timber harvesting	64		P
Golf course excluding miniature golf		P	P
Parks and recreation*		P	P

TABLE B: DIMENSIONAL REQUIREMENTS

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W	Side	Rear	Stories	Feet
SR-1	15,000 C	20,000 C	20,000 C	40,000 C	100	100	200	40	25	10	10	3	35
R-F, single-family M	20,000	20,000	20,000	40,000	120	120	200	40 H	25 H	25	25	3	35
R-F, duplex M	20,000	20,000	20,000	40,000	120	120	200	40 H	25 H	25	25	3	35
R-F, all other	40,000	40,000	40,000	40,000	200	200	200	40 H	25 H	25	25	3	35

From: [Richard Rhames](#)
To: [Tansley, Greg](#)
Cc: [Ken Buechs](#)
Subject: Guinea Rd rezone request
Date: Tuesday, April 2, 2019 4:07:50 PM

Greg,

I took the liberty of sharing the BH2M comment in the April packet with ecologist Mark Ward. If the vernal pool is not, in fact, duly registered with the state, it's purely an oversight (and news to me). Anyway.... Mark's response is below. Sorry to be so slow in this—got a beastly bug.

Richard Rhames
BCC

I don't get back until Friday, 4/5. Can I count on you to attend the PB meeting and, if allowed, address this point please? I hope you are feeling better Richard.

Ken

-----Original Message-----

From: Richard Rhames
Sent: Mar 29, 2019 9:47 AM
To: tom craven
Cc: Susan Amons , Ken Buechs , Bill Murray , Steve Reiter , Marsha Reynolds , denis
Subject: Re: Van Hertl - Guinea Road--- Mark Ward's reply

Here's Mark's reply. Kinda interesting. When Rob Baldwin was doing his vernal pool research years ago I signed a letter/ permission form authorizing him to do so. I guess I assumed (always dangerous) that I was therefore allowing the fruits of the research to be public. Based on Mark's reply, I guess not. Anyway..... BH2M is perhaps attempting to dismiss the environmental critique as uninformed.

It's not.

Hi Richard-

I agree with you that the BH2M consultant conveniently left the location of the fairy shrimp pool off of the map that he provided and does not adequately address its proximity to the portion of the parcel that is currently zoned RF. That pool does not appear on state maps of sensitive features, because I don't believe that it was ever submitted to the state as an example of a significant vernal pool. The original visits by Rob and me in 2002 and 2003 preceded the legislation that provided protection for such pools. As the landowner, you could authorize permission to submit biological evidence to support its inclusion in the state database of significant vernal pools (though we might have to submit more recent biological evidence-- with either egg mass counts or documentation of fairy shrimp). If you were to authorize that, it would mean that the pool would show up on future maps as a significant vernal pool. Regardless, it would be worthwhile to demonstrate where the actual fairy shrimp pool is for the benefit of the planning board so that

they don't complete dismiss the points that I made about that pool in the letter. On the aerial photo of NWI wetlands in the packet the fairy shrimp pool is one of the "freshwater ponds" in blue (not the one that has adjacent forested swamp--PFO1E, but the larger and closer of the two small solated "ponds" located due west from the SW corner of the 226 parcel).

I also think that it would be helpful for the planning board to see a visual of the 2 proposed build-out scenarios that the consultant describes, but does not provide any plans for, in the argument that he makes about how the rezoning would actually offer better protections.

Hope that this is helpful.

Mark



CITY OF BIDDEFORD

PLANNING DEPARTMENT

2019.04

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

Greg.Tansley@Biddefordmaine.org

PLANNING BOARD REPORT

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner

A handwritten signature in black ink, appearing to read "Greg Tansley", is written over the "FROM:" line.

DATE: April 25, 2019, 2019

RE: NEW BUSINESS ITEM #C - 2019.04 Public Hearing, take comments, and make recommendations to the City Council, regarding a property owner's REVISED proposed amendment to the Official Zoning Map to rezone a portion of the property (300 feet deep off Guinea Road) at 226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1.

