

City of Biddeford
City Council
March 07, 2023 6:00 PM Council Chambers & Zoom

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Status: In-Person and via Zoom; Council Chambers; 6:00 p.m.

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)**
- 5. Consideration of Minutes:**
 - 5.a. February 21, 2023
[Council Meeting Minutes Feb. 21, 2023](#)
- 6. Orders of the Day:**
 - 6.a. 2023.16) Discussion/Approval -CDBG Funding Priorities Through April 1, 2024

[20230307\) CDBG Expenditure Recommendations - MEMO](#)

[20230307\) CDBG Expenditure Recommendations and Extension of the 5-Year Consolidated Plan from CAC-MEMO](#)

- 6.b. 2023.17) Discussion/Approval - CDBG 1-Year Extension Request for the 5-Year Consolidated Plan

[20230307\) Approval-Request Extension CDBG Consolidated Plan - ORDER](#)

[20230307\) CDBG Expenditure Recommendations - MEMO](#)

[20230307\) CDBG Expenditure Recommendations and Extension of the 5-Year Consolidated Plan from CAC-MEMO](#)

[20230307\) Five-Year Consolidated Plan Time Extension Letter](#)

- 6.c. 2023.18) Discussion/Approval - Outreach and Inclusion Position Title Change
[20230307\) DEI Coordinator - MEMO](#)
- 6.d. 2023.19) Approval/ CSO Storage Chamber for Horrigan's Court
[20230307\) Horrigan Court CSO Detention Council - ORDER](#)
[20230307\) Horrigan Court CSO Detention Finance & Council - MEMO](#)
[20230307\) Wright-Pierce Horrigan Court CSO Storage Recommendation - MEMO](#)
[20230307\) Public Works Director Request](#)
[20230307\) Previously Approved Council Order](#)
- 6.e. 2023.20) Approval/ Fire Union Contract 2023-2025
- 6.f. 2023.21) Approval/Consultant to Assist with Unhoused Services Analysis
[20230307\) Consultant to Assist with Unhoused Services Analysis - ORDER](#)
[20230307\) Consultant to Assist with Unhoused Services Analysis - BRIEF](#)
- 6.g. 2023.22) Authorization/Riverwalk Permitting and Bid Package, Wright-Pierce
[20230307\) Amendment No 2 - Riverwalk Permitting and Engineering - ORDER](#)
[20230307\) Riverwalk Permitting and Bid Package, Wright-Pierce - Brief](#)
[20230307\) Biddeford Riverwalk Amendment No2](#)
- 7. **Appointments:**
 - 7.a. Appointment of Councilor Julian Schlaver and Councilor Martin Grohman to the Joint Biddeford-Saco Council Committee
 - 7.b. Appointment of John Schafer to The Harbor Commission & The Shellfish Conservation Committee
[John Schafer - Ward 1 - Harbor Commission & Shellfish Conservation Committee](#)
- 8. **Public Addressing the Council..(3 minute limit per speaker)**
- 9. **City Manager Report**
- 10. **Other Business**
- 11. **Council President Addressing the Council**
- 12. **Mayor Addressing the Council**
- 13. **Executive Session**
- 14. **Adjourn**

COUNCIL MEETING

February 21, 2023

{The meeting was held in a hybrid model – in person and via Zoom}

Called to order by Mayor Casavant at: 6:00 p.m.

Roll Call: William Emhiser, Norman Belanger, Scott Whiting, Martin Grohman, Bobby Mills, Doris Ortiz, Liam LaFountain and Marc Lessard were present.
Julian Schlaver was excused.

The Council and all that were present recited the Pledge of Allegiance

Adjustment to the Agenda:

MRS 405(6)(D) – Labor Negotiations – ADDED

Vote to Designate Maine Service Center Coalition Representative - ADDED

CIP Presentation Part II – REMOVED

Vote to Designate Maine Service Center Coalition Representative

Motion made by Councilor Lessard, seconded by Councilor Mills to allow Jim Bennett the City Manager to serve as the Maine Service Center Coalition Representative.

Vote: Unanimous

Motion Passes

Presentation:

CIP Presentation Part II - REMOVED

Preferred Employer Presentation – Human Resource Director Diana Depaolo gave the preferred Employer Presentation. That presentation can be viewed on the City of Biddeford's website through the video link.

Public Addressing the Council: One person from the public addressed the Council.

Consideration of Minutes: **February 7, 2023**

Motion by Councilor Mills, seconded by Councilor Lessard to accept the minutes as printed.

Vote: Unanimous

Motion Passes

Orders of the Day:

2023.13) Approval/Acceptance of the Bid for Granite Point Culvert

2023.13 **IN BOARD OF CITY COUNCIL...February 21, 2023**

BE IT ORDERED, that the City Manager or his designee be authorized to accept the unit price bid by Gorham Sand and Gravel, Inc. of Buxton, Maine in the bid amount of \$ 477,724.70 for the construction of the Granite Point Road Replacement Culvert Project.

