

**COUNCIL MEETING
MAY 4, 2021**

*NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM),
and was live streamed on the City's website*

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., Michael Ready, Doris Ortiz, Marc Lessard

Amy Clearwater and Norman Belanger were excused.

Adjustments to the Agenda:

- Add Order 2021.42 (this was inadvertently forgotten and will be taken up at the 5/11/2021 Council Meeting)
- Remove Orders 2021.39 and 2021.40

Proclamation: National Day of Prayer – May 6, 2021

Mayor Casavant read the Proclamation.

Consideration of Minutes: **April 20, 2021**

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

Vote: Unanimous.

Orders of the Day:

2021.34 **IN BOARD OF CITY COUNCIL...MAY 4, 2021**

BE IT ORDERED, by the City Council of the City of Biddeford does hereby approve the abatement in the amount of (\$214.27) two hundred fourteen dollars and twenty-seven cents for real estate taxes assessed upon the parcel identified as Map 13 Lot 31-3 (0 JABEZ LN) for the fiscal year 2020 and 2019.

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

Vote: Unanimous.

2021.35 **IN BOARD OF CITY COUNCIL..MAY 4, 2021**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve a Substantial Amendment in the 2019 Year Action Plan for additional funds received through the CARES Act, totaling \$140,571, which will go towards funding a community support program for two years and admin for the Community Development Block Grant (CDBG) program of the U.S. Department of Housing and Urban Development (HUD).

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

Vote: Unanimous.

2021.36 **IN BOARD OF CITY COUNCIL..MAY 4, 2021**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby advise the Planning Board of its endorsement of an amendment to the approved Contract Zone #19 for the York Judicial Center (YJC) off Route 1 (Elm Street) to allow for the installation of photovoltaic (PV) panels in the parking lots east of the courthouse, in addition to PV panels on the roof.

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

Motion by Councilor Ready, seconded by Councilor Emhiser to amend the order by including an additional request that the Planning Board also consider the installation of fencing.

Vote: Unanimous.

Vote on order, as amended: Unanimous.

2021.37 IN BOARD OF CITY COUNCIL..MAY 4, 2021
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), LDR Attachment A: Fees and Charges.

1. **Zoning Ordinance.**

A. Copies of the Zoning Ordinance shall be available from the City Clerk's office. The cost of this ordinance shall be \$50, which shall include any amendments made to the ordinance to date. "To date," means the date of purchase.

B. (Reserved)
2. **Zoning Map.**

A. Blueprint copies of the Zoning Map (one inch equals 1,000 feet) shall be obtained from the City's Engineering Office. The cost for the map shall be \$15.

B. Colored copies of the Zoning Map (one inch equals 1,000 feet) shall be obtained from the City's Engineering Offices. The cost for the map shall be \$35.

C. Black-and-white copies of the reduced map (11 inches by 17 inches) shall be obtained from the Building Inspector's office. Cost for these maps shall be \$1 each.

D. Colored copies of the reduced map (11 inches by 17 inches) shall be obtained from the City's Engineering Office. Cost for these maps shall be \$5 each.

E. Colored copies of the reduced map (24 inches by 36 inches) shall be obtained from the City's Engineering Office. Cost for these maps shall be \$15 each.

F. Fees collected for all color copies of the Zoning Map shall be used to further develop the City's geographical information system.
3. **Engineering review and inspection draw accounts.**

A. A draw account shall be set up for engineering review costs for all projects. The engineering review amount is due at the conceptual review stage. The minimum deposit is based on the following spreadsheet. If a project's costs exceed the minimum amounts shown, the applicant shall be required to submit additional funds to cover the review costs.