MEETING DATE: May 1, 2019 @ 6:00 PM

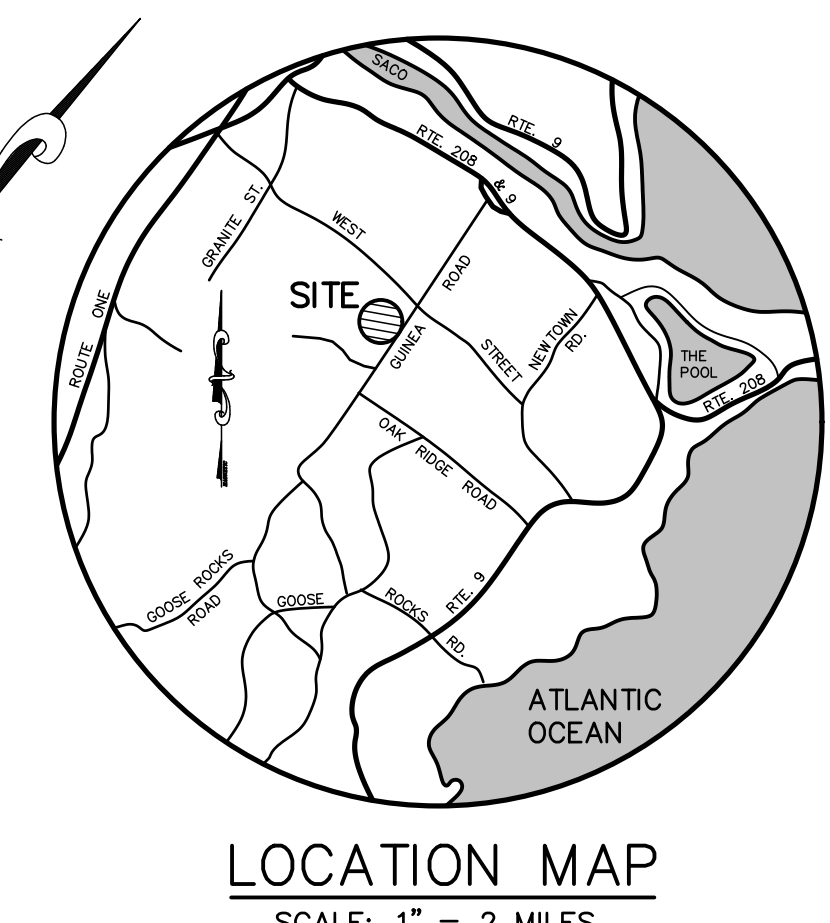
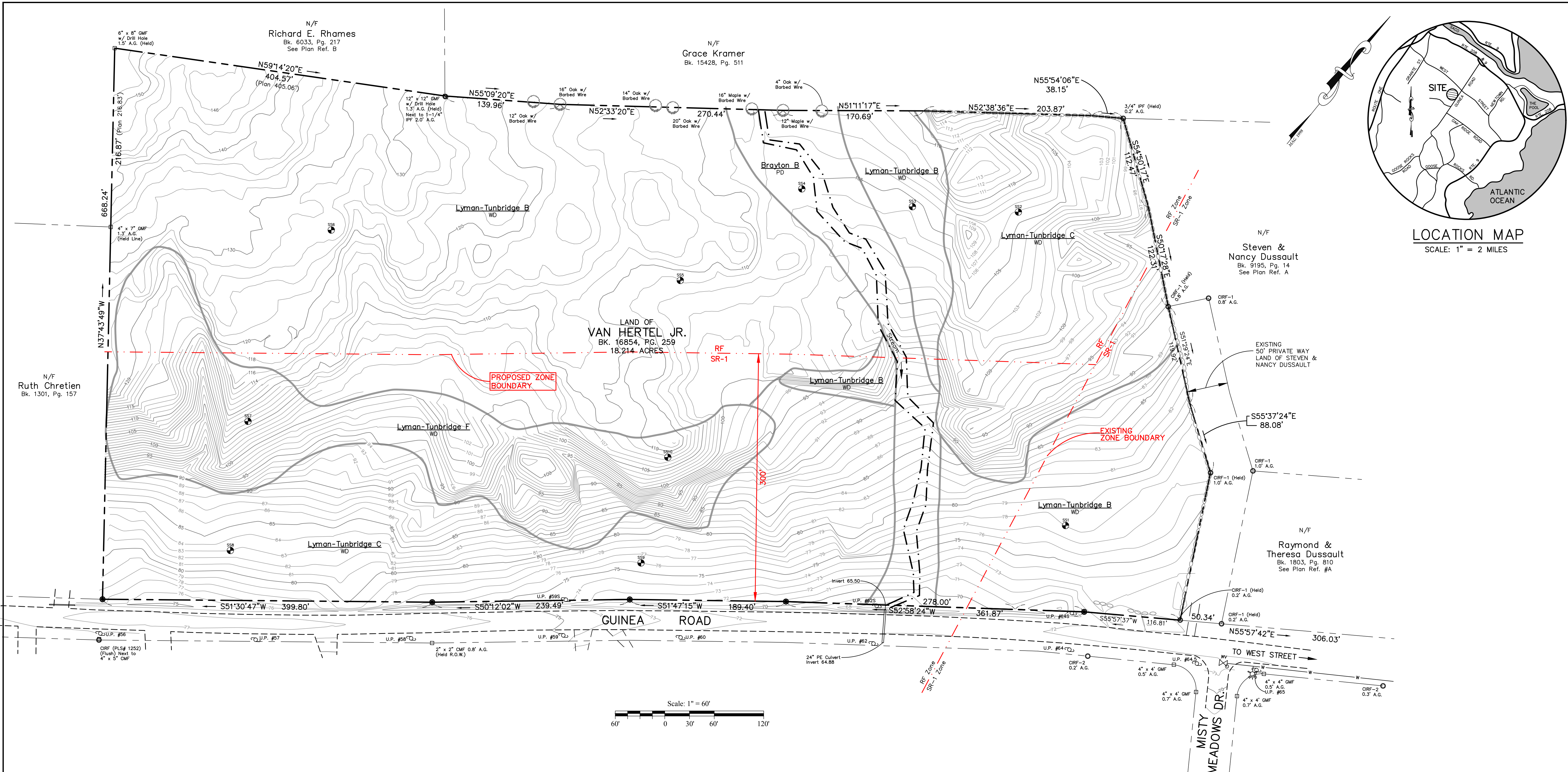
The owner of the property at 226 Guinea Road *had* requested that the parcel be rezoned so that it is entirely Suburban Residential-1 (SR-1) rather than split between Rural Farm (RF) and SR-1. Following the April Planning Board Public Hearing, the applicant has withdrawn this request based on the Planning Board's negative recommendation to the City Council.

Instead, this new proposal has been submitted. It limits the zone change to only the first 300' off Guinea Road. Staff are of the opinion this represents a reasonable compromise in this case.

SAMPLE MOTIONS:

Motion to recommend/not recommend the Zoning Change pass at the City Council.

ATTACHMENTS: Applicants Revised Request



<u>SYMBOL</u>	<u>DESCRIPTION</u>
	FIRE HYDRANT
	WATER VALVE
	GRANITE MONUMENT FOUND
	CONCRETE MONUMENT FOUND
	IRON PIPE/IRON ROD FOUND
	CAPPED IRON ROD FOUND (PLS#1285)
	CAPPED IRON ROD FOUND (PLS#2147)
	CAPPED IRON ROD FOUND
	5/8" IRON ROD W/ CAP TO BE SET
	UTILITY POLE
	DECIDUOUS TREE W/ BARBED WIRE
	CONIFEROUS TREE W/ BARBED WIRE
	PROPERTY LINE
	EDGE OF PAVEMENT
	EXISTING CONTOUR
	ABOVE GROUND
	NOW OR FORMERLY STREAM

SOILS LEGEND	
SYMBOL	DESCRIPTION
	SOIL BOUNDARY LINES
SLOPE DESIGNATION	
A	0 - 3%
B	3 - 8%
C	8 - 20%
D	20%+
HYDROLOGIC SOIL GROUP	
SOIL	GROUP
BRAYTON	C
LYMAN-TURNBRIDGE	D

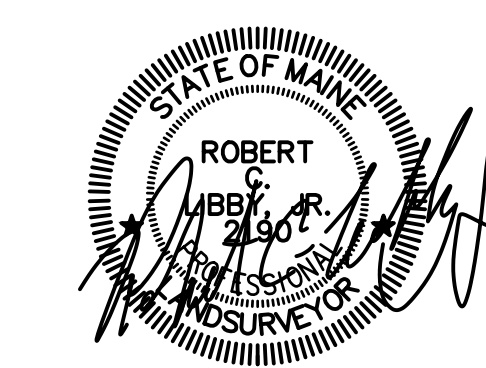
CLASS B HIGH INTENSITY SOIL SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS ADOPTED BY THE MAINE ASSOC. OF PROFESSIONAL SOIL SCIENTISTS AND MAINE BOARD OF CERTIFICATION OF GEOLOGISTS AND SOIL SCIENTISTS



MARK J. HAMPTON

I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF REGISTRATION FOR LAND SURVEYORS STANDARD BOUNDARY SURVEY CATEGORY I, CONDITION I, WITH THE FOLLOWING EXCEPTIONS:

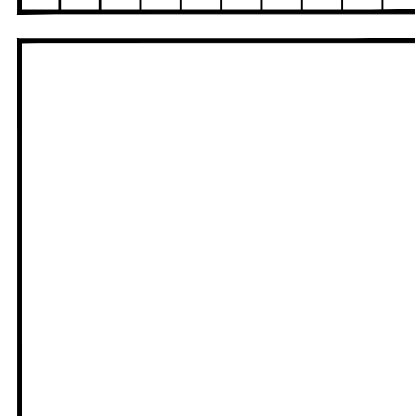
1. NO WRITTEN REPORT



ROBERT C. LIBBY JR.

