

**COUNCIL MEETING
MAY 21, 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, Marc Lessard

Laura Seaver was excused.

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

Adjustment to the Agenda: *Add Order 2019.54*

Game of Chance Applications: **Sports Projects, Inc. @ LaKermesse**

Motion by Councilor McCurry, seconded by Councilor Clearwater to recommend issuance of the Game of Chance applications to Sports Projects, Inc.

Vote: Unanimous.

Proclamations:

- **EMS Week – May 19th to 25th, 2019** – Mayor Casavant read the proclamation
- **Public Works Week – May 19th to 25th, 2019** – Mayor Casavant read the proclamation

Appointments: **Fire Department Officers – Capt. Eric Wheeler, Lt. Kenneth Thorpe**
City Clerk, Carmen Morris administered the Oaths

Presentation: **Update on Apartment Building Inspection Program**

Code Enforcement Officer, Roby Fecteau gave an update on the Apartment Building Inspection Program that was instituted three years ago. 614 apartment buildings have been inspected to date city-wide in the first three years of this program. The next steps will be to determine enforcement actions for those building owners who have not yet complied with the Inspection Program; and to follow up on buildings that had violations.

Consideration of Minutes: **May 7, 2019; May 8, 2019; May 14, 2019**

Motion by Councilor McCurry, seconded by Councilor Clearwater to accept the minutes of the May 7, 2019 Council Meeting as printed.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Clearwater to accept the minutes of the May 8, 2019 Special Council Meeting as printed.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Clearwater to accept the minutes of the May 14, 2019 Special Council Meeting as printed.

Vote: Unanimous.

Second Readings:

{For a copy of the ordinance amendments and the first readings, see the Council Meeting minutes of May 7, 2019}

2019.47) Amendment/Ch. 46, Parks and Recreation/Sec. 46-11-Alcoholic beverages, fires, use of closed areas/Add Camping and erection of structures

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

Vote: 7/1; Councilor Lessard opposed.

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

Motion carries.

2019.48) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-1-Definitions; and Sec. 42-7-General Prohibitions/Add Hammerhead Turn Around

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

Vote: Unanimous.

Orders of the Day:

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.

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

Motion by Councilor Lessard, seconded by Councilor Ready to table the ordinance amendment until the Council has been provided with a better understanding of what could possibly be developed on the remaining RF parcel.

Vote: Unanimous.

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.

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

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

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

Motion carries.

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.

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

Motion by Councilor Clearwater, seconded by Councilor McCurry to amend the order to limit the waiver of parking lot fees to just the Yellow Lot (Federal Street).

Vote: 7/1; Councilor Quattrone opposed.

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

Motion carries.

Motion by Councilor McCurry, seconded by Councilor Lessard that the Council will no longer consider waivers for parking lot fees until the *Policy on Event Parking Waivers* has been better defined.

Vote: 2/6; Councilors Lessard and McCurry in favor.

Councilors Swanton, St. Cyr, Quattrone, Clearwater, Belanger and Ready opposed.

Motion fails.

Vote on order, as amended: 7/1; Councilor Ready opposed.

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

Motion carries.

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; 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 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.**
 - 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.**
 - e. ~~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.

~~(1) 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).~~

- (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. Nonconformance notices issued after contact and education shall be subject to penalties as per Section 58-9.
 - v. 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) 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 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) If a waste hauler is found be unlicensed, penalties and enforcement shall be in accordance with Section 58-9.

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 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.

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

Motion by Councilor Belanger, seconded by Councilor Ready to table the ordinance amendment and send to the Solid Waste Management Commission and the Policy Committee for review and recommendations.

Vote: Unanimous.

2019.54

IN 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.

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

Vote: 7/1; Councilor Swanton opposed.

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

Motion carries.

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

There were no public comments.

City Manager Report:

City Manager, James Bennett had the following items:

- 1) The City will have two Interns starting within the next week. One of the Interns will work out of the Finance Office and will be specifically tasked to work on wastewater analysis of the sewer use bills and how charges have historically been calculated. The second Intern will work with the Public Works Dept. and the Codes Office to work on the recycling contamination issue.
- 2) Despite the fact that the City did an update on property valuation last year, property sales in the community continue to go above what the City has in terms of pricing. When Staff did the certified ratio with the State this year, we dropped down to 89%, which means the City can only certify at 90% certified ratio. This means that all property tax exemptions (i.e. Homestead, Veterans) will also be calculated at 98%.
On the assessment market front, the City recently had an apartment building sell for over \$100,000 per unit; which appears to have doubled from what buildings were selling for 4 to 5 years ago. He realizes that not all properties will sell accordingly, but this does seem to be the trend.
- 3) The citizen litigation that had been filed against the City regarding the use of parking lot kiosks has been dismissed by the court.

Other Business:

Councilor Lessard: is impressed with how organized and well run the collection of fees at the Public Works Dept. is going.

He addressed the reason why he did not support the zoning change on Guinea Road Order on tonight's agenda. He feels that there is a lack of affordable houses being built for young families looking to purchase their first home. He would like to see the City become friendlier to work with in regards to potential growth and home building.

Councilor Clearwater: in light of the increase in property values in our community, she hopes that the Council will consider what can be done to provide more affordable housing.

She commended City Staff for working to increase computer security.

She announced that the Memorial Day Parade has been scheduled for Monday, May 27th.

She noted that the date for filing applications for the Biddeford Youth Advisory Council has been extended until Friday, May 31st.

Councilor Swanton: announced that citizens may now bring their food composting to the Recycling Facility where the company, **We Compost It** has disposal bins set up.

Councilor Ready: asked if there are social agencies that the City can possibly work with in regards to the affordable housing issue.

Councilor McCurry: asked if ordinance amendments that are brought before the Council are reviewed by legal counsel prior to Council consideration. City Manager, Jim Bennett explained that the City Attorney is consulted on new ordinances and amendments that will drastically change an ordinance. Councilor McCurry cautioned that there will come a time when the City Council will not have Attorneys serving as Councilors and that the City may want to consider having the City Attorney start reviewing all ordinance amendments.

Council President Addressing the Council: Councilor McCurry urged folks to get involved in the Biddeford Youth Advisory Council.

He reminded the public that with the nicer weather, more children will be playing outside, so more caution is needed when driving.

He commended City Staff, as well as the Council, for the work done throughout the budget process. He did make a suggestion that a budget hearing be scheduled at the beginning of the budget process rather than waiting until the Budget Committee has done all their work.

Mayor Addressing the Council: Mayor Casavant shared that he had attended the Art Walk this past Saturday and was quite impressed with all the talented artists whose works were on display.

He is pleased and excited about all the ways and media sources where Biddeford is being featured; from two of Biddeford's restaurants (Elda and Palace Diner) being recognized in the Boston Globe, to a news story on Biddeford on a Boston television channel.

He also thanked and recognized City Staff for working so diligently through the budget process, while also staying on top of everything else they are responsible for within their respective departments on a daily basis.

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

Vote: Unanimous.

Time: 7:10 p.m.

Attest by: _____
Carmen J. Morris, City Clerk