BE IT FURTHER ORDERED, that the remaining amount of \$26,695.30 be authorized for use for potential change orders, inspections and unknowns.

Funding for this project will be as follows:

\$35,420.00 from the balance of the DEP's 2020 *Stream Crossing Public Infrastructure Improvement Project Grant*
Grant Total = \$125,000; Contract #06A-20210317-2465
\$ 89,580 previously authorized to pre-purchase the culvert

\$469,000 from the City's 2023 CIP Program as approved.

Motion made by Councilor Belanger, seconded by Councilor Lessard to approve the acceptance of the bid for Granite Point Culvert

Vote: Unanimous

Motion Passes

2023.14) Approval/Establish Affordable Housing Trust Fund

2023.14 **IN BOARD OF CITY COUNCIL... February 21, 2023**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby direct the City Manager to amend the City of Biddeford Code of Ordinances by creating a new Chapter for Affordable Housing at an appropriate location to include provisions for an Affordable Housing Trust Fund in the form substantially provided below.

Chapter 6 – Affordable Housing

Sec. 6-1 In General

(a) Purpose of Affordable Housing Chapter

This Chapter is intended to provide a conveniently accessible location in the Land Development Code for all incentives, regulations, criteria, and others, relating to affordable housing. Collectively, such incentives, regulations, criteria, and others, may be referred to as the City of Biddeford Affordable Housing Assistance Program. The purpose of the Affordable Housing Assistance Program is to promote affordable, decent, safe, sanitary, accessible housing.

Sec 6-2 Affordable Housing Importance

(a) The City of Biddeford is committed to improving neighborhoods and the lives of the people who live in them. Safe, decent and affordable housing for low and moderate income households is fundamental to the City's vision of a vibrant and inclusive community and to the City's overall economic development goals.

Sec 6-3 Definitions

(a) To be added

Sec. 6-10 Affordable Housing Trust Fund

- (a) Creation and purpose. The affordable housing trust fund ("AHTF") is created for the following purposes:
1. The primary purpose of the AHTF is to provide financial resources to address the affordable housing needs of individuals and families who live or work in the City by promoting, preserving and producing quality long term affordable housing; providing housing related services to low and moderate Income Households; and providing support for non-profit and for profit organizations that actively address the Affordable Housing needs of low and moderate Income households.
 2. The AHTF is intended to provide flexible local funding that complements other funding for housing related activities and provides gap financing to move challenging projects forward. In this regard, the Fund will leverage other public, private and philanthropic funding.
- (b) Administration of program. Under the direction of the City Manager, the Planning & Development Department (P&DD) shall be responsible for the administration of the AHTF, except for fiscal handling of funds, which shall be consistent with all other financial affairs of the City, unless otherwise so specified.
- (c) Annual review of goals of AHTF.
1. The City Council shall initially establish the goals of the fund. Once adopted, the City Council shall annually review the adopted goals and may amend the goals from time to time to address any affordable housing goals adopted by the City.
 2. The City Council may delegate to an existing public Board, Committee or Commission of the City, or create a new public body by amending this ordinance, to make goal recommendations to the City Council.
- (d) Applications and awards. The P&DD shall be responsible for developing and updating an application and evaluation process for the use of the AHTF. Up to five percent annually of the AHTF may be utilized for administrative expenses to manage applications, reporting, and compliance, including the hiring of additional staff.
1. Applications shall be accepted on at least annual basis, with projects reviewed as part of a competitive annual RFP process. All projects shall submit proposals to be reviewed during the annual process.
 2. The application evaluation criteria shall prioritize projects that maximize the following:
 - i. Total number of months of affordability, with longer periods of guaranteed affordability given higher priority; and
 - ii. Affordability threshold, with higher priority for projects as established by the annual goals. Said goals shall be expressed based on the percentage of area median family income (AMFI);
 - iii. Number of affordable units created per AHTF dollar invested; and Projects may be given a higher priority which include a higher percentage of units suitable for families (two or more bedrooms) as established by the annual goals;