NOTES:	
1. OWNER:	VAN HERTEL JR. 5 SHADY CREEK LANE SCARBOROUGH, ME 04074
2. SOILS:	MARK HAMPTON ASSOCIATES PORTLAND, MAINE
3. SURVEYOR:	ROBERT C. LIBBY JR. PLS #2190 BH2M 28 STATE STREET, GORHAM, MAINE
4. DEED REFERENCE:	BK. 16854, PG. 259
5. TAX MAP REFERENCE:	MAP 78, LOT 1
6. ZONING:	RF (RURAL FARM), SR-1 (SUBURBAN RESIDENTIAL)
7. PLAN REFERENCE:	A. "STANDARD BOUNDARY SURVEY, THE ESTATE OF ARLENE CHAPPELL", DATED JANUARY 2010, BY ROSS BOUNDARY SURVEYS B. "SITE PLAN SHOWING A STANDARD BOUNDARY SURVEY, PROPOSED PRIVATE WAY & PROPOSED LOT, LAND OF RAYMOND & THERESA DUSSAULT", DATED 9/22/98, BY JOHN BRUCKLER, RECORDED IN THEY Y.C.R.D., PLAN BOOK 245, PAGE 22. C. "SUBDIVISION PLAN OF LAND OF PAULINE MARCOTTE, WEST STREET, BIDDEFORD, MAINE", DATED JULY 8, 1981 BY WM. PIERCE ASSOCIATES, RECORDED IN THE Y.C.R.D., PLAN BOOK 113, PAGE 38. D. "FINAL SUBDIVISION PLAN, MISTY MEADOWS SUBDIVISION - PHASE 2", DATED OCTOBER 2, 2004, BY NORTHEAST CIVIL SOLUTIONS.

REVISION	DESCRIPTION
NO.	DATE



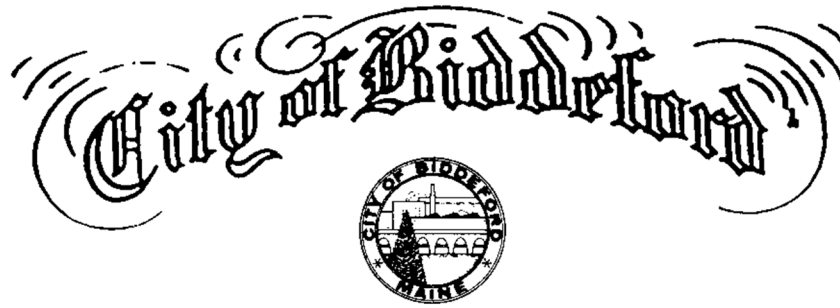
FOR
Van Hertel, Jr.
5 Shady Creek Lane
Scarborough, Maine 04074

EXISTING CONDITIONS &
STANDARD BOUNDARY
SURVEY
LAND OF
VAN HERTEL JR.
226 GUINEA ROAD
BIDDEFORD, MAINE

DESIGNED W. Thompson	DATE March 2017
DRAWN Dept	SCALE 1" = 60'
CHECKED R. Libby Jr.	JOB. NO. 14064

SHEET
2

REPRODUCTION OR REUSE OF THIS DOCUMENT WITHOUT THE EXPRESSED WRITTEN CONSENT OF BH2M INC. IS PROHIBITED.



2019.51

IN BOARD OF CITY COUNCIL..MAY 21, 2019

BE IT ORDERED, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for LaKermesse Franco-Americaine to have beer/wine served at their festival on June 21st, 22nd and 23rd, 2019 at St. Louis Field, providing that the said LaKermesse Franco-Americaine is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

BE IT FURTHER ORDERED, that the City Council also approves the issuance of a Special Event Permit for a Block Party to be held at Mechanics Park on June 20th, 2019; along with a Special Event Permit for the LaKermesse Franco-Americaine Festival on June 21st, 22nd and 23rd, 2019.



La Kermesse Franco-Américaine

P. O. Box 289
Biddeford, ME 04005-0289

May 7, 2019

La Kermesse Franco-Americaine Festival
P.O.Box 289
Biddeford, Maine 04005

Mayor Casavant, City Manager and Respected City Council Members,

As we close in on our 37th Annual Festival, we are working hard to make sure we have everything in place! Last year, we served Beer and Wine at our festival and it was well received by our patrons. We would once again like to serve Beer and Wine at our festival and I would like to ask if we can have a waiver per the Ordinance. This year we will once again be hiring a professional caterer to handle serving our customers and hope that we can move forward with this.

We the Board of Director of La Kermesse thank you for your time and efforts in this matter.

Sincerely,
Jessica J. Quattrone,
La Kermesse President

APPLICATION NUMBER: _____

**INDEMNIFICATION AND RELEASE PROVISIONS
CITY OF BIDDEFORD SPECIAL EVENT PERMIT**

EFFECTIVE 7-6-2017 THE FOLLOWING
FEES WILL APPLY:

Administrative fee	\$25.00
Parade Permit fee	\$50.00
Block Party Permit fee	\$75.00
Mass Gathering fee	\$100.00

A. In consideration for being permitted to use the facilities and/or rights-of-way of the City of Biddeford, (hereinafter "City"), La Kermesse Franco Américaine Festival (insert name of person/entity seeking permission to use facilities and/or right-of-way, hereinafter "Applicant") agrees to indemnify and hold harmless the City, its officers, employees, and insurers, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity on account of damage, loss, or injury, including without limitation claims arising from property loss, or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities and/or rights-of-way, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City, its officers, or its employees, or from any other cause whatsoever.

B. By signing below, Applicant agrees that in the event of damage, loss or injury to the facilities or to any property or equipment therein or to the City rights-of-way, the City may deduct from any damage deposit the full amount of such damage, loss, or injury. Applicant further agrees that if such damage, loss, or injury exceeds the amount of the damage deposit, Applicant will promptly reimburse the City for all costs associated therewith upon billing by the City.

C. In addition, in consideration for being permitted or allowed to use the facilities and/or right-of-way, Applicant on behalf of itself and its officers, employees, members, and participants, hereby expressly exempts and releases the City, its officers, employees, insurers, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability claims and demands result from the act, omission, negligence, or other fault on the part of the City, its officer, or its employees, or from any other cause whatsoever.

D. In addition, Being created now by Clark Ins has furnished and attached two copies of certificates of insurance with the City of Biddeford named as an additional insured in the amount of \$400,000 unless a greater amount is warranted.

Jessica Quattrone
Signature of Applicant

5/14/19
Date

Jessica Quattrone
Printed Name of Applicant

APPLICATION NUMBER: _____

CITY OF BIDDEFORD
SPECIAL EVENT APPLICATION

City of Biddeford
P.O. Box 586
Biddeford, ME 04005

Name of Event La Kermesse Festival Location of Event St Louis Field-Mechanics Park
Date of Event: June 20-23rd Start Time 4:00 PM Finish Time 11:00 pm

Detailed and specific description of Event (attached separate sheet if necessary)

We will have a Block Party Downtown w/ Fireworks
Thursday June 20th. Friday 4:00-11:00 St Louis Field
will be open w/ music, amusements, food & parade (6:00pm).
Saturday we will open @ 12:00-11:00pm w/ music, amusements &
food. Sunday we will have Catholic Mass @ 11:00am &
music from 12:00-7:00pm. We will also have Professional Wrestling
Saturday & Sunday
Estimated # of Participants 200 Estimated Attendance 2000-people
3000

Type of Event:

☒ Festival/Fair With Alcohol: Yes: ☒ ** No: _____ (separate request is in)

☐ Race/Walk/Bike Ride

☐ Concert

☐ Parade/March

☒ Other – Please Specify: Block Party @ Mechanics Park w/
Fireworks on June 20th

**** NOTE:** If alcohol is being sold, a Separate License must be obtained through application
at City Clerk's Office, and must be approved by the City Council.

