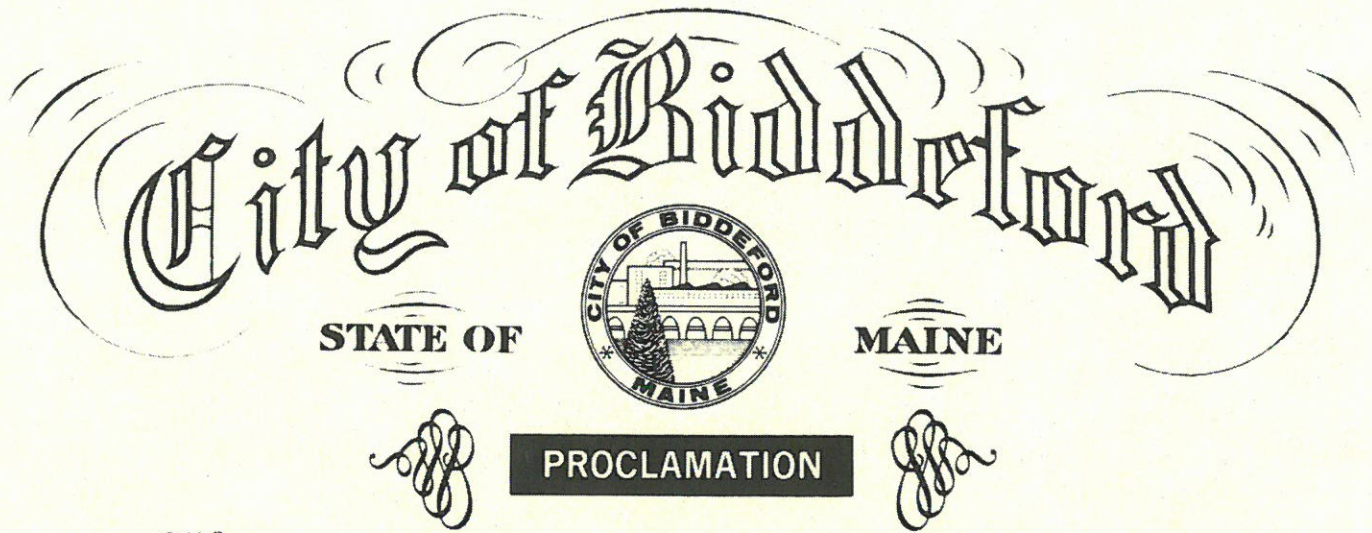


City of Biddeford
City Council
May 05, 2020 6:00 PM Council Chambers

- 1. Roll Call**
- 2. Adjustment(s) to Agenda**
- 3. Proclamations:**
 - 3.a. Kids to Park Day - May 16, 2020
[5-05-2020 Proc-Parks to Kids Day.pdf](#)
 - 3.b. National Day of Prayer - May 7, 2020
[5-05-2020 Proc-National Day of Prayer-PDF.pdf](#)
- 4. Consideration of Minutes:**
 - 4.a. April 21, 2020 Council Meeting Minutes
[4-21-2020 Council Meeting Minutes.docx](#)
- 5. Second Reading:**
 - 5.a. 2020.26) Authorization/Biddeford School Revolving Renovation Fund Financing/Bonds for Health, Safety and Compliance Repairs at School Facilities for July 14, 2020 Municipal Referendum Election - REVISED ORDER
[4-21-2020 REVISED School Revolving Renovation Bond-ORDER.docx](#)
- 6. Orders of the Day:**
 - 6.a. 2020.28) Approval/Amendment to CDBG Program - Citizens Participation Plan
[5-05-2020 CDBG Citizen Participation Plan-ORDER.doc](#)
[5-05-2020 CDBG Citizens Participation Plan-MEMO.docx](#)
[5-05-2020 CDBG Citizen Participation - PLAN.doc](#)
 - 6.b. 2020.29) Confirmation/Appointment of Election Clerks for 2020 & 2021 Elections
[5-05-2020 Appt of Election Workers-2020-2021.docx](#)
[Election Clerks for 2020-2021.doc](#)
 - 6.c. 2020.30) Consideration of Property Tax Abatement Request/10 Clifford Street
[5-05-2020 10 Clifford Street Abatement-ORDER.doc](#)
[5-05-2020 10 Clifford Street Abatement-Briefing Memo.pdf](#)
[5-05-2020 10 Clifford Street Property Record Cards.pdf](#)

Standing COVID-19 Operational Updates/Modifications

- 7. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
- 8. City Manager Report**
- 9. Other Business**
- 10. Council President Addressing the Council**
- 11. Mayor Addressing the Council**
- 12. Adjourn**



Whereas May 16th, 2020 would have been the tenth Kids to Park Day organized and launched by the National Park Trust, held annually on the third Saturday of May. However, due to the current pandemic situation, **Parks to Kids Day** is being proclaimed instead, in order to keep with social distancing restrictions; and

WHEREAS, Parks to Kids Day empowers kids and encourages families to get outdoors and visit their local parks and even get outside in their own backyards; and

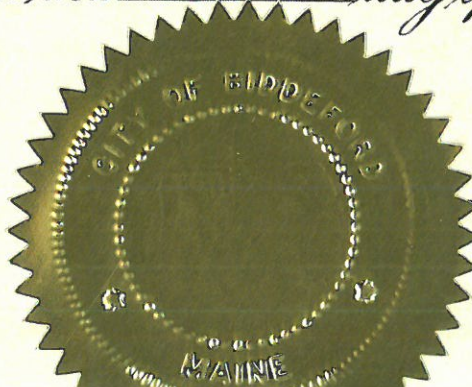
WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes, hypertension and hypercholesterolemia; and

WHEREAS, Parks to Kids Day will broaden children's appreciation for nature and outdoors; and

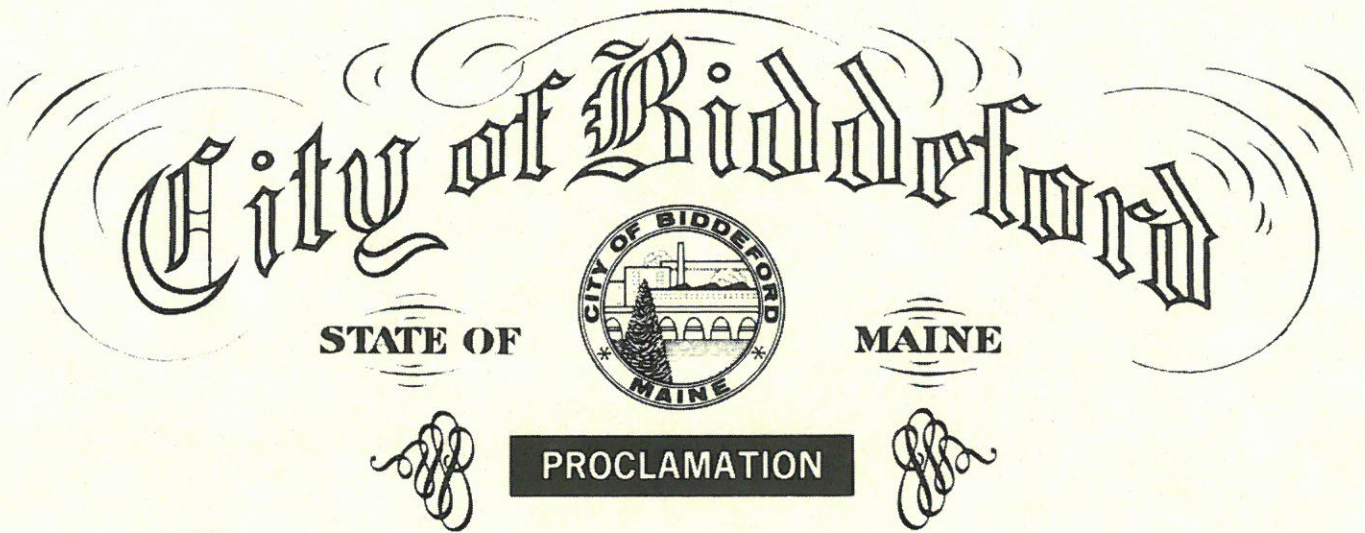
NOW THEREFORE, we, the Mayor and Council of the City of Biddeford, do hereby proclaim to participate in **Parks to Kids Day**. We urge residents of Biddeford to make time May 16th, 2020 to encourage the children in their lives to appreciate the outdoors.