Schedule for Engineering Review Draw Accounts

Project Types	Minimum Deposit
Private ways (based on number of lots serviced, with no subdivision involved)	
1 lot	\$400 600
2 lots	\$500 750
3 to 4 lots	\$1,000 1,500
5 to 10 lots	\$1,500 2,250
More than 10 lots, per lot	+\$100 50
Minor subdivisions	\$500 750
Major subdivisions:	
Fewer than 5 lots	\$1,000 1,500
5 to 10 lots	\$1,500 2,250
11 to 15 lots	\$2,000 3,000
16 to 25 lots	\$2,500 3,750
More than 25 lots	\$3,000 4,500
Amendments to subdivisions:	
Minor	\$500 750
Major	\$750 1,125
Site plan review (based on square feet of new footprint of structures and parking/ paving):	
Less than 2,000 square feet	\$500 750
2,000 to 9,999 square feet	\$1,000 1,500
10,000 to 19,999 square feet	\$1,200 1,800
20,000 to 39,999 square feet	\$1,600 2,400
40,000 to 59,999 square feet	\$2,000 3,000
More than 59,999 square feet	\$3,000 4,500
Amendments to approved site plans (no parking/paving) increase in square feet of footprint of structure and	\$500 750
Extraction Review	\$1,000 1,500
Conditional Use Permits	\$500 750
Miscellaneous Review	\$400 600

- B. A draw account shall be set up for engineering inspection costs for all applicable projects. The amount is due before final project approval. The minimum deposit is based on the following spreadsheet. If a project's costs exceed the minimum amounts shown, the applicant shall be required to submit additional funds to cover the inspection costs, and occupancy permits may be withheld until these additional fees are paid.

Schedule for Engineering Inspection Draw Account Project Types

Project Types	Minimum Deposit
Private ways (based on number of lots serviced, with no subdivision involved)	
1 lot	\$500 750
2 lots	\$750 1,125
3 to 4 lots	\$1,000 1,500
5 to 10 lots	\$1,500 2,250
More than 10 lots, per lot	+\$ 100 150
Subdivisions:	
Fewer than 5 lots	\$2,000 3,000
5 to 15 lots	\$2,500 3,750
More than 15 lots	\$3,000 4,500
Site plan review (based on square feet of new footprint of structures and parking/ paving):	
Less than 2,000 square feet	\$500 750
2,000 to 9,999 square feet	\$1,000 1,500
10,000 to 39,999 square feet	\$1,500 2,250
40,000 to 79,999 square feet	\$2,000 3,000
More than 80,000 square feet	\$3,000 4,500
Miscellaneous inspection	\$400 600

- C. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision for review draw accounts to process and forward the remaining funds to the applicant. For inspection draw accounts, the City of Biddeford shall have 45 days from when the engineering department submits its final report approving the project.

4. Subdivision review.

- A. Charges for subdivision review are nonrefundable. The fees shall be as follows:
- Minor subdivisions.
 - ~~No more than four lots;~~
 - ~~All lots having required street frontage on existing accepted streets or roads.~~
 - ~~\$500 plus \$100-300~~ per lot or dwelling unit (40% is due at concept application submission, with the remaining 60% due at preliminary application submission); or
 - ~~\$100-300 per lot or dwelling unit amended~~ for minor revisions to approved plans (100% due at time of application).
 - Major subdivisions.
 - ~~Five or more lots; and/or~~
 - ~~Construction of new street or roadway, either public or private;~~
 - ~~Extension of water and sewer lines to service the several lots.~~
 - ~~\$500 plus \$100-300~~ per lot or dwelling unit (40% is due at concept application submission, with the remaining 60% due at preliminary application submission);
 - ~~\$500~~750 for final (100% due at time of final application); and/ or
 - ~~\$100-300 per lot or dwelling unit amended~~ for minor revisions to approved plans (100% due at time of application).
 - These charges shall be paid at time of application. No project shall be presented to the Planning Board for preliminary approval without having paid these charges.
- B. Further, in the event that a given project may require more detailed review and analysis, which would include any additional review of preliminary and final review of subdivision plans, excluding the concept, and initial preliminary and final reviews, the Planning Board when determining the level of review needed, will require that a draw account be established to cover the additional costs.

1. The Board shall require an estimate of costs for review from the Planning Department and the City Engineer. This cost shall be based on the estimated amount of time needed to review the project and the hourly pay rate for the given department. Work orders for reviews shall be maintained by the Planning/Engineering departments and shall be made part of the project file.
 2. A minimum of ~~\$1,500~~\$2,250 shall be deposited with the City through the Planning Department. This sum shall be deposited into a non- interest-bearing draw account. Once authorization is given from the Engineering Department in the form of an invoice, the Finance Department shall make drafts from the draw account, payable to the City of Biddeford. When this account is drawn down to a level of \$500 or less, the applicant shall be required to deposit an additional \$1,500.
 3. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision to process and forward the remaining draw account to the applicant.
- C. All applications shall include a nonrefundable administrative fee of ~~\$2960~~ to be submitted at the time of application.