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please
explain:

Prospect St will be closed near Waterhouse so traffic will be
diverted down Harding St. For the Block Party, Water St.
will be closed Thursday afternoon/evening. We plan to stop
music before the allotted City Ordinance time.

APPLICATION NUMBER: _____

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing:

Written verbal communication as set up starts. Most neighbors are familiar w/ our festival.

Organization (Applicant) Information

Name of Organization or Name of Applicant if NOT an Organization

La Kermesse Franco Américaine Festival

Physical Address: 284 West St Biddeford

Mailing Address: P.O. Box 289 Biddeford

Business Telephone 207-294-2953 Fax _____ E-mail mrsjessieg@yahoo.com

Income Tax Exempt: Yes: X No: _____ Tax Exempt Number: _____

Contact Person/Event Coordinator

Name & Address

Jessica Quattrone

Telephone _____ Cellular 294-2953 E-Mail _____

Relationship Organization: President of Festival

General Service Questions

Department of Public Works

Is the use of barricades necessary/requested for this event? Yes

If yes, number needed to be coordinated w/ Ray Parent app. 30 - we set them up.

Will it be necessary to cover street and/or parking signs for this event? _____ If yes, please note on diagram. No

What is your plan for cleanup and debris disposal for this event?

We clean up p via volunteers

Is any other Public Works assistance anticipated?

They help move benches & bleachers for us & picnic tables. Other than that - &

Parks and Recreation Department

APPLICATION NUMBER: _____

Will this event take place in a Public Right of Way, Public Way, City Park or athletic field? Yes

If yes, where

St Louis Field & Mechanics Park.

Will tenting/staging be utilized for this event? Yes If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc?

Fill in & rake as we've done year after year.

Any Parks and Recreation assistance required?

No-although we plan to walk field together as there is significant damage in @ field from soccer & I want to make Fire Department aware it's noted so we're not blamed.

Will the Fire Department have access to all sites in the event of an emergency?

Yes

Will any fire hydrants be obstructed? No Will you have access to E 9-1-1?

Yes

Will you have First Aid or medical staff present?

Yes.

***** If First aid or Medical Staff is needed, The Biddeford Fire Department can provide for a fee. Please Contact the Biddeford Fire Department at 207-282-6632 for details.*****

Police Department

Is traffic control necessary for this event? Yes If yes, who will provide it?

We use barricades for the Parade & Block Party.

Is crowd control necessary for this event? Yes If yes, who will provide it?

We hire our own Security.

Other

All vendors *must* obtain proper licenses/permits from the City Clerk's office (284-9307).

APPLICATION NUMBER:_____

Indemnification agreement/insurance certificate must be attached to this application at the time of submission. Site Plan Sketch may be accompanied by a separate map, if necessary.

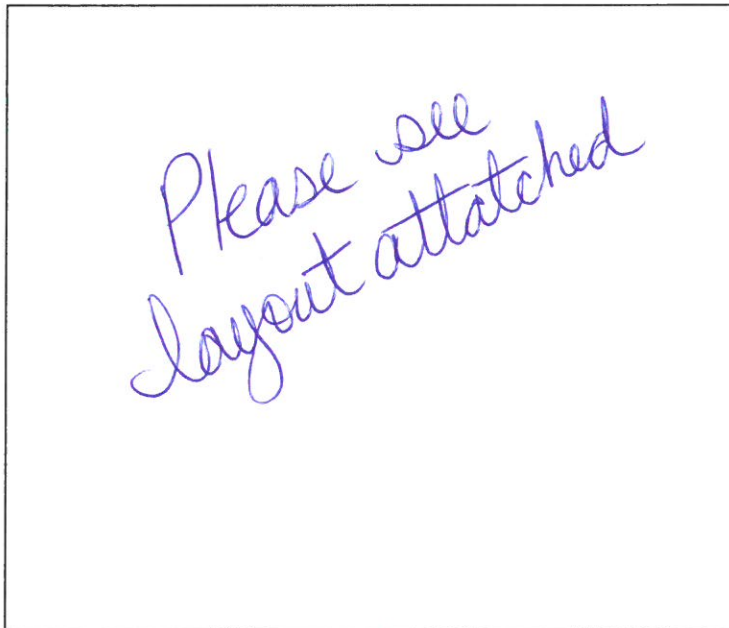
SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location
Event Coordinator's Booth
Tents/Stages/Grandstands
Rest Facilities

Vender Locations
Garbage Cans
Water Sources

Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers



APPLICATION NUMBER: _____

Applicant's Statement of Agreement

Everything I have stated on this agreement is correct to the best of my knowledge. This permit, if granted, is not transferable and is revocable at any time at the discretion of the City of Biddeford. I understand that the issuance of this permit is contingent upon compliance with any and all conditions imposed by the City of Biddeford or its officers.

Applicant Signature: _____

Jessica Quathone

Date _____

5/14/19

APPLICATION NUMBER: _____

**CITY OF BIDDEFORD
BLOCK PARTY PERMIT APPLICATION**

Name of Applicant La Kermesse Festival
Address P.O. Box 289, Biddeford
Telephone # 207-294-2953
Location of Block Party Mechanics Park
Date of Block Party June 20 2019
Start Time 4:00pm Finish Time 10:00pm

Block Party Regulations

Authorization to block off your street for a block party on the above date during the above stated time is contingent upon the following stipulations.