*In Witness Whereof, We, the undersigned have herewith
affixed our signatures this 5th day of May 2020*

Carmen J. Mow
City Clerk



Mayor



Whereas since our nation's founding, Americans have turned to prayer for inspiration, strength and guidance; and

WHEREAS, our national leaders have historically called on the prayers of the people, without regard to their religious affiliation, to meet the crises that have faced our nation; and

WHEREAS, the National Day of Prayer was first proclaimed by the Continental Congress in 1775; and

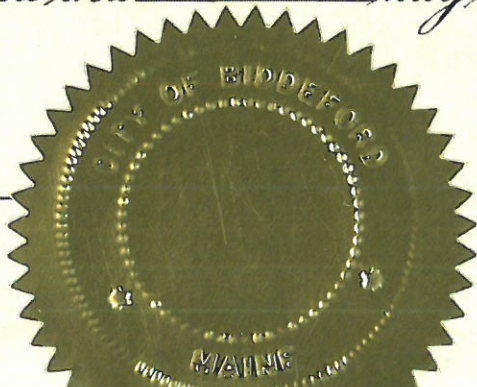
WHEREAS, President Abraham Lincoln proclaimed Thursday, April 30, 1863 as a day of prayer as "an effective remedy for national ills for all people in all nations"; and

WHEREAS, the Congress of the United States, by legislative action in 1952 – and amended in 1988 – declared the first Thursday of May to be a National Day of Prayer,

NOW THEREFORE, I, Alan Casavant, Mayor of the City of Biddeford, Maine, do hereby proclaim May 7, 2020 as **A DAY OF PRAYER** throughout the City of Biddeford, and urge all citizens to join in this observance.

In Witness Whereof, We, the undersigned have herewith affixed our signatures this 5th day of May 2020

Carmen J. Mow
City Clerk



Mayor

**COUNCIL MEETING
APRIL 21, 2020**

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

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

Amy Clearwater was excused.

Adjustment to the Agenda:

- Remove Order 2020.22

Proclamation: Essential Workers and Services Appreciation

Mayor Casavant read the Proclamation. He also recognized the City Staff who organized and participated in last week's Appreciation Parade for the Southern Maine Health Care Workers at the hospital and SMHC offices.

Consideration of Minutes: March 31, 2020; April 7, 2020

Motion by Councilor McCurry, seconded by Councilor Belanger to accept the minutes of March 31, 2020 as printed.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Belanger to accept the minutes of April 7, 2020 as printed.

Vote: Unanimous.

Orders of the Day:

2020.21

IN BOARD OF CITY COUNCIL...APRIL 21, 2020

BE IT ORDERED, that the City Manager or his designee be authorized to sign a unit cost contract with Design Dwellings, Inc. DBA DDI Construction of Gorham, Maine for the construction of the Lower Main Street Sewer Separation Project as per the bid submitted and opened on March 30, 2020, in the amount of \$ 786,160. Funding for this work is from the Sewer Separation Bonds approved by voters and as provided for in Fund 402 and Fund 411, account Code number 31153.

NOTE: The Finance Committee will review this item at their April 21, 2020 meeting.

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

Vote: Unanimous.

2020.23

IN BOARD OF CITY COUNCIL..APRIL 21, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the award of contract to Maine-Land Development Consultants for the survey, engineering, design, bid package and construction documents for the South Street Sidewalk Improvement Project, in an amount not to exceed \$12,500.00. This project will be funded with CDBG Funds.

NOTE: This item will be considered at the April 21, 2020 Finance Committee meeting.

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

Vote: Unanimous.

2020.24

IN BOARD OF CITY COUNCIL..APRIL 21, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby renew the Agreement for the operation of a shared Assessing Department with the City of Saco.

NOTE: The Agreement is attached. This item is a recommendation from the Biddeford-Saco Joint Committee.

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

Vote: Unanimous.

IN BOARD OF CITY COUNCIL..APRIL 21, 2020

NOTE: This item is a recommendation from the Biddeford-Saco Joint Committee.

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

Vote: 7/1; Councilor St. Cyr opposed.

Councilors Emhiser, McCurry, Quattrone, Belanger, Ready, Ortiz and Lessard in favor.

Motion carries.

Order Authorizing \$844,439 City of Biddeford School Revolving Renovation Fund Financing, including \$392,326 in Loan Forgiveness and \$452,113 in Bonds, for Health, Safety, and Compliance Repairs at School Facilities

IN BOARD OF CITY COUNCIL APRIL 21, 2020

BE IT ORDERED, by the City Council of Biddeford as follows:

Whereas, pursuant to sections 5953-E and 6006-F of Title 30-A of the Maine Revised Statutes, on January 31, 2020, the Maine Department of Education approved School Revolving Renovation Fund loans for the following health, safety, and compliance repair projects (the “Projects”):

School	Project	Loan Amount
Biddeford Primary School	ADA, Security	\$442,342
Biddeford Intermediate School	Security	\$ 75,596
Biddeford Regional Center of Technology	ADA, Security	\$326,501
		\$844,439

Whereas, of the total loan principal amount of up to \$844,439, the sum of up to \$392,326 (46.46%) will be forgiven and the sum of up to \$452,113 (53.54%) will be payable at 0% interest in five (5) equal annual installments; and

Whereas, the Council desires to authorize the execution and delivery of a loan agreement in principal amount of \$844,439 and the issuance, sale, and delivery of general obligation bonds of the City in principal amount of \$452,113 to finance the Projects;

Now therefore, be it ordered, by the City Council of the City of Biddeford as follows:

Section 1. Loan Authorized. That pursuant to Maine law, including sections 5953-E, 6006-F, and 5772 of Title 30-A of the Maine Revised Statutes, Article XI, Section 6 and Article XII, Section 7(a) of the Charter of the City of Biddeford, a Maine Department of Education School Revolving Renovation Fund Project Eligibility Certificate dated January 31, 2020, and all other authority thereto enabling, the Treasurer and the Mayor of the City of Biddeford are authorized in the name of and on behalf of the City to execute and deliver a Loan Agreement between the Maine Municipal Bond Bank (the “Bond Bank”) and the City to effect a loan from the Bond Bank to finance the Projects in the principal amount of \$844,439.00, but of which amount \$392,326.00 of principal is forgiven by the Bond Bank (the “Loan Agreement”); and that the Loan Agreement be in such form as the Treasurer and Mayor may approve, the execution and delivery thereof to be conclusive evidence of such approval;

Section 2. Bond Authorized. That pursuant to Maine law, including sections 5953-E, 6006-F, and 5772 of Title 30-A of the Maine Revised Statutes, Article XI, Section 6 of the Charter of the City of Biddeford, and other applicable law, the Treasurer and Mayor of the City be authorized to borrow in the name and on behalf of the City the sum of up to \$452,113.00 from the Bond Bank to finance the Projects; that in connection therewith, the Treasurer and the Mayor be authorized to issue general obligation securities (bonds or notes) of the City in an original principal amount of up to \$452,113.00, payable WITH NO INTEREST in five (5) equal annual installments of principal, and to execute and deliver such general obligation bonds or notes in registered form under the seal of the City, signed by the Treasurer, countersigned by the Mayor, and attested by the City Clerk (the "Bond"); that the signatures on the Bond may be facsimile signatures, provided that at least the signature of the Treasurer or the Mayor be a manual signature; and that the Bond be in such form and include

such terms not inconsistent herewith as the Treasurer and Mayor may approve, the execution and delivery thereof to be conclusive evidence of such approval.

Section 3. That the Mayor, Treasurer, City Clerk, and other appropriate officials of the City of Biddeford, acting singly, are authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with the Loan Agreement and the Bond, including execution and delivery of an Assignment of monies transferred by the State of Maine to pay for Project costs and such other instruments, documents, certificates and agreements, and to take or cause to be taken such further actions for and on behalf of the City, as may be necessary, convenient, or appropriate to accomplish the Projects and to effect the transactions contemplated herein and by the documents referenced herein, and that the City Clerk be authorized to attest to the foregoing and attach the City's seal to any of the foregoing.

Section 4. That if the Treasurer, Mayor, or City Clerk are for any reason unavailable to approve and execute the Loan Agreement, the Bond, or any associated documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, as the "acting" official, or otherwise, are each individually authorized to act for such official with the same force and effect as if such official has herself or himself performed such act.

Section 5. That if any of the officers or officials of the City who have signed or sealed the Loan Agreement or Bond shall cease to be such officers or officials before the Loan Agreement or Bond so signed and sealed shall have actually been authenticated or delivered by the City, such Loan Agreement or Bond nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Loan Agreement or Bond had not ceased to be such officer or official; and also any such Loan Agreement or Bond may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Loan Agreement or Bond, shall be the proper officers and officials of the City, although at the nominal date of such Loan Agreement or Bond, any such person shall not have been such officer or official.

Section 6. That during the term of the Loan Agreement and Bond, all authority granted pursuant to this Order shall be, remain, and continue in full force and effect without the necessity of any further action of the City Council.

Section 7. That the sum of \$844,439.00 is hereby appropriated to finance costs of the Projects, such amount to be raised by the execution and delivery of the Loan Agreement and the issuance and sale of the Bond.

Section 8. That pursuant to Article XII, Section 7 of the City Charter, the following question shall be submitted to the voters of the City of Biddeford for ratification or rejection at a referendum vote to be held on July 14, 2020:

Shall the Order of the City Council of the City of Biddeford entitled "Order Authorizing \$844,439 City of Biddeford School Revolving Renovation Fund Financing, including \$452,113 in Bonds and \$392,326 in Loan Forgiveness, for Health, Safety, and Compliance Repairs at School Facilities" be ratified and approved?