5 Site review.

- A. Charges for site review such as for multifamily, commercial, industrial or nonprofit, and other development, are due at the time of application. No project shall be presented to the Planning Board for final approval without having paid these charges. All fees are nonrefundable and are as follows:

(1) Site plan review:

- a. ~~\$250~~\$750 for up to ~~19,999~~ square feet footprint of structures and paving/parking;
- ~~b. \$500 for 2,000 to 9,999 square feet footprint of structures and paving/parking;~~
- ~~c. \$1,000~~\$1,300 for 10,000 to 14,999 square feet footprint of structures and paving/parking;
- ~~d. \$1,500~~\$2,000 for 15,000 to 19,999 square feet footprint of structures and paving/parking;
- ~~e. \$2,000~~\$2,700 for 20,000 to 29,999 square feet footprint of structures and paving/parking;
- ~~f. For projects with more than 29,999 square feet footprint of structures and paving/parking, \$2,000~~\$2,700 plus an additional ~~\$1520~~ for each additional 1,000 square feet footprint of structures and paving/parking (rounded to the nearest 1,000 square feet).

(2) Any conversion with no new construction: ~~\$100~~\$150.

- B. All applications shall include a nonrefundable administrative fee of ~~\$4075~~ to be submitted at the time of application.
- C. Further, in the event that a given project may require more detailed review and analysis, which would include any additional review of final review of site plans, excluding the pre-conference review, the Planning Board when determining the level of review needed, will require that a draw account be established to cover the additional costs.
1. The Board shall require an estimate of costs for review from the Planning Department and the City Engineer. This cost shall be based on the estimated amount of time needed to review the project and the hourly pay rate for the given department. Work orders for reviews shall be maintained by the Planning/Engineering Department shall be made part of the project file.
 2. A minimum of ~~\$1,500~~\$2,250 shall be deposited with the City through the Planning Department. This sum shall be deposited into a non- interest-bearing draw account. Once authorization is given from the Engineering Department in the form of an invoice, the Finance Department shall make drafts from the draw account, payable to the City of Biddeford. When this account is drawn down to a level of ~~\$500~~\$750 or less, the applicant shall be required to deposit an additional ~~\$1,500~~\$2,250.
 3. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision to process and forward the remaining draw account to the applicant.

6 Conditional use.

- A. Charges for these reviews shall be the same as either subdivision or site review. Basic application fee is ~~\$200~~\$300.

- B. The applicant shall pay for legal expenses and engineering expenses incurred by the City in reviewing plans.
- C. All applications shall include a nonrefundable administrative fee of \$~~400~~75 to be submitted at the time of application.

7 Other reviews.

- A. Any proposed amendments to the Zoning Ordinance or Zoning Map shall be charged a \$~~1,000~~1,300 nonrefundable fee, plus the applicant shall pay for legal expenses and engineering expenses incurred by the City in reviewing plans.
- ~~B. Basic application fees for other reviews such as home occupations, private right of way, minor lot line revision, and change of use is \$200.~~
- ~~C. B.~~ All applications shall include a nonrefundable administrative fee of \$~~400~~75 to be submitted at the time of application.

8 Contract and conditional zones.

- A. \$~~1,000~~1,300 per application (this includes contract and conditional zoning, and would not be proposed until passed the concept stage at Council).
- B. The applicant shall pay for legal expenses and engineering expenses incurred by the City in reviewing plans, contract documents and developing the agreement.
- C. All applications shall include a nonrefundable administrative fee of \$~~400~~75 to be submitted at the time of application.

9 Administrative appeals and variance requests.

- A. A fee of \$~~50~~75 shall be charged to cover administrative costs for administrative appeals and variance requests. Such fee shall be paid by check to the City of Biddeford at time of application.
- B. The applicant may be charged additional costs for photocopying and legal reviews. Such costs shall be substantiated by invoice from the legal firm involved or a listing of copies made (~~photocopying costs shall not exceed \$50~~).
- C. Applicants shall pay for first class postage for notification of abutters. This cost shall be billed to the applicant prior to final approval of plans.