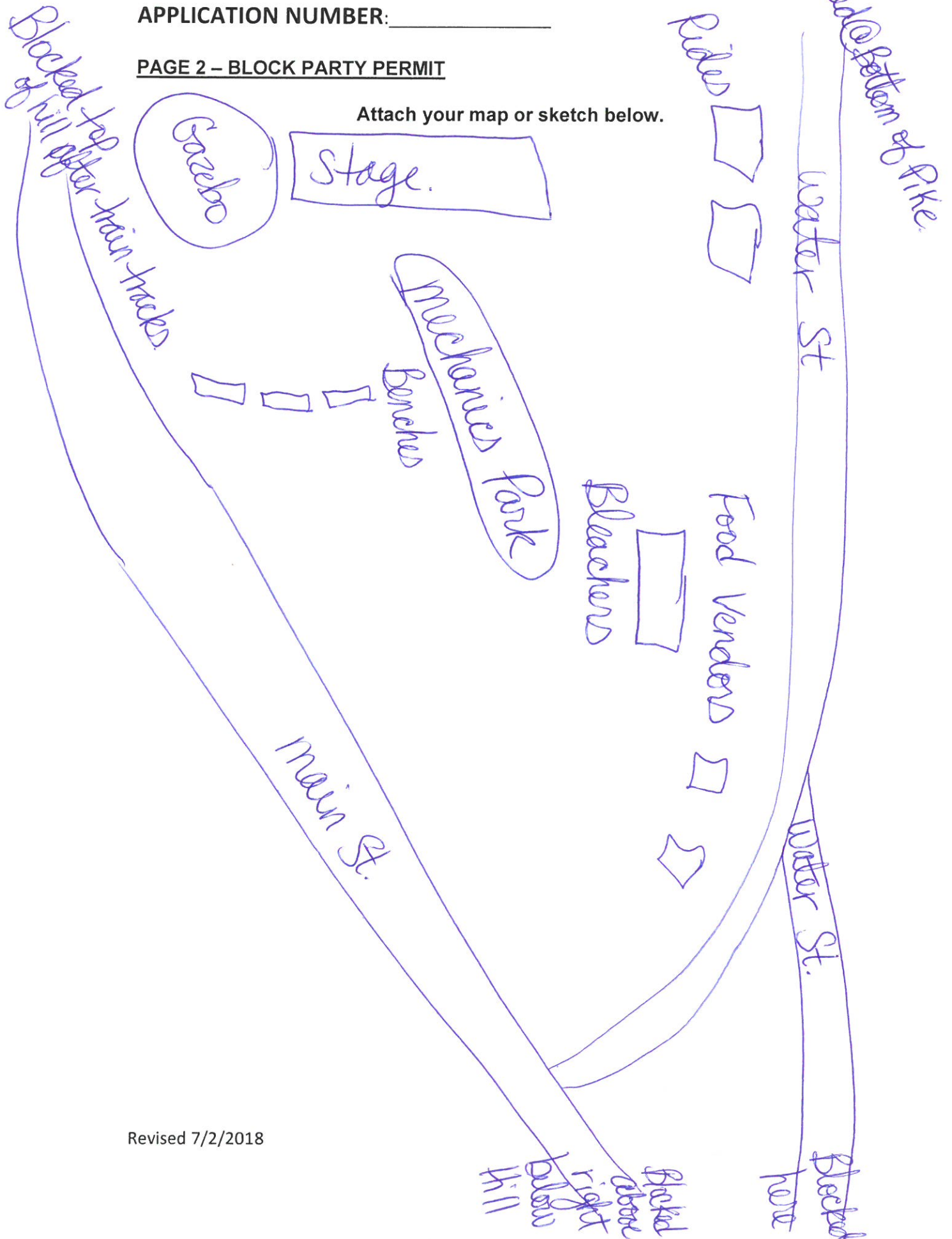
1. Although the street will be closed, provisions must be made for access by **EMERGENCY VEHICLES**. Barricades must be provided at the requesting party's expense. They must be of a temporary nature and easily removable in an emergency.
2. Block party must cease before dark, with all street obstructions and barricades removed.
3. Any debris or litter must be cleaned by the permit holder immediately following the event.
4. Music will be allowed but it must be maintained at a reasonable volume so as not to disturb nearby neighbors. Any complaint regarding noise of any type that is substantiated by the Police Department may cause this permit to be terminated without notice.
5. It is **ILLEGAL** in Maine to consume alcoholic beverages in public areas, which includes city streets and sidewalks. Any consumption of alcoholic beverages must take place on private property only.

On the following page, please attach or sketch a map showing the area to be blocked, the location of the barricades, and any other descriptive information pertinent to the issuance of this permit.

APPLICATION NUMBER: _____

PAGE 2 – BLOCK PARTY PERMIT

Attach your map or sketch below.



APPLICATION NUMBER: _____

REVIEW BY SPECIAL EVENTS COMMITTEE:

Having completed a review of the application, the proposal itself, the location of the vent and its impact upon services and resources, this application is:

APPROVED WITH MODIFICATIONS AND/OR RESTRICTIONS: _____

APPROVED AS SUBMITTED: _____

DENIED: _____

Modifications / Restrictions:

REASON(S) FOR DENIAL:

Police Chief

Date:

Fire Chief

Date

Public Works Director

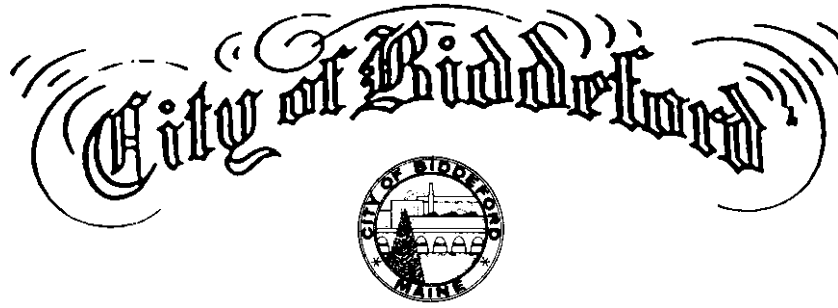
Date:

Codes Enforcement Officer

Date:

Parks & Recreation

Date:



2019.52

IN BOARD OF CITY COUNCIL...MAY 21, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby suspend the enforcement of parking regulations relating to the charging of parking fees in the Franklin Street and Federal Street (Green Lot and Yellow Lot) parking areas during the Doc's Tiger Road Race, scheduled for Friday, June 14, 2019 with participants arriving at 5:30 p.m. and the event ending at 9:00 p.m.

Dear member of the council,

I am addressing you on behalf of the Docs Tiger road race to request a parking fee waiver in the down town area for a few hours on Friday night June 14th in order to accommodate its participants. As a coach at Biddeford High school, I have been the race director since 2005 and the following is a our "History of the Race" statement.

The Doc's Tavern Three Miler Road Race, rumored to be the result of a barroom challenge, was held on a Friday night in June from 1981 thru 2000. The race was so popular that it was limited to 250 runners.

Some runners chose to race only once a year, and this was the race they chose due to the great atmosphere. There are very few Friday night races and Doc's drew runners from all over the state ranging in age from 10 to 80. The race was not run in 2001, due to illness and lack of leadership.

In 2002, the race was reborn as the "Doc's Tiger 3-Miler" Road Race, benefiting the Biddeford High School Girls and Boys Cross Country, Indoor and Outdoor Track & Field Teams. Gone are the beer sponsors as well as the word "Tavern" from the race's name. The Biddeford High School track coaches have adopted the coordination of the event along with the athletes and families on the Cross Country and Track & Field teams. The name recognition of this race, the community support and cause make this a winning combination.

Proceeds from the race benefit the Albert "Bruce" Brunelle Memorial Scholarship awarded to a graduating Biddeford High School boy and girl Cross Country/Track & Field athlete pursuing higher education. This scholarship has been named for the former race director and avid runner, who passed away on June 21, 2002.

This event always provides a memorable running experience for all who participate: high school and college athletes, amateur runners, moms, dads, children and grandparents - a real community event that benefits all running programs at Biddeford High School.

With the ongoing support of Doc's Tavern, the Biddeford Police Department and the downtown as well as other local businesses this event is always a success. The first registrants arrive at 5:30 pm and the awards wrap up at 9:00 pm with up to 200 people attending. I hope that the city will consider the parking waiver and contribute to the great cause that this race benefits supporting the runners at our own Biddeford High School.

Thank you,

Leslie Mourmouras

City Council Policy

On

Event Parking Waivers

The City of Biddeford recognizes events as an important part of Biddeford's quality of life. They help build a sense of community, provide an economic benefit to businesses, promote cultural diversity and provide affordable entertainment. The City of Biddeford is committed to working with event organizers to help them produce a successful and safe event that has minimal impact on the environment, surrounding neighborhoods, and businesses through responsible leadership, careful planning, good organization and teamwork.

Definitions

City-Sponsored/Operated Events

Events that are created, planned, and implemented by City Departments or Agencies. Funding for City sponsored events, to the extent required, is reviewed annually during the budget process. Permit fees are to be waived for events falling within this category. City staff may seek private and corporate sponsorships for the event.