Section 9. That said referendum question be accompanied by a signed financial statement of the Treasurer, as well as the recommendations of the City Council, the Budget Committee, and the School Committee, substantially in form as set forth below:

CITY OF BIDDEFORD FINANCIAL STATEMENT

1. Total City Indebtedness

Bonds outstanding and unpaid	\$ _____
Bonds authorized and unissued	\$ _____
Bond to be issued if this Question is approved	\$ 452,113
Total:	\$ _____

2. Estimated Costs and Impacts of Bond

At an estimated interest rate of zero percent (0%), for a 5-year term, the estimated total costs of this bond issue will be:

Principal	\$ 452,113
Interest	\$ - 0 -
Total Principal & Interest to be Paid at Maturity	\$ 452,113
Projected effect on mil rate:	
Total length of term:	Five (5) years

3. Validity
The validity of the Bond and of the voters' ratification of the Bond may not be affected by any errors in the above Estimated Costs of Bond. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Treasurer
City of Biddeford

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

2020.27 **IN BOARD OF CITY COUNCIL..APRIL 21, 2020**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to sign and execute the Federal Aviation Administration (FAA) Grant Application to receive 100% Federal Funding for the FY20 Airport Master Plan Project.

NOTE: The Grant Application submission deadline is May 1, 2020.

Motion by Councilor McCurry, seconded by Councilor Belanger to grant the order.
Vote: 7/1; Councilor Lessard opposed.
Councilors Emhiser, McCurry, St. Cyr, Quattrone, Belanger, Ready and Ortiz in favor.
Motion carries.

Standing COVID-19 Operational Updates/Modifications:
City Manager, James Bennett talked about how revenues, specifically excise tax, have seen a substantial reduction over the past month. Thus far, he feels the budget, overall, is manageable, but feels the fiscal year will end showing revenues coming in much less than what was budgeted. That said, once restrictions are lifted and City Hall is reopened, that loss in revenues should be made up and the budget will end up balancing before the closure of the current fiscal year budget.

He also touched on the fact that Staff is starting to think about and propose changes in conducting business once our offices are reopened to the public. He gave a very rough estimate of \$100,000 to make the safety changes that will need to be made to protect our employees, as well as the public.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
One citizen expressed his concerns to the Council.

City Manager Report:
City Manager, James Bennett addressed a comment made by Mr. Rhames during the Public Addressing the Council portion of this meeting. Mr. Bennett clarified that there is no magical number that Staff has been asked to cut from the proposed FY21 budget. Mr. Rhames had stated that a \$3 million cut was being sought; however, this is wrong information. Staff is currently working through what the impacts on the budget will be and are making adjustments as necessary.

Mr. Rhames had also brought up the fact that the City took too long to allow public comments during City meetings conducted via ZOOM (all due to COVID-19). In terms of public

participation, Mr. Bennett feels that the City has provided the appropriate steps for public comments, even though it may have taken some time to get to the point where folks are able to actively participate during City meetings. All along, citizens have been and are encouraged to email the Councilors, City Manager, City Clerk or call the hotline with any concerns or comments.

Other Business:

Councilor Ready – reminded the public that on May 6th, the Planning Board will be considering the Route 1 Courthouse project. The public will be able to participate, much like the public can participate in the council meetings.

Councilor Lessard – would like to have a conversation with the entire Council about the budget. He would like to see anything that is a new expense in the proposed FY21 budget be taken out and put into the Contingency Account so that that council can determine if those funds should be used at some point in the future, as the pandemic situation subsides and the City can rebound.

He shared that he had stopped the Recycling Center today, and he commended Public Works Director, Jeff Demers and his Crew for doing a fantastic job with the new set up.

Councilor Belanger – noted that the Council is certainly getting acclimated with the way meetings are now being held, but that does not mean the Council is necessarily comfortable with it. He agrees that public comment is crucial and we have to continue to find ways to make that process better. He looks forward to when City meetings can be conducted in person again.

Council President Addressing the Council: Councilor McCurry also cannot wait to get back into the public domain and holding these meetings in the Council Chambers.

He agrees with Councilor Lessard that Public Works has done a great job with their reopening and set up.

He participated in the Appreciation Parade for the SMHC Workers and was very pleased with the outcome. He gave credit to Code Enforcement Officer, Roby Fecteau who came up with the idea and recruited some of his counterparts to pull it off.

Mayor Addressing the Council – Mayor Casavant received a number of complaints over the weekend of many folks being at the beach who had out of state plates or were from other Maine communities and were not practicing social distancing. This is a concern for him, and is staying cautious about keeping our beaches open.

He agrees that holding City meetings in person is definitely more ideal than the ZOOM meetings, and is anxious to get back to that. He appreciates the steps that have been made to allow public participation, and feels the City has done a good job with accommodating hearing from the public.

Executive Session: 1 MRSA 405(6)(C)...Terms of Solid Waste Contract

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

Vote: Unanimous.

Time: 7:07 p.m.

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

Vote: Unanimous.

Time: 8:17 p.m.

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

Vote: Unanimous.

Time: 8:17 p.m.

Attest by: _____
Carmen J. Morris, City Clerk

**Order Authorizing \$844,439 City of Biddeford School Revolving Renovation Fund
Financing, including \$392,326 in Loan Forgiveness and \$452,113 in Bonds, for Health,
Safety, and Compliance Repairs at School Facilities**

2020.26

IN BOARD OF CITY COUNCIL APRIL 21, 2020

BE IT ORDERED, by the City Council of Biddeford as follows:

Whereas, pursuant to sections 5953-E and 6006-F of Title 30-A of the Maine Revised Statutes, on January 31, 2020, the Maine Department of Education approved School Revolving Renovation Fund loans for the following health, safety, and compliance repair projects (the “Projects”):

<u>School</u>	<u>Project</u>	<u>Loan Amount</u>
Biddeford Primary School	ADA, Security	\$442,342
Biddeford Intermediate School	Security	\$ 75,596
Biddeford Regional Center of Technology	ADA, Security	\$326,501
		\$844,439

Whereas, of the total loan principal amount of up to \$844,439, the sum of up to \$392,326 (46.46%) will be forgiven and the sum of up to \$452,113 (53.54%) will be payable at 0% interest in five (5) equal annual installments; and

Whereas, the Council desires to authorize the execution and delivery of a loan agreement in principal amount of \$844,439 and the issuance, sale, and delivery of general obligation bonds of the City in principal amount of \$452,113 to finance the Projects;

Now therefore, be it ordered, by the City Council of the City of Biddeford as follows:

Section 1. Loan Authorized. That pursuant to Maine law, including sections 5953-E, 6006-F, and 5772 of Title 30-A of the Maine Revised Statutes, Article XI, Section 6 and Article XII, Section 7(a) of the Charter of the City of Biddeford, a Maine Department of Education School Revolving Renovation Fund Project Eligibility Certificate dated January 31, 2020, and all other authority thereto enabling, the Treasurer and the Mayor of the City of Biddeford are authorized in the name of and on behalf of the City to execute and deliver a Loan Agreement between the Maine Municipal Bond Bank (the “Bond Bank”) and the City to effect a loan from the Bond Bank to finance the Projects in the principal amount of \$844,439.00, but of which amount \$392,326.00 of principal is forgiven by the Bond Bank (the “Loan Agreement”); and that the Loan Agreement be in such form as the Treasurer and Mayor may approve, the execution and delivery thereof to be conclusive evidence of such approval;

Section 2. Bond Authorized. That pursuant to Maine law, including sections 5953-E, 6006-F, and 5772 of Title 30-A of the Maine Revised Statutes, Article XI, Section 6 of the Charter of the City of Biddeford, and other applicable law, the Treasurer and Mayor of the City be authorized to borrow in the name and on behalf of the City the sum of up to \$452,113.00 from the Bond Bank to finance the Projects; that in connection therewith, the Treasurer and the Mayor be authorized to issue general obligation securities (bonds or notes) of the City in an original principal amount of up to \$452,113.00, payable WITH NO

INTEREST in five (5) equal annual installments of principal, and to execute and deliver such general obligation bonds or notes in registered form under the seal of the City, signed by the Treasurer, countersigned by the Mayor, and attested by the City Clerk (the "Bond"); that the signatures on the Bond may be facsimile signatures, provided that at least the signature of the Treasurer or the Mayor be a manual signature; and that the Bond be in such form and include such terms not inconsistent herewith as the Treasurer and Mayor may approve, the execution and delivery thereof to be conclusive evidence of such approval.

Section 3. That the Mayor, Treasurer, City Clerk, and other appropriate officials of the City of Biddeford, acting singly, are authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with the Loan Agreement and the Bond, including execution and delivery of an Assignment of monies transferred by the State of Maine to pay for Project costs and such other instruments, documents, certificates and agreements, and to take or cause to be taken such further actions for and on behalf of the City, as may be necessary, convenient, or appropriate to accomplish the Projects and to effect the transactions contemplated herein and by the documents referenced herein, and that the City Clerk be authorized to attest to the foregoing and attach the City's seal to any of the foregoing.