10 Shoreland Zoning review.

Review fee: \$~~100~~300, due at time of application. All applications shall include a nonrefundable administrative fee of \$~~400~~75 to be submitted at the time of application.

11 Extraction review.

- A. Review fee: \$~~100~~300, due at time of application. All applications shall include a nonrefundable administrative fee of \$~~400~~75 to be submitted at the time of application.
- B. Further, in the event that a given project may require more detailed review and analysis, the Planning Board when determining the level of review needed, will require that a draw account be established to cover the additional costs.
 - 1. The Board shall require an estimate of costs for review from the Planning Department and the City Engineer. This cost shall be based on the estimated amount of time needed to review the project and the hourly pay rate for the given department. Work orders for reviews shall be maintained by the Planning/Engineering Departments and shall be made part of the project file.
 - 2. A minimum of \$~~1,500~~2,250 shall be deposited with the City through the Planning Department. This sum shall be deposited into a non- interest-bearing draw account. Once authorization is given from the Engineering Department in the form of an invoice, the Finance Department shall make drafts from the draw account, payable to the City of Biddeford. When this account is drawn down to a level of \$~~500~~750 or less, the applicant shall be required to deposit an additional \$~~1,500~~2,250.
 - 3. At the end of the review process, any remaining funds shall be returned to the applicant. The City of Biddeford will have 45 days from the date of the notice of decision to process and forward the remaining draw account to the applicant.

12 Historic preservation certificate of appropriateness. [Added 4-16-2013 by Ord. No. 2013.25]

- A. Commission review: application fee of \$~~100~~200, plus administration fee of \$~~400~~75.
- B. Subcommittee review: ~~of minor application fee of \$50, with no administration fee.~~

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

Vote: Unanimous.

2021.38

IN BOARD OF CITY COUNCIL..MAY 4, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the Public Works Facility Bathroom Renovation Project, with the proposed work to be awarded to Hy-Tech Plumbing, Heating and Mechanical, Inc. in an amount not to exceed \$58,600.00. Funds for this project will come out of the Designated Fund 22004-60906, which currently has a balance of \$75,000.00.

NOTE: The Finance Committee will review this item at their May 4, 2021 meeting and recommend approval to the Council.

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

Vote: Unanimous.

2021.41

IN BOARD OF CITY COUNCIL...MAY 4, 2021

BE IT ORDERED, that the City Manager is authorized to execute the attached Outline of JDA Terms between the City of Biddeford and Lord & Harrington, LLC (“L&H”).

BE IT FURTHER ORDERED, that the City Manager and City Solicitor are authorized to negotiate a Joint Development Agreement (“JDA”) with Lord and Harrington, LLC (“L&H”) for the transfer of city-owned property located adjacent to 1 Diamond Street to L&H for the development of a multi-unit, multi-building residential project. The City Council specifically directs that the JDA must include the critical terms and conditions contained in the attached Outline of JDA Terms.

BE IT FURTHER ORDERED, that the City Manager shall be authorized to execute a JDA which includes the above terms and conditions provided, however, that the City Manager shall not be authorized to execute the JDA unless and until the City Solicitor has reviewed the JDA to confirm that the JDA includes the City Council’s directives regarding the attached critical terms and conditions.

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

Vote: 6/1; Councilor McCurry opposed.

Councilors Emhiser, St. Cyr, Quattrone, Ready, Ortiz 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 informed the Council that the current plan is to start holding public City meetings in person beginning in June. A hybrid model will be offered, which will allow members who are not comfortable coming in person for meetings to still be able to participate virtually. The details and logistics are still being worked out and should be finalized before or during the month of June.

Other Business:

Councilor Lessard: suggested that the City look into offering larger trash bins with the hope of resolving the issue of recycling contamination issues.

Mayor Addressing the Council: Mayor Casavant publicly thanked the University of New England Students who have participated in the cleanup of the downtown over the past month.

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

Vote: Unanimous.

Time: 7:16 p.m.

Attest by: _____
Carmen J. Morris, City Clerk