City Co-Sponsored Events

Events that are created, planned, and implemented by non-City Agencies with City support. City support for the co-sponsored events may include in-kind services from City staff based on regular staff hours, waiver of some permit fees, and/or financial support limited to funds approved in City's annual budget. Cost recovery expenses, to the extent required, are to be paid to the City and may include staff overtime, supplies, materials, and other direct expenses.

Event

A social gathering that includes, but is not limited to, city-sponsored/operated events, city co-sponsored events, non-city sponsored events, and parades & walks.

Event Parking Waiver

A temporary relaxation or discontinuance of parking fees or unique parking restrictions for a specific event other than those authorized under Special Event Permitting.

Extraordinary Services

"Extraordinary Services" means reasonable and necessary services provided by the City which specifically result from the planning, execution, and clean-up of the Event. Extraordinary services result in measurable financial costs which are above and beyond the normal levels of public health and safety services on a nonevent day (i.e. those services requiring city employees to be specifically assigned to tasks in support of the Event and/or those services resulting in overtime pay or similar costs – such as police protection, traffic control, fire monitoring, dedicated paramedic service, parks/ recreation services, and other services necessary to ensure the protection of participants and citizens, the proper functioning of City services, and the proper administration of city ordinances and this policy). The City reserves the right to determine necessary staff requirements to ensure proper event management and public safety.

Non-City Sponsored Events

Events that are created, planned, and implemented by non-City Agencies. The City does not provide financial support for these events and expects to be reimbursed for all costs associated with the activity; including overtime expenses, supplies, materials, and permit fees. In the case of Non-Profit Events, the City of Biddeford may, upon approval by the City Manager, assist with the operation by providing “extraordinary services” from City staff. Non-city sponsored events require a permit as per City Code of Ordinances.

Parades & Walks

Parades/Walks provide a unique contribution to the City by promoting community identity and providing cultural enrichment and are primarily associated with the use of public streets. Parades & Walks require a permit as per City Code of Ordinances.

Block/Street Parties

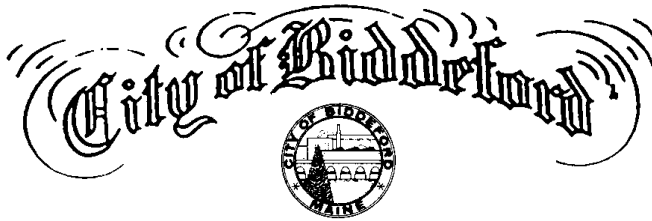
An outdoor public event organized by the residents of a neighborhood or organization and held on the city right-of-way for social or entertainment purposes. Block/Street Parties require a permit as per City Code of Ordinances.

Policy

The City of Biddeford will place no unreasonable restrictions on the personal rights of event organizers, nor will there be any discrimination based on sex, age, race, nationality, religion, sexual orientation, disability, or other factors as amended from time to time by local ordinance or state and federal law.

For the purpose of this policy, and to ensure equal treatment of event organizers, event parking waivers shall only be issued for city-sponsored events at the discretion of the City Council. Such a waiver, if issued, shall be limited to the Yellow Lot (Downtown Lot). Event parking waivers for city-sponsored events may also be considered, at the discretion of the City Council, for events involving on street parking on designated streets by temporarily relaxing or eliminating time restrictions, to the extent not already authorized under the Special Event Permit process.

All other events shall comply with established parking rules, requirements, and fees.



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2019.53 **IN BOARD OF CITY COUNCIL..MAY 21, 2019**
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 58, SOLID WASTE, Article I, IN GENERAL and Article II, COLLECTION**, is amended by adding and deleting to read as follows:

ARTICLE I. IN GENERAL

Sec. 58-1. Definitions.

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

ACCEPTABLE MUNICIPAL SOLID WASTE

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

ACCEPTABLE RECYCLABLE MATERIALS

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

ASHES

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

CITY

The City of Biddeford, Maine.

CITY TRANSFER STATION

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

COMMERCIAL GARBAGE, RUBBISH, OR WASTE

Any solid waste originating and/or generated within the boundaries of the City by any business, firm or person identified as paying personal property through the City Assessor's records or required to obtain a business license under the City's definitions of licensed activities, excepting licenses for waste hauling only. For the purpose of this chapter, this includes public organizations and facilities except for parish houses, parsonages and churches; parish halls; mobile home parks; ~~and~~ condominiums ~~and multi family dwellings of six units or more;~~ and multifamily dwellings of three to five units, which are owner-occupied. This definition excludes

"grandfathered facilities." This definition excludes home occupations as defined and described in Article VI, Section 38, of the Biddeford Zoning Ordinance, being clearly secondary and incidental to the primary residential use.

DESIGNATED MUNICIPAL SOLID WASTE CONTAINER

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

DESIGNATED RECYCLING CONTAINER

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

DISPOSAL

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

DISPOSAL FACILITY

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

ENERGY RECOVERY FACILITY

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

GRANDFATHERED FACILITY

Any property that would otherwise generate commercial recyclables, garbage, rubbish, or waste and both 1) currently receives curbside collection services from the City and currently receives curbside recycling collection services; and 2) the owner of the property has not changed, as of July 1, 2002 or (3) is an owner-occupied multifamily dwelling with three to five units of which ownership has not changed since July 1, 2019. The following condominium locations also shall be grandfathered facilities: 1) 318 Alfred Street; 2) 100 Hills Beach Road; 3) 9 Lester B. Orcutt Boulevard; 4) 55 West Street; and 5) 91-93 Western Avenue.

HAZARDOUS WASTE

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

HOUSEHOLD

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

HOUSEHOLD GARBAGE AND RUBBISH

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

OVERFLOW

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

PERFORMANCE-BASED DEMONSTRATION OF COMPLIANCE

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

PERFORMANCE-BASED RECYCLING PLAN

A recycling management plan for each facility shall contain a minimum of five (5) elements, to include: (1) a written plan, (2) the facility owner's contact information, (3) a single-point of contact for recycling matters, (4) the facility address and (5) a plan that includes a method or procedure to ensure only acceptable recycling materials are placed in the recycling container for curbside collection.

PRIVATE TRANSFER STATION

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

PRIVATE WAY

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

PUBLIC WAY

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

RESOURCE RECOVERY

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

SELF-HAULER

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

SOLID WASTE

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

UNACCEPTABLE WASTE

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

WASTE HAULER

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

WHITE GOODS

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

Sec. 58-2. Legislative authority.

This chapter is enacted pursuant to the authority granted in 30-A M.R.S.A. §§ 2001, 2002 and 3001 and 38 M.R.S.A. § 1304.B.

Sec. 58-3. Purpose.