Section 4. That if the Treasurer, Mayor, or City Clerk are for any reason unavailable to approve and execute the Loan Agreement, the Bond, or any associated documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, as the "acting" official, or otherwise, are each individually authorized to act for such official with the same force and effect as if such official has herself or himself performed such act.

Section 5. That if any of the officers or officials of the City who have signed or sealed the Loan Agreement or Bond shall cease to be such officers or officials before the Loan Agreement or Bond so signed and sealed shall have actually been authenticated or delivered by the City, such Loan Agreement or Bond nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Loan Agreement or Bond had not ceased to be such officer or official; and also any such Loan Agreement or Bond may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Loan Agreement or Bond, shall be the proper officers and officials of the City, although at the nominal date of such Loan Agreement or Bond, any such person shall not have been such officer or official.

Section 6. That during the term of the Loan Agreement and Bond, all authority granted pursuant to this Order shall be, remain, and continue in full force and effect without the necessity of any further action of the City Council.

Section 7. That the sum of \$844,439.00 is hereby appropriated to finance costs of the Projects, such amount to be raised by the execution and delivery of the Loan Agreement and the issuance and sale of the Bond.

Section 8. That pursuant to Article XII, Section 7 of the City Charter, the following question shall be submitted to the voters of the City of Biddeford for ratification or rejection at a referendum vote to be held on July 14, 2020:

Shall the Order of the City Council of the City of Biddeford entitled “Order Authorizing \$844,439 City of Biddeford School Revolving Renovation Fund Financing, including \$452,113 in Bonds and \$392,326 in Loan Forgiveness, for Health, Safety, and Compliance Repairs at School Facilities” be ratified and approved?

Section 9. That said referendum question be accompanied by a signed financial statement of the Treasurer, as well as the recommendations of the City Council, the Budget Committee, and the School Committee, substantially in form as set forth below:

CITY OF BIDDEFORD FINANCIAL STATEMENT

1. Total City Indebtedness

Bonds outstanding and unpaid	\$ 51,384,781
Bonds authorized and unissued	\$ 0
Bond to be issued if this Question is approved	\$ 452,113
Total:	\$ 51,836,894

2. Estimated Costs and Impacts of Bond

At an estimated interest rate of zero percent (0%), for a 5-year term, the estimated total costs of this bond issue will be:

Principal	\$ 452,113
Interest	\$ - 0 -
Total Principal & Interest to be Paid at Maturity	\$ 452,113
Projected effect on mil rate:	.037
Total length of term:	Five (5) years

3. Validity

The validity of the Bond and of the voters' ratification of the Bond may not be affected by any errors in the above Estimated Costs of Bond. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Treasurer
City of Biddeford

The City Council recommends the adoption of this article – Voted .
The Budget Committee recommends the adoption of this article – Voted .
The School Committee recommends the adoption of this article – Voted .

A true copy as adopted by a majority of the Biddeford City Council, attest:

Carmen J. Morris
Biddeford City Clerk

CLERK'S CERTIFICATION

I certify that the May 5, 2020 meeting of the Biddeford City Council was:
[check one box]

☐ conducted as a public meeting with no Council members participating remotely; or

☐ conducted through telephonic, video, electronic, or other similar means of remote participation, and that the Council's vote on this Order was taken by roll call as follows:

Council Member	PARTICIPATION			VOTE		
	Physically Present	Attending Remotely	Not Attending	YES	NO	ABSTAIN
Marc Lessard						
Doris Ortiz						
William Emhiser						
John McCurry						
Stephen St. Cyr						
Robert Quattrone						
Amy Clearwater						
Norman R. Belanger						
Michael Ready						

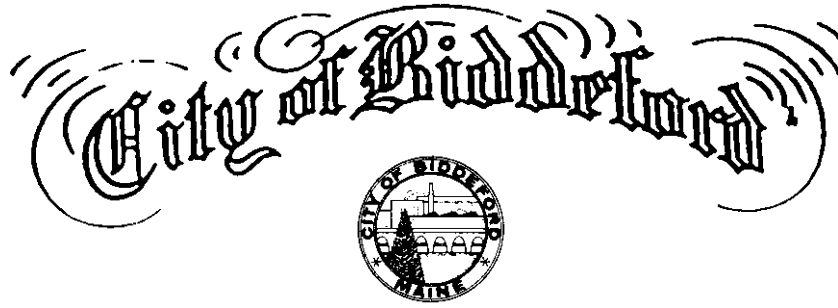
Date: _____, 2020

Carmen J. Morris
Biddeford City Clerk

April 21, 2020

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

Vote: Unanimous.



2020.28

IN BOARD OF CITY COUNCIL..MAY 5, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the City's Community Development Block Grant "*Revised Citizens Participation Plan*" for immediate implementation.



City Council/Finance

Meeting Date: May 5th, 2020

Meeting Time: 6:00

Agenda Item No:

Item Description: CDBG – Citizens Participation Plan

Submitted by: Mathew Eddy

Supporting Information/Documentation: See Below and Attached Citizens Participation Plan

Key Terms:

- HUD—Housing and Urban Development (source of CDBG funds)
- CAREs Act—Federal stimulus legislation: **Coronavirus Aid, Relief, and Economic Security Act**
- CPP—Citizen Participation Plan
- Consolidated Plan—five year planning document in support of the CDBG program
- Action Plan- Annual action plan approved by City Council for the expenditure of CDBG funds
- CAC—Citizen Advisory Committee
- CDBG—Community Development Block Grant program
- CDBG-CV—HUD “Care’s” Act

Executive Summary: The CAC held a public hearing on April 23rd via Zoom, to seek input into changes to the CPP Citizens Participation Plan. The CPP establishes the citizen participation and funds allocation process for the CDBG program. The changes in this plan streamlined the amendment process and linked approval and process times to HUD directives during times of emergency. The City received an additional \$275,000 +/- of funding through COVID-19. There was a need to indirectly adopt emergency HUD directives to accelerate the amendment process for changes to the Consolidated and Action Plans.

The hearing was attended by 6 people including 3 members of the current CAC. The vote was unanimous to make the changes and no comments were received during the 5 day comment period that followed ending on April 28th.

Resolution: To approve the City's Community Development Block Grant "Revised Citizens Participation Plan" for immediate implementation.

Staff Recommendation: Mathew Eddy



CITY OF BIDDEFORD

CITIZENS' PARTICIPATION PLAN

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT GRANT BLOCK PROGRAM
ENTITLEMENT PROGRAM**

June 19th, 2018

Prepared by:

**Biddeford Planning and Development Office
City of Biddeford
205 Main Street
Biddeford, Maine 04005**



Introduction

The City of Biddeford as a HUD CDBG Entitlement Community has adopted a Citizen Participation Plan to encourage the participation of all citizens in compliance with section 104(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304 (A)(3)). This plan strongly encourages citizens to participate in the development of the Consolidated Plan (ConPlan), Consolidated Annual Performance and Evaluation Report (CAPER), Consolidated Annual Action Plan, the Assessment of Fair Housing and Plan, and any substantial amendments to any of the documents deemed necessary. A substantial amendment is described on page 5 of this document.

The principal focus of the Citizen Participation Plan is to create opportunities for participation by the citizenry in the planning, development, and implementation of the Consolidated Plan. A principal focus of the Citizen Participation Plan will be to provide formal and informal mechanisms, which will encourage and facilitate citizen input particularly from those persons of low and moderate income who are most likely to be affected by CDBG projects.

Citizens Advisory Committee

The Citizens Advisory Committee (CAC) will consist of seven members representing residents and/or property owners of low and moderate-income areas and/or persons representing organizations serving LMI persons, from each of the identified 7 neighborhoods, and then appointed by City Council. Representation will include low and moderate-income persons, including those living and/or owning property in areas potentially targeted for CDBG projects. In addition, the City of Biddeford will make whatever actions are appropriate to encourage the participation of representatives of underserved populations including minorities and non-English speaking persons, as well as persons with disabilities. Specific accommodations will be made for any participating citizen so as not to limit their involvement in the CAC. This could include assistance from the CDBG Coordinator, translation services, etc. The CAC may expand its membership to seven members at the beginning of the second year of the Consolidated Plan.

Under the direction of the City's Director of Planning and Development, the CDBG Coordinator will direct and coordinate all activities of the CAC. The CDBG Coordinator will be tasked with being the contact point for various non-profits (including philanthropic organizations), public housing authorities, businesses, and residents of assisted housing developments, social services (including faith based organizations) and any population that would be eligible for CDBG funding. The CDBG Coordinator will be tasked with encouraging collaboration between various entities as the Consolidated Plan is developed. Subject to review and recommendation of the CAC, the City will present the Consolidated Plan, projects, substantial amendments and any other activities regarding the ConPlan to the City Manager for final approval by the City Council.

The CAC will provide comments and/or recommendations in areas such as the assessment of needs, reviewing potential projects, and conducting Public Hearings to keep the citizenry informed. The CAC will be tasked with reviewing the Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Consolidated Annual Action Plan and any substantial amendments to any of the foregoing documents prior to publication, public review and public hearings.