- (a) The City has a statutory obligation to provide waste disposal services for domestic and commercial waste generated within the City and is authorized to provide such a facility for industrial waste and sewage treatment plant sludge, pursuant to 38 M.R.S.A. § 1305(1). Municipal solid waste contains valuable recoverable resources, including energy, which if recovered reduce the cost of solid waste disposal.
- (b) The City must exercise its legal authority to control the collection, transportation and disposal of solid waste generated within its borders.
- (c) The City shall establish a system of regular collection, subject to the requirements of this chapter, for all household garbage and rubbish and recyclables, all as defined herein. The City will not collect commercial garbage and rubbish, and such commercial garbage and rubbish shall be removed from the premises and disposed of at the expense of the owner or occupant of such premises. The City shall not collect otherwise eligible waste from residences located on private ways unless it is brought to the intersection of the private way and a public way and otherwise complies with all other requirements of this article. The Director of Public Works is expressly granted the authority to issue rules or regulations governing the collection of containers on private ways, streets that are too narrow to allow for routine collection, and for dead-end streets where it is impractical for the collection trucks to service the containers.

Sec. 58-4. Regulated activity.

The accumulation, collection, transportation and disposal of the following materials generated within the City shall be regulated in the following manner:

- (1) All acceptable solid waste generated within the City from eligible residential customers and grandfathered facilities shall be placed in a designated solid waste container and collected by the City at curbside on a weekly basis.

- (2) All acceptable recyclable materials from eligible residential customers, and grandfathered facilities if applicable, shall be placed in a designated recycling container and collected by a City authorized commercial hauler at curbside on a weekly basis.
- (3) All recyclable materials designated as acceptable for delivery to the Biddeford Recycling Center may be delivered to the facility by any entity.
- (4) All unacceptable waste generated within the City shall be deposited in a manner prescribed elsewhere in this chapter and or as specified by the Director of Public Works.
- (5) All commercial waste shall be regulated in accordance with the most recent version of the International Property Management Code adopted by the City of Biddeford.

Sec. 58-5. Property rights.

- (a) All solid waste collected by City vehicles or deposited at the City transfer station or other designated area shall become the property of the City or its assignee. No one may salvage, remove or carry off any such waste without prior approval of the Director of Public Works in accordance with a policy approved by the Biddeford City Council.
- (b) All recyclable materials collected by a City-authorized commercial hauler shall become the property of the City-authorized commercial hauler unless otherwise specified in a written contract.

Sec. 58-6. Administration.

This chapter shall be administered as described below:

- (1) City Council: Adopt reasonable rules and regulations as needed to enforce this chapter and institute any necessary proceedings, either legal or equitable, to enforce this article.
- (2) City Clerk: To consider all license applications and to grant or deny each application within 10 days after receipt of a completed application at the City offices or a later time as deemed reasonable by the City Clerk and the applicant.
- (3) Codes Office:
 - a. To review any alleged violation of this chapter, and to impose appropriate penalties.
 - b. To institute necessary proceedings, either legal or equitable, to enforce this chapter.
 - c. To review all applications in consultation with the City Clerk.

(4) Director of Public Works:

- a. The collection, transportation and disposal of all waste generated within the municipality shall be under the supervision and direction of the Director of Public Works.
- b. The Director of Public Works shall establish a collection schedule that will allow the collection of acceptable municipal solid waste and acceptable recyclable materials on a regular basis and may make periodic changes to the schedule as may be needed to facilitate the program in an efficient and effective manner.
- c. The Director of Public Works shall determine the manner in which unacceptable waste shall be managed and deposited.
- d. The Director of Public Works or designee shall ensure that a reasonable attempt is made to provide appropriate notice to affected parties upon adoption of material changes to this Chapter.

(5) Solid Waste Management Commission.

- a. To review the City's waste collection and management policies and propose revisions as may be needed to the City's comprehensive solid waste management plan, and reduce costs to the taxpayers of the City.
- b. Evaluate, propose, and conduct education and outreach to facilitate the program in an efficient and effective manner.

Sec. 58-7. Regulated activities and administration.

The accumulation, collection, transportation and disposal of solid waste, both acceptable and unacceptable, generated within the City of Biddeford shall be regulated in the following manner:

- (1) Such City collection will be limited to properties whose primary use is residential in nature.
- (2) The operating hours and general administration of the City transfer station shall be set by the City Council, except holidays or emergencies where the Director of Public Works would have the authority to set emergency hours.
- (3) When a holiday falls upon the day of collection, or severe weather necessitates cancellation of collection services, recycling services for the residents on that day's route will be collected on the following Saturday. Collection of waste shall be on the next day following the cancellation.
- (4) In the event of two or more collection service cancellations in one week, the Public Works Director shall publish an emergency collection schedule, which may include, but may not be limited to, no collection for one or more routes with collection occurring on the next week's regular schedule. The requirement that all acceptable municipal solid waste fit in the designated municipal solid waste container shall be waived during emergency collection events.

(5) All grandfathered facilities shall submit a written Performance-Based Recycling Plan to the Director of Public Works as identified by the following schedule:

a. Grandfathered facilities shall submit a written Performance-Based Recycling Plan within 30-days of the effective date of this ordinance or written notice, whichever is later.

b. A written Performance-Based Recycling Plan shall be submitted to the Code Enforcement Office. The method of delivery may include plans submitted via email, fax, regular mail or hand-delivery.

c. Performance-Based Recycling Plans shall be considered accepted upon submittal.

~~b.d.~~ Grandfathered facilities shall have a continuing obligation to maintain and submit an updated Performance-Based Recycling Plan within twenty (20) days of a change affecting the Performance-Based Recycling Plan.

~~c.~~ The Code Enforcement Office shall identify any deficiencies in writing along with a due date for a response/corrective action and may request a plan modification upon failure to provide a Performance-Based Demonstration of Compliance.

Sec. 58-8. Variances.

(a) Evaluation of private ways for municipal waste collection and curbside collection of acceptable recyclables shall be reviewed through the variance process. The Director of Public Works may, on written application, grant a variance from a specific provision of this chapter in specific cases, subject to appropriate conditions, where such variance is in harmony with the general purpose and intent of this chapter. Such variance, if granted, shall remain valid until such time as the condition or conditions warranting the variance are no longer valid. As an example and for the avoidance of doubt, the sale of property or the assignment of a new tenant shall terminate the variance, at which time the new property owner or tenant may apply for a variance.

(b) A grandfathered facility, excluding grandfathered condominium facilities shall no longer be eligible to receive municipal curbside collection services following the date upon which ownership of the property changes or the property becomes otherwise ineligible for services.

Sec. 58-9. Penalties.

Penalties ~~associated with enforcement shall be waived for a period of three months following the effective dates of this chapter to allow for education and awareness~~ shall be as follows.

(1) Any person who violates any portion of this chapter shall be subject to penalties and enforcement as authorized under the provisions of City of Biddeford Ordinance, Sec. 1-12-General penalty for violation of Code; continuing violations.

(2) In no event does this section limit the City's ability to address a nuisance or take other action for equitable relief.

- (3) Any Grandfathered Facility that generates two (2) documented violations of Sec. 58-32-Mandatory Separation, within any 12-month period, shall result in the loss of city curbside trash collection and recycling services.

Sec. 58-10. Enforcement.

This chapter shall be enforced by the Public Works Department, authorized commercial hauler, and Code Enforcement Office as further described below.

~~(4) Sunset provision. Penalties associated with enforcement shall be waived for a period of three months following the date of this chapter to allow for education and awareness except as identified in Sec. 58-7(5).~~

~~(2)~~(1) Upon observation of failure to place only acceptable municipal solid waste in the designated solid waste container or to place only acceptable recyclable materials in the designated recycling container, the receptacle will not be collected and a warning notice shall be placed on the appropriate designated container by the Public Works Department or City-authorized commercial hauler.

- a. The address, date, and nature of the nonconformance shall be forwarded to the Director of Public Works and the Code Enforcement Officer.
- b. The Director of Public Works and Code Enforcement Officer shall document and review each nonconformance and determine the appropriate enforcement action.
 - i. Nonconformance notices corrected prior to the next scheduled collection date shall be closed with no further action except as otherwise identified in Sec. 58-9.
 - ii. Failure to correct a nonconformance notice prior to the next scheduled collection date or two or more consecutive nonconformance events in any 12-month period shall warrant direct contact with the property owner and responsible party to document education and outreach, except as otherwise identified in Sec 58-9.
 - ~~iii.~~ A Grandfathered facility that fails to submit and initial Performance-Based Recycling Plan, fails to comply with the continuing obligation to maintain and submit an up-to-date Performance-Based Recycling Plan, fails to correct or incurs two nonconformance notices with a 12-month period, shall lose the respective curbside service.
 - iv. 3.—Nonconformance notices issued after contact and education shall be subject to penalties as per Section 58-9.
 - v. 4.—Enforcement for the Performance-Based Recycling Plan requirement and Performance-Based Demonstration of Compliances shall commence relative to the applicable timelines specified in Sec. 58-7.

~~(2)~~(3) Upon determination by the Code Enforcement Officer that a violation of this chapter exists or has occurred, the Code Enforcement Officer shall give written notice

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of the violation to the violator, which notice shall specify the section violated, the nature of the violation, and a reasonable time period to cure the violation.

- (3) ~~(4)~~ If a waste hauler is found be unlicensed, penalties and enforcement shall be in accordance with Section 58-9.

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Sec. 58-11. Effect on other laws; severability.

The provisions of this chapter shall supersede all other local laws, ordinances, resolutions, rules or regulations contrary thereto or in conflict therewith. If provisions of this chapter, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of this chapter and the application thereof shall not be affected thereby.

ARTICLE II. COLLECTION

Sec. 58-31. Effective date.

This chapter shall become July 1, 2013, provided the City provides notice of commencement in the manner required for publication of ordinances.

Sec. 58-32. Mandatory separation.

- (1) Each household eligible for and receiving City curbside collection services for acceptable municipal solid waste or acceptable recyclable materials shall separate acceptable recyclable materials, acceptable municipal solid waste, and unacceptable waste.
- (2) Separated materials shall be managed as identified in this chapter.
- (3) All Grandfathered Facilities shall have and maintain on-site an [up-to-date](#) written Performance-Based Recycling Plan.

Sec. 58-33. (Reserved)

Sec. 58-34. Exempted activities.

- (a) Residents shall be exempt from the separation requirements identified in Section 58-32 and the overflow requirements identified in Section 58-35(a)(1) for the collection period coinciding with Thanksgiving and Christmas as specifically designated by the Director of Public Works.
- (b) Nothing in this chapter shall prevent a residential user from retaining materials from his or her acceptable municipal solid waste or acceptable recyclable materials the purpose of sale or profit.
- (c) Nothing in the chapter shall prohibit a residential user from hiring a fee-for-service provider for the collection of acceptable municipal solid waste or acceptable recyclable materials. In the event of such an arrangement, the residential user shall not be eligible to receive a designated municipal solid waste container or a designated

recycling container. Such containers shall be returned to the Public Works Department if previously issued.

Sec. 58-35. Portable receptacles.

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

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

- a. Overflow shall not be collected unless contained within a designated bag made available to residents on a fee-per-bag basis. The overflow bag may be placed on or adjacent to the designated municipal waste container or in a container separate from the designated municipal solid waste container. If overflow is placed in a separate container, the container shall not be larger than 45 gallons or weigh in excess of 35 pounds.
- b. The City Council shall establish the overflow bag price, which may be adjusted.
- c. The Director of Public Works shall maintain and make available a list of the locations at which residents may purchase overflow bags and the price of each bag as established by the City Council. The list and pricing shall be made available upon request, shall be posted to the City website, and shall be otherwise available as may be directed by the City Council.
- d. Overflow restrictions may be waived during designated emergency collection schedules as defined in Section 58-7(4).

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

- (b) Each designated container shall remain the sole property of the City of Biddeford and may not be moved to any other location.

- (c) Residents may request larger or additional designated recycling containers from the Director of Public Works for good cause as determined by the Director of Public Works. Requests of any other nature shall be evaluated through the variance process.

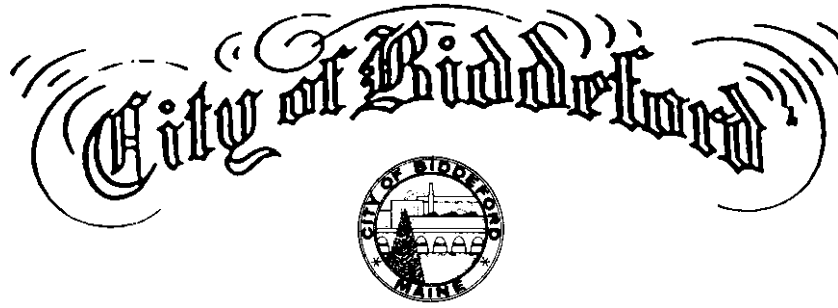
Sec. 58-36. through Sec. 58-39. (Reserved)

Sec. 58-40. Container repair and replacement; stolen containers.

- (a) Property owners shall be responsible for the proper use and security of their assigned containers. Each container is fitted with a radio frequency identification (RFID) tag to assist with assignment and identification.
- (b) If a designated container is damaged as a result of the City's collection service or authorized commercial hauler actions, normal wear and tear, or due to a manufacturers defect, the City shall repair or replace the container, otherwise, the resident must pay for the cost of necessary repairs or replacement.
- (c) The Director of Public Works shall post the replacement cost of each type of container on the City's website and update the posting annually.
- (d) If a container is stolen, the responsible party must report the theft to the Biddeford Police Department and the Public Works Department and fill out any required reports. Any person who removes a designated container from a residence may be prosecuted for theft of City property and may have his or her collection privileges suspended.

Sec. 58-41. Container placement and removal.

- (a) All designated municipal solid waste containers and designated recycling containers must be placed at the outer edge of the sidewalk or the edge of the roadway shoulder for removal on the day of collection, providing a minimum of one foot of spacing between containers. Under no conditions shall the containers be placed at the outer edge of the sidewalk or edge of the roadway for removal prior to 4:00 p.m. on the day before the day of collection.
- (b) All containers must be removed from the outer edge of the sidewalk or edge of the roadway shoulder by 8:00 p.m. on the day of collection.



2019.54

BOARD OF CITY COUNCIL.....MAY 21, 2019

BE IT ORDERED, that the Biddeford City Council does hereby grant approval pursuant with Title 15 M.R.S.A. §5824(3) & §5822(4)(A) to the transfer of \$6,652.25 in U.S. Currency, or any portion thereof, on the grounds that the City of Biddeford Police Department did make a substantial contribution to the investigation of this or related criminal case. ALFSC-CV-17-38. These funds shall be transferred to the City of Biddeford, Asset Forfeiture Account 3119-40576.