GENERAL PROCESS

Citizen Comment and Access to Information

Citizen Participation Plan – The *City Council* will adopt the Citizen Participation Plan after a Public Hearing is held and a public comment period of 15 days. A Citizen Participation Plan summary will be published in the local media and formatted upon request for non-English speaking persons or citizens with disabilities. An informational session regarding the Consolidated Plan, its process of development and types of projects CDBG funds will also be presented at this time.

Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Annual Action Plan, Assessment of Fair Housing and Plan, and Substantial Amendments – Prior to the publication and submission of any of these final draft documents, the City of Biddeford will hold a Public Hearing and conduct a 30-day comment period, *except in the case of the CAPER, which will have a 15-day comment period.*

Notification to Housing Authorities and Surrounding Communities

The City of Biddeford will notify and send its housing authority and surrounding communities an Executive Summary of the Consolidated Plan, Annual Action Plan, Citizens Participation Plan, and Assessment of Fair Housing and Plan, 30 days before it is adopted. A draft of the documents will be made available upon request 10 days prior to the Public Hearing in order to receive comments regarding the impact of the potential projects and plans on the surrounding communities, if any.

Information Access Strategy

The City of Biddeford will publish an Executive Summary of the Consolidated Plan, Annual Action Plan, and Assessment of Fair Housing and Plan 10 days prior to the Public Hearing. The summary will describe the contents and purpose of the plans, and a list of the locations where copies of the entire proposed plans may be examined. A number of free copies of the plans will be available upon request. Every reasonable means will be used to accommodate requests for copies in a format for non-English speaking persons and persons with disabilities. Copies of the plans will also be available at the City Hall and McArthur Library. The plans will include the amount of assistance that the City of Biddeford expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low-and-moderate income. The Assessment of Fair Housing and Plan posting will include the report compiled from the HUD Assessment Tool and the Plan with strategies to address the identified housing issues. In addition, every effort will be made to give additional access to the plans by placing them on the City's website at www.biddefordmaine.org.

The same process will be implemented for the Consolidated Annual Performance & Evaluation Report, and all proposed substantial amendments. Access to records will be open and available upon request within 5 business days excepting information deemed confidential by the Department of Housing and Urban Development.

Public Hearings

Public Hearings will be held as part of the Citizen Participation process. A General Public Hearing will be held prior to the publication of the Consolidated Plan and Assessment of Fair Housing and Plan, to obtain the views of citizens and to address housing and community development needs, development of proposed activities, proposed strategies and actions for the Consolidated Plan and AFFH and a review of program performance. A General Public Hearing will be held after publication of the draft Consolidated Plan and Assessment of Fair Housing and Plan, and followed by a thirty-day comment period.

A Public Hearing will be held prior to the submission of the Consolidated Annual Performance & Evaluation Report and Annual Action Plan. Additional public hearings will be held when substantial amendments are proposed to any documentation regarding the Consolidated Plan and related documents.

All notices of Public Hearings will be legal advertisements published in *The Courier* 10 days prior to the Public Hearing date. Notices will also be posted in the City Hall at the main office entry and the Clerk's Office, and at the McArthur Library. The notice will also be posted on the City of Biddeford website at www.biddefordmaine.org. Copies of proposed documents will be available at the Biddeford Economic Development Office and at the McArthur Library. To encourage input and participation the CD Coordinator will coordinate with the Heart of Biddeford, a Main Street organization to reach out to the business community and through the CPPC to reach faith based and philanthropic organizations. The Public Hearings will be held at the City Hall in Council Chambers or at other appropriate locations that are convenient, ADA compliant and accessible to the public. Special accommodations for those with disabilities and/or language barriers upon request will be available to the extent possible by the City. To ensure those with disabilities and/or language barriers know of these accommodations, the CD Coordinator will reach out to the Seeds of Hope Neighborhood Center and Community Partners for Protecting Children who work with these populations and/or have access to interpreters and translation services. These entities will reach out to these populations to make them aware of services in order to encourage their participation. The same process will be implemented for any public meetings, hearings, or other forums seeking public input.

Public Comment

All comments received during any comment period will be taken into consideration by the City of Biddeford and the CAC. A summary of any comments or views not accepted in the AFH will be attached to the final Consolidated Plan, Action Plan, CAPER, and/or AFH.

Complaints

The City of Biddeford will respond to all complaints related to the Consolidated Plan, Action Plan, CAPER, and/or AFH Plan in writing within 15 working days from the time of receipt. Complaints may be written or oral and directed to the following office: CDBG Coordinator, City of Biddeford, 205 Main Street, Biddeford, Maine 04005. The CDBG Coordinator shall be charged with responding to the complaint upon prior consultation with the Economic Development Director and City Manager.

Technical Assistance

Staff shall make reasonable efforts to provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals for funding under any of the programs covered by the Consolidated Plan, Annual Action Plan, and/or needs identified in the Assessment of Fair Housing and Plan. The CDBG Coordinator will be tasked with providing a form and/or assistance to the individual or group requesting assistance. All proposals that qualify for CDBG funding will be considered by the CAC consistent with the guidelines and requirements governing CDBG.

Consolidated Plan and AFH Plan Amendments for Priorities, Projects, Activities and Funding Revisions

An amendment to the Consolidated Plan or AFH may be necessary for a variety of reasons including but not limited to: other funding becoming available to complete a project, another project of the same nature is deemed a better solution, changes in data that reflect the need to reconsider projects and/or priorities, and/or or another project is deemed to have a higher priority. Also, programmatic or budget changes may occur including but not limited to the following: new activities, overrun/under-run situations, fund transfers, and/or reductions/increases in HUD Entitlement funding.

There will be 30 calendar days following an advertised and posted Public Hearing, to receive comments on the Consolidated Plan substantial amendment or any revisions to the AFH and before the Consolidated Plan substantial amendment or AFH revision is submitted to HUD for review. The Public Hearing and citizen input process will follow the same process as outlined in the Public Hearings section of this document. Only after review and approval by HUD will the Consolidated Plan Substantial Amendment or AFH revision be implemented.

A summary of citizen comments or views from the Public Hearing and 30-day comment period will be attached to the Substantial Amendment and/or revision when submitted to HUD. A summary of any comments or views not accepted and the reasons why, shall be attached to the Substantial Amendment and/or revision of the Con Plan or AFH and submitted to HUD for review.

The City of Biddeford defines amendments as either substantial or minor when proposing to amend its approved Consolidated Plan. The following defines substantial and minor amendment, as well as funding revisions, and the process to be implemented accordingly.

1. Substantial Amendments – Consolidated Plan, Annual Action Plan, and AFH

Substantial Amendments are defined as follows:

- A. A substantial amendment is any change in the use of CDBG funds from one eligible activity to another. When it has been determined that a substantial change must be made to the Consolidated Plan, it will be published for review in at least one newspaper of general circulation and published on the City's website. Citizens will have a 30-day***

period to submit written responses. A summary of these comments and a summary of any comments or views not accepted will be attached to the substantial amendment.

Upon completion of the substantial amendment process, the city shall notify HUD that an amendment has been made. A copy of the amendment will be provided to the HUD office for the jurisdiction and shall include a transmittal letter signed by an official representative of the city.

- B. The City proposes to alter the location or beneficiaries of previously approved activities whose cost exceeds 25% of the fiscal year allocation for any one HUD Program.*
- C. The City proposes to alter the 5-year strategy within the Consolidated Plan, the Annual Action Plan, and/or AFH by adding a new priority, previously not considered, in order to undertake new activities that fiscal year, delete a priority, and/or change a priority in a way that would affect its implementation or funding.*

Since the City of Biddeford has developed a five-year Consolidated Plan, Annual Action Plan and AFH with defined activities targeted for funding and program implementation, flexibility is needed in order to accommodate activities in coordination with such things as construction schedules, other funding, changes in data, and/or the addition of other activities that could be encompassed in the priorities as stated by the Consolidated Plan, Annual Action Plan, or AFH.

2. Minor Amendments – Consolidated Plan, Annual Action Plan and AFH

- A. A minor amendment will be considered that does not change the funding allotment for the activity or program but provides clarifying context or corrects scrivener's errors. A minor amendment may all include the results of a financial reconciliation completed by the City and accurately aligns financial records with the CDBG grant-based accounting in the administration of eligible programs and activities.*
- B. In a minor amendment situation, the CAC will review and recommend the action to City Manager through the Director of Planning and Development.*
- C. In a minor amendment situation, no Public Hearing will be required.*
- D. In the event of a natural disaster or pandemic which a state of emergency has been declared by the Mayor, Governor and/or President of the United States any unexpended or new funds allocated to the City by HUD is subject to being redirected for the immediate response and/or recovery of the declared emergency. Existing contracts are subject to reduction and amending. CDBG funds will be used in a manner that addresses the immediate needs of the community as deemed appropriate by the Director of Planning and Development in conjunction with the City Manager and/or Mayor.*

Redirected CDBG funds will be subject to a substantial amendment; however, a minor amendment to align the current or past Annual Action Plan shall occur using any means available to fulfill a 15-day public comment and advertisement including but not limited to posting of the City of Biddeford's main web page and that of the Department and posting of flyers in public buildings.

Anti-Displacement Policy

Assistance will be provided if persons should be displaced by any of the City of Biddeford's CDBG funded projects. Households will receive appropriate notices and other advisory services to assure they are fully informed of their rights, make informed decisions, and receive referrals to appropriate services that may be needed.

Replacement housing including the offer of a comparable replacement dwelling and if necessary, financial assistance to make the unit affordable, will be provided if such a displacement should occur during the implementation of the Consolidated Plan and Annual Action Plan. Every effort will be made to provide financial assistance in the form of a Replacement Housing Payment or tenant-based assistance, such as Section 8 Certificate vouchers. In addition, displaced persons will receive assistance in the form of moving and related expenses to help cover costs of the move. The City of Biddeford in compliance with the Department of Housing and Urban Development CDBG Program will review each situation on a case-by-case basis. The City of Biddeford will provide displaced persons/businesses with all the benefits and assistance prescribed pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Specific Requirements for the Assessment of Fair Housing and Plan Development

1. Additional Consultations

A. 91.100 (a)(1) and (5), and 91.100 (c)(1)-(3)

Housing Organizations

The City and CAC will seek consultations with the state Continuum of Care and by conducting a survey of nonprofit housing organizations that provide housing to Biddeford residents and conduct up to three meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Public and Private Affordable Housing Owners and Developers

The City and CAC will seek consultations by conducting a survey and seeking input through a meeting with the following public and private affordable housing owners/developers and management corporations that manage/develop housing for Biddeford residents and regionally.

The Heart of Biddeford, a Main Street organization will reach out to the business community to participate. Up to three follow up meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals may be scheduled.

Government

The City and CAC will seek consultations by conducting a survey of government entities within and adjacent to Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Social Service Providers

The City and CAC will seek consultations by conducting a survey of the following social service providers in Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals. The City will begin with the largest network of social service providers available and outreach to social service organizations and faith based organizations that provide health services and social services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, and other protected populations. They will provide links for the survey and input from the nonprofits that are part of their organizational network.

Housing Enforcement Agencies

The City and CAC will seek consultations by conducting a survey of the following housing enforcement agencies in Biddeford and regionally to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. These agencies provide legal, protection, code, and other forms of enforcement services and assistance to public housing residents and protected populations. Up to two meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

2. Direct Citizen Participation

A. 91.105(a)(1) and (a)(2)(i) through (iii)

The City and CAC will seek input for the AFH by conducting a survey and holding meetings in a multi faceted approach as follows to ensure outreach directly to citizens.

- 1 meeting each with Focus Groups held in two neighborhoods where housing rehabilitation and neighborhood revitalization is targeted, to conduct the AFH survey and receive input as to issues, strategies, and goals for Biddeford's AFH.
- 1 outreach effort to organizations/sites that work with "food security" issues.
- Coordination with social events (10) held at public housing sites of 40 or more units in order to conduct surveys with tenants and take input from residents
- 3 outreach meetings with the largest social service network who coordinates the social service network in Biddeford and regionally, to conduct the survey and receive input for

the AFH from smaller direct service nonprofits. From the smaller nonprofits the City will receive information on where and how to contact ethnic groups and minorities for their input.

- One potluck supper and/or desert social for all Biddeford citizens to understand the AFH, fill out a survey (assistance will be provided), and give input as to the issues, strategies and goals for the Biddeford AFH.
- Citizens needing interpretive assistance of any kind will be provided upon request to the Community Development Coordinator's Office for all meetings and public hearings.

3. Development of the AFH

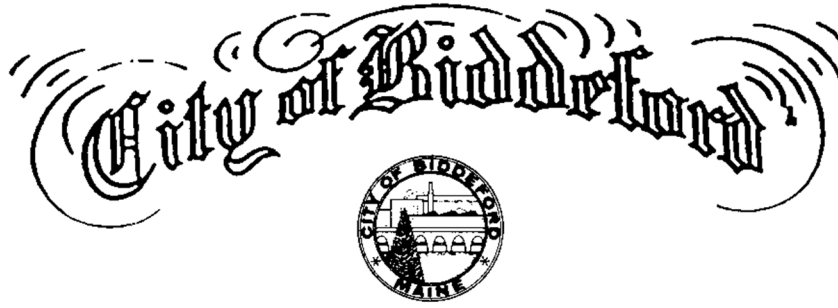
A. 91.105(b)

The development of the AFH, document availability, review and comment period, public hearings, and final approval, will follow the same process as the Consolidated Plan process as stated in the GENERAL PROCESS portion of this document. However, in the case of the AFH, the draft document will have additional review through the following list of meetings which will also be advertised through public bulletin board postings, email, public access television, local newspaper (ten days in advance), and on the City's website. All meetings and public hearings will be held in ADA compliant locations and interpretive services for those with language or special needs will be accommodated to the extent possible by request to the City. Drafts of the AFH documents will be made available free upon request to the City and posted on the City's website, placed at the library and Community Center, and available at the Economic and Community Development Office at City Hall. Documents in forms accessible to persons with disabilities or limited English proficiency will be made available to the extent possible upon request to the City.

A meeting will be held prior to the public hearing with the consulting organizations including the Housing Organizations, Public and Private Affordable Housing Owners and Developers, Government Entities, Housing Enforcement Agencies, and Social Service Providers in Council Chambers at City Hall for a presentation of the draft AFH and to receive any input or comments.

A second meeting will be held out in the community prior to the public hearing for the smaller direct social service nonprofit organizations, faith based organizations and citizens, for a presentation of the draft AFH and to receive any comments.

After the public hearing and during the 30-day comment period, comments and input received will be incorporated into the AFH as alternative options and a second public hearing held to review input and comments received and implement any final changes or inclusions/deletions. A summary of any comments or views not accepted in the AFH will be attached to the final Plan. The final draft of the AFH will be presented to Council for approval and submission to HUD.



2020.29

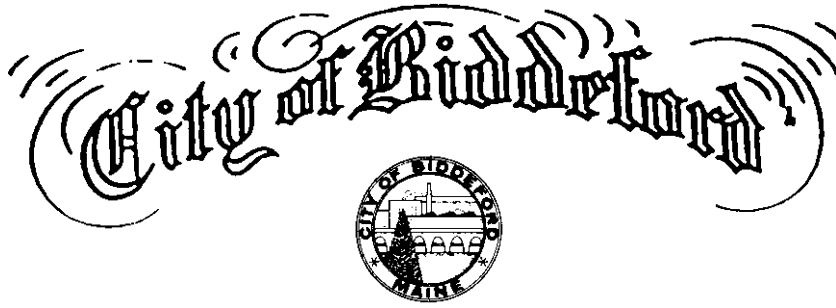
IN BOARD OF CITY COUNCIL..MAY 5, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does here by accept the City Clerk's nominations for Election Clerks for the 2020 and 2021 Elections.

NOTE: The City Clerk may include other Election Clerks not on the attached list, as necessary.

Election Clerks for 2020 & 2021

NAME	ADDRESS	WARD
Allie, Claudette	79 Granite Street	3
Angers, Andrea	124 South Street	6
Beaupre, Penny	7 Westwood Drive	3
Boissonnault, Ruth	310 Hill Street, #39	4
Bolduc, Loyce	474 Main Street	6
Boston, Patricia	60 Hills Beach Road	1
Brown, Mary	5 Kristel Lane	2
Chantigny, Susan	8 Levi Lane, #101	3
Cloutier, Starr	49 Clifford St, #101	2
Cote, Lucille	10 Levi Lane, #105	3
Doherty, Alice	13 Brook Street	6
Eon, Martine	45 Cathedral Oaks Drive	6
Farley, Rita	173 May Street	7
Gastelum, Chrystina	58 Pike Street	2
Gobeil, Priscille	236 Alfred Street, #4	2
Grenier, Diane	278 Guinea Road	3
Hasey, Sean	58 Pike Street	2
Hofmann, Janice	241 Alfred St, #4	5
Hussey, Violette	159 River Road	6
Kennedy, Theresa	16 Winter Street	4
Lacourse, Joseph	17 Southgate Avenue	3
Laverriere, Rachel	371 South Street	6
Laverriere, Rick	371 South Street	6
Levesque, Claudette	5 Old Hollis Road	6
Locke, Joyce	56 Guinea Road	1
Martel, Alfred	310 Hill Street, #20	4
Martel, Diane	6 Ponderosa Lane	3
Mourmouras, Peter	281 Pool Street	2
Neault, Sheila	6 Ponderosa Lane	3
O'Leary, Theresa	16 Crestwood Drive	1
Parsons, Rita	1 Glenview Drive	6
Paul, Claire	20 Meetinghouse Road	1
Pearl, Patrick	5 Jordan Drive	3
Perrone, Ashley	3 Wildbrook Drive	3
Perry, Andrea	11 Marial Avenue	2
Pinard, Albert	15 Clarendon Street	4
Pinard, Diana	15 Clarendon Street	4
Provencher, Robert	38 Western Avenue	6
Robertson, Deanne	8 Whitewater Drive	6
Rousseau, Constance	2 Thatcher Brook Lane	6
Simensky, Barbara	267 Alfred Street	5
Tebbenhoff, Charlotte	98 Green Street	5



2020.30

IN BOARD OF CITY COUNCIL..MAY 5, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby deny the property tax abatement request for 10 Clifford Street for the 2019/2020 property taxes, as recommended by the City Assessor.

Assessors' Office

Meeting Date: May 5th 2020
Meeting Time: ?
Agenda Item No: ?
Item Description: 10 Clifford Street Abatement Request
Submitted by: Nicholas Desjardins, City Assessor

Supporting Information/Documentation:

Two property record Cards showing committed and adjusted assessed values

- FY 2020 Committed Assessed Value: \$294,700
- FY 2020 Abatement Value: \$44,500
- FY 2020 Adjusted Assessed Value: \$250,200
- 36 M.R.S. §841 Abatement Procedures

Key Terms:

- Physical condition of building observed upon inspection of property based on consistency
- Abatement procedures as it relates to Municipal Assessors and Municipal Officers

Executive Summary:

- Property owner and Assessor agreed to inspect the property to review Assessment data on 11/4/2019
- Assessors' observation concluded existing condition factor VG (Very Good) required an adjustment to A (Average) as it related to fairness and consistency taking into consideration observed condition and how it relates to the age of the structure
- 36 M.R.S. §841 Abatement procedures Municipal Assessors may make such reasonable abatement within one year of commitment as they consider proper to correct any illegality, error or irregularity in assessment

Detailed Review:

- Assessor within the authority of the statutes also in fairness to consistent assessments granted an abatement for fiscal year 2020 by adjusting the condition factor on the structure from VG (Very Good) to A (Average)
- Property owner with the understanding Municipal Assessors' are unable to grant abatements after one year of commitment requested Municipal Officers to grant abatement within 3 years from commitment

- 36 M.R.S §841 allows Municipal Assessors to grant abatements to correct illegality, error or irregularity in assessments.
- 36 M.R.S. §841 also allows Municipal Officers to grant abatements to correct illegality, error or irregularity in assessments however the difference is Municipal Officers may not grant an abatement to correct an error in the valuation of property
- The condition factor adjustment is a valuation error
- The reasoning is condition factor is subjective and only Municipal Assessors' have the understanding of how condition factor is interpreted and apportioned fair and equitable throughout the City
- It is uncertain based on the Assessors' observation on 11/4/2019 if the A (Average) condition factor was imminent in the previous three years from commitment without sufficient documentation
- It also should be noted that the property owner purchased the property in 12/16/2016 and had the opportunity to set up an inspection in previous years to correct any valuation errors that may be imminent

Staff Recommendation

- I am recommending the Municipal Officers do not grant this abatement for 10 Clifford Street going back more than one year from commitment as statutes do not allow Municipal officers to grant these abatements

§766. WARRANT FOR COMPLETION OF COLLECTION; FORM

The State Tax Assessor shall prescribe the form of the warrant to be used by the assessors or municipal officers for the completion of the collection of taxes under sections 763 to 765.

SUBCHAPTER 7 POWERS AND DUTIES OF SHERIFFS

§801. SHERIFF MAY COLLECT TAXES

If at the time of the completion of the assessment a tax collector has not been chosen or appointed, or if the tax collector neglects to collect a state or county tax, the sheriff of the county shall collect it, on receiving an assessment thereof, with a warrant under the hands of the municipal assessors, or in the case of primary assessing areas, the municipal officers, or the assessors appointed in accordance with section 705, as the case may be.

§802. PROCEEDINGS BY SHERIFF

The sheriff or his deputy, on receiving the assessment and warrant for collection provided for in section 801, shall forthwith post in some public place in the municipality assessed, an attested copy of such assessment and warrant, and shall make no distress for any of such taxes until after 30 days therefrom. Any person paying his tax to such sheriff within that time shall pay 5% over and above his tax for sheriff's fees, but those who do not pay within that time shall be distrained or arrested by such officer, as by tax collectors. The same fees shall be paid for travel and service of the sheriff, as in other cases of distress.

§803. SHERIFF'S DUTY IN RESPECT TO WARRANT; ALIAS WARRANT

On each execution or warrant of distress issued in accordance with sections 891 and 895, and delivered to a sheriff or his deputy, he shall make return of his doings to such treasurer, with such money, if any, that he has received by virtue thereof. If he neglects to comply with any direction of such warrant or execution, he shall pay the whole sum mentioned therein. When it is returned unsatisfied, or satisfied in part only, such treasurer may issue an alias for the sum remaining due on the return of the first; and so on, as often as occasion occurs.

An officer executing an alias warrant against a delinquent tax collector may arrest the tax collector and proceed as on execution for debt. Such delinquent tax collector shall have the same rights and privileges as a debtor arrested or committed on execution in favor of a private creditor.

SUBCHAPTER 8 ABATEMENT

§841. ABATEMENT PROCEDURES

1. **Error or mistake.** The assessors, either upon written application filed within 185 days from commitment stating the grounds for an abatement or on their own initiative within one year from commitment, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment if the taxpayer has complied with section 706-A.

The municipal officers, either upon written application filed after one year but within 3 years from commitment stating the grounds for an abatement or on their own initiative within that time period, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment if the taxpayer has complied with section 706-A. The municipal officers may not grant an abatement to correct an error in the valuation of property.

2. Hardship or poverty. The municipal officers, or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application, make such abatements as they believe reasonable on the real and personal taxes on the primary residence of any person who, by reason of hardship or poverty, is in their judgment unable to contribute to the public charges. The municipal officers, or the State Tax Assessor for the unorganized territory, may extend the 3-year period within which they may make abatements under this subsection.

As used in this subsection, "primary residence" means the home, appurtenant structures necessary to support the home and acreage sufficient to satisfy the minimum lot size as required by the municipality's land use or building permit ordinance or regulations or, in the absence of any municipal minimum lot size requirement, as required by Title 12, section 4807-A.

Municipal officers or the State Tax Assessor for the unorganized territory shall:

- A. Provide that any person indicating an inability to pay all or part of taxes that have been assessed because of hardship or poverty be informed of the right to make application under this subsection;
- B. Assist individuals in making application for abatement;
- C. Make available application forms for requesting an abatement based on hardship or poverty and provide that those forms contain notice that a written decision will be made within 30 days of the date of application;
- D. Provide that persons are given the opportunity to apply for an abatement during normal business hours;
- E. Provide that all applications, information submitted in support of the application, files and communications relating to an application for abatement and the determination on the application for abatement are confidential. Hearings and proceedings held pursuant to this subsection must be in executive session;
- F. Provide to any person applying for abatement under this subsection, notice in writing of their decision within 30 days of application; and
- G. Provide that any decision made under this subsection include the specific reason or reasons for the decision and inform the applicant of the right to appeal and the procedure for requesting an appeal.

3. Inability to pay after 2 years. If after 2 years from the date of assessment a collector is satisfied that a tax upon real or personal property committed to him for collection cannot be collected by reason of the death, absence, poverty, insolvency, bankruptcy or other inability of the person assessed to pay, he shall notify the municipal officers thereof in writing, under oath, stating the reason why that tax cannot be collected. The municipal officers, after due inquiry, may abate that tax or any part thereof.

Property Location 10 CLIFFORD ST
Vision ID 5014

Account #

Map ID 41/95/ /

Bldg # 1

Bldg Name
Sec # 1 of 1

Card # 1 of 1

State Use 1110
Print Date

CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				4505 BIDDEFORD, ME VISION						
ALNUAIMI, AHMED 10 CLIFFORD ST BIDDEFORD ME 04005		1 Level	3 Public Sewer	1 Paved	1 Urban	Description	Code	Assessed	Assessed							
			2 Public Water			RESIDNTL	1110	222,900	222,900							
						RES LAND	1110	71,800	71,800							
SUPPLEMENTAL DATA						Total				294,700	294,700					
		Alt Prcl ID Sub-Div Photo Ward 2 Prec. BSN Tract 3F GIS ID 41-95		Color GREY H. District 136 S. District 4 TIF Assoc Pid#												
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)								
ALNUAIMI, AHMED LUSSIER APARTMENTS, LLC LUSSIER, BRANDON GAGNON ASSOCIATES		17390 0521	12-16-2016	Q	I	226,000	20	Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed
		16983 0402	03-11-2015	U	I	0	1B	2019	1110	222,900	2018	1110	222,900	2017	1110	136,600
		14742 0506	01-30-2006	Q	I	250,000	00		1110	71,800		1110	71,800		1110	71,800
		03134 0089				0										
								Total		294700	Total		294700	Total		208400
EXEMPTIONS				OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor								
Year	Code	Description	Amount	Code	Description	Number	Amount									Comm Int
			Total				0.00									
ASSESSING NEIGHBORHOOD								APPRaised VALUE SUMMARY Appraised Bldg. Value (Card) Appraised Xf (B) Value (Bldg) Appraised Ob (B) Value (Bldg) Appraised Land Value (Bldg) Special Land Value Total Appraised Parcel Value Valuation Method 222,900 0 0 71,800 0 294,700 C Total Appraised Parcel Value 294,700								
Nbhd	Nbhd Name		B	Tracing		Batch										
0003																
NOTES																
ONLY SAW 1ST=5RMS+3BR 2ND+3RD=5RMS + 3BR'S								FUNC=PARKING IC=A								
BUILDING PERMIT RECORD								VISIT / CHANGE HISTORY								
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpost/Result		
									12-19-2013	ND	02		41	LETTER / STATE REQUIR		
									07-01-2008	ND	02		12	Appointment NO show		
									04-12-2002	FY			27	COMM/IND/APTS 2002-20		
									06-08-1990	BS			43	LETTER/PROPERTY REV		
									12-13-1989	DS	X		00	MEAS & LISTD		
LAND LINE VALUATION SECTION																
B	Use Code	Description	Zone	Land Type	Land Units	Unit Price	I. Factor	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment	Adj Unit P	Land Value	
1	1110	RES APT 4 +	R2		6,098 SF	9.23	0.85000	4	1.50	0003	1.000	1.5 CF= 4 UNIT		1.0000	11.77	71,800
Total Card Land Units					6,098 SF	Parcel Total Land Area					0.1400	Total Land Value			71,800	

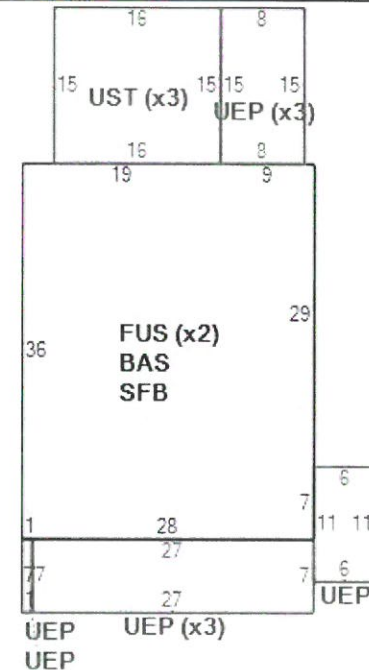
CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	118	Res Apt			
Model	03	Multi-Family			
Grade:	03	Average			
Stories:	3	3 Stories			
Occupancy	4				
Exterior Wall 1	25	Vinyl Siding			
Exterior Wall 2					
RooF Structure:	01	Flat			
RooF Cover	04	Tar & Gravel			
Interior Wall 1	03	Plastered			
Interior Wall 2					
Interior Flr 1	06	Inlaid Sht Gds			
Interior Flr 2	09	Pine/Soft Wood			
Heat Fuel	02	Oil			
Heat Type:	05	Hot Water			
AC Type:	01	None			
Total Bedrooms	09	9+ Bedrooms			
Total Bthrms:	4				
Total Half Baths	0				
Total Xtra Fixtrs					
Total Rooms:	20	20 Rooms			
Bath Style:	02	Average			
Kitchen Style:	02	Modern			
MH Park					

CONDO DATA			
Parcel Id		C	Owne 0.0
		B	S
Adjust Type	Code	Description	Factor%
Condo Flr			
Condo Unit			

COST / MARKET VALUATION			
Building Value New			
Year Built		1880	
Effective Year Built		1994	
Depreciation Code		VG	
Remodel Rating			
Year Remodeled			
Depreciation %		20	
Functional Obsol		5	
Economic Obsol		0	
Trend Factor		1	
Condition			
Condition %			
Percent Good		75	
RCNLD		222,900	
Dep % Ovr			
Dep Ovr Comment			
Misc Imp Ovr			
Misc Imp Ovr Comment			
Cost to Cure Ovr			
Cost to Cure Ovr Comment			

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,008	1,008	1,008	63.08	63,585
FUS	Upper Story, Finished	2,016	2,016	2,016	63.08	127,169
SFB	Base, Semi-Finished	0	1,008	605	37.86	38,163
UEP	Porch, Enclosed, Unfinished	0	1,007	504	31.57	31,792
UST	Utility, Storage, Unfinished	0	720	324	28.39	20,438
Ttl Gross Liv / Lease Area		3,024	5,759	4,457		281,147



Property Location 10 CLIFFORD ST
Vision ID 5014

Account #

Map ID 41/95/ / /

Bldg # 1

Bldg Name
Sec # 1 of 1

Card # 1 of 1

State Use 1110
Print Date

CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				4505 BIDDEFORD, ME VISION							
ALNUAIMI, AHMED		1 Level	3 Public Sewer 2 Public Water	1 Paved	1 Urban	Description	Code	Assessed	Assessed								
10 CLIFFORD ST						RESIDNTL	1110	178,400	178,400								
BIDDEFORD ME 04005						RES LAND	1110	71,800	71,800								
		SUPPLEMENTAL DATA															
		Alt Prcl ID Sub-Div Photo Ward 2 Prec. BSN Tract 3F GIS ID 41-95		Color GREY H. District 136 S. District 4 TIF Assoc Pid#													
						Total		250,200	250,200								
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)									
ALNUAIMI, AHMED		17390 0521	12-16-2016	Q	I	226,000	20	Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed	
LUSSIER APARTMENTS, LLC		16983 0402	03-11-2015	U	I	0	1B	2019	1110	222,900	2018	1110	222,900	2017	1110	136,600	
LUSSIER, BRANDON		14742 0506	01-30-2006	Q	I	250,000	00		1110	71,800		1110	71,800		1110	71,800	
GAGNON ASSOCIATES		03134 0089				0		Total		294700	Total		294700	Total		208400	
EXEMPTIONS		OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor											
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int									
Total		0.00															
ASSESSING NEIGHBORHOOD																	
Nbhd		Nbhd Name		B		Tracing		Batch									
0003																	
NOTES																	
BUILDING PERMIT RECORD																	
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpost/Result			
									11-04-2019	ND	01	1	13	Reviewed PRC with taxpay			
									12-19-2013	ND	02		41	LETTER / STATE REQUIR			
									07-01-2008	ND	02		12	Appointment NO show			
									04-12-2002	FY			27	COMM/IND/APTS 2002-20			
									06-08-1990	BS			43	LETTER/PROPERTY REV			
									12-13-1989	DS	X		00	MEAS & LISTD			
LAND LINE VALUATION SECTION																	
B	Use Code	Description	Zone	Land Type	Land Units	Unit Price	I. Factor	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment	Adj Unit P	Land Value		
1	1110	RES APT 4 +	R2		6,098 SF	9.23	0.85000	4	1.50	0003	1.000	1.5 CF= 4 UNIT		1.0000	11.77	71,800	
Total Card Land Units					6,098 SF	Parcel Total Land Area					0.1400	Total Land Value					71,800

Property Location 10 CLIFFORD ST
 Vision ID 5014 Account #

Map ID 41/ 95/ / /
 Bldg # 1

Bldg Name
 Sec # 1 of 1

Card # 1 of 1

State Use 1110
 Print Date

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	118	Res Apt			
Model	03	Multi-Family			
Grade:	03	Average			
Stories:	3	3 Stories			
Occupancy	4				
Exterior Wall 1	25	Vinyl Siding			
Exterior Wall 2					
RooF Structure:	01	Flat			
RooF Cover	04	Tar & Gravel			
Interior Wall 1	03	Plastered			
Interior Wall 2					
Interior Flr 1	05	Vinyl/Asphalt			
Interior Flr 2					
Heat Fuel	02	Oil			
Heat Type:	05	Hot Water			
AC Type:	01	None			
Total Bedrooms	09	9+ Bedrooms			
Total Bthrms:	4				
Total Half Baths	0				
Total Xtra Fixtrs					
Total Rooms:	20	20 Rooms			
Bath Style:	02	Average			
Kitchen Style:	02	Modern			
MH Park					

CONDO DATA			
Parcel Id		C	Ownr 0.0
		B	S
Adjust Type	Code	Description	Factor%
Condo Flr			
Condo Unit			

COST / MARKET VALUATION			
Building Value New			
Year Built		1880	
Effective Year Built		1974	
Depreciation Code		A	
Remodel Rating			
Year Remodeled			
Depreciation %		40	
Functional Obsol		0	
Economic Obsol		1	
Trend Factor			
Condition			
Condition %			
Percent Good		60	
RCNLD		178,400	
Dep % Ovr			
Dep Ovr Comment			
Misc Imp Ovr			
Misc Imp Ovr Comment			
Cost to Cure Ovr			
Cost to Cure Ovr Comment			

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	First Floor	1,008	1,008	1,008	62.60	63,101
FST	Utility, Finished	0	720	360	31.30	22,536
FUS	Upper Story, Finished	2,016	2,016	2,016	62.60	126,202
SFB	Base, Semi-Finished	0	1,008	605	37.57	37,873
UEP	Porch, Enclosed, Unfinished	0	1,007	504	31.33	31,550
Ttl Gross Liv / Lease Area		3,024	5,759	4,493		281,262