- iv. Social housing opportunities may be given higher priorities such as cooperatives, community land trusts, and other options that allow for long-term community affordability.
- (e) Funding allocation minimums. As part of the annual goal setting process for use of the funds, a minimum funding allocation may be established in determining awards to applicants, based on the following categories:
 1. For use in affordable rental preservation, at or below 80 percent AMFI.
 2. For affordable rental creation, at or below 80 percent AMFI
 3. To create/support dedicated transitional housing and permanent supportive housing for the homeless; and
 4. For use for homeownership support programs and/or retention programs for residents at income levels below 120 percent AMFI. Programs that provide a path for resident tenants to transition to ownership shall be eligible.
- (f) Maximum awards.
 1. The maximum award given to for-profit developers is 20 percent of the development cost (loan) or ten percent for a grant.
 2. The maximum award given to non-profit developers is 30 percent of the development cost (loan) or 15 percent for a grant.
- (g) Affordability requirement. All units using AHTF funds to support, preserve, or create such units shall be kept affordable for at least 30 years in accordance with the following definition: "Affordable housing shall be defined as housing that a household having income at or below eighty percent (80%) of the HUD Area Median Family Income ("AMFI") for all households within the City of Biddeford would be able to afford if it were to expend not more than thirty percent (30%) of such income for the mortgage or rent, including utilities."
 1. Funds may be deployed in projects that include market rate units, solely for an eligible use.
 2. Awards may be made in the form of a grant, low or zero-interest loan.
 3. All funded projects must be started within one year of when award recipient receives a fully executed funding contract agreement with the city; or else award recipient must promptly return all received AHTF funds to the city. An applicant may request a one year extension.
 4. Federal affordable housing funds administered by the housing and community development department shall also be allocated through the AHTF application and review process.
- (h) City council. Once applications are evaluated, AHTF recommendations shall be presented to the city council, which may accept, reject or adjust recommendations. In no case shall AHTF funding be provided to any project which did not submit an application through the designated application process.
- (i) Annual report to council. The P&DD shall provide a written annual report to council and the city manager, which includes the following information:
 1. Number of applications received and funded;

2. Descriptions of the funded projects; including location, rental rates of units, and percent of units at each AMFI level;
 3. Number of units funded (total units and at various income levels) and unit sizes;
 4. Total cost to residents based on subsidy, commuting time and utilities;
 5. Cost per unit created/preserved;
 6. Average timeline for the unit to become available once funded;
 7. Remaining years of affordability for previously funded units (averages and totals);
 8. Percentage of awards that go to non-profit/community organizations vs. commercial developers; and
 9. Recommendations for change to future application processes, guidelines and program governance.
- (j) Revenues. The Biddeford City Council shall determine the sources and amounts of funds that will be designated to the AHTE. Said designation may be done in any legal form allowable and within their authority, including but not limited to ordinance, order, appropriation and others allowable.
1. Unless otherwise restricted or regulated, all grants, donations and such funding for the specific purposes of affordable housing shall be designated into the AFHT.

Note: This order is provided to allow the public an opportunity to review and offer comment on the preliminary draft of the Affordable Housing ordinance. The City Council may also wish to go into Committee-of-the-Whole to discuss the draft and provide the City Manager with further guidance.

Motion made by Councilor LaFountain, seconded by Councilor Mills to allow discussion on the model ordinance.

Motion made by Councilor Mills, seconded by Councilor Lessard to table this item until a Council Workshop can be scheduled determined by the Mayor and Council President.

Vote: Unanimous

Motion Passes

2023.15) Approval/Amend 2020 Council Housing Goals

2023.15 **IN BOARD OF CITY COUNCIL. FEBRUARY 21, 2023**

BE IT RESOLVED, that the City Council of the City of Biddeford does hereby reaffirm the November 10, 2020 housing goals, namely:

- Increase homeownership within the community from 48% to 51% by January 1, 2026;
- Support to create at least two hundred (200) ‘next home’ opportunities by January 1, 2026 (a ‘next home’ refers to a home that provides for more space to accommodate a growing family);

- Support to create at least two hundred (200) first time homeownerships opportunities, meaning that they are affordable to households between 80% to 120% of median income;
- Support to create or preserve ninety (90) units of affordable rental units per year for five years, with half of the units targeted to serve the 40% to 80% median income community and a desired goal of having at least half the units being created by new construction;
- Rehabilitate at least sixty-five (65) rental units per year for the next three years so that the units are healthy homes and lead free/

BE IT FURTHER RESOLVED, that the City Council does hereby modify the above goals as follows:

- Support to create or preserve one hundred eighty (180) units of affordable rental units per year for five years (2023 to 2028) for a total of nine hundred (900) units, with half of the units targeted to serve the 40% to 80% median income community and a desired goal of having at least half the units being created by new construction;

BE IT FURTHER RESOLVED, that the City Council does hereby support to create an additional housing goal:

- The overall community percentage goal of affordable rental units shall be 12.5% of all rental units by 2028.

Motion made by Councilor Mills, seconded by Councilor Whiting to reaffirm the November 10, 2020 housing goals.

Vote: Unanimous

Motion Passes as Amended

Motion made by Councilor Lessard, seconded by Councilor Mills to amend the 2020 housing goals to ADD Support to in front of where the housing goals reads create.

Vote: 6:2

Motion Passes: Councilors Belanger, Emhiser, LaFountain, Mills, Otiz and Lessard in favor. Councilors Whiting and Grohman opposed.

Committee-of-the-Whole: The Initial Discussions about AHTF IZ Recommendation

Motion to begin Committee-of-the-Whole made by Councilor Belanger, seconded by Councilor Whiting

Vote: Unanimous

Time: 7:44 p.m.

Motion to end Committee-of-the-Whole made by Councilor Emhiser, seconded by Councilor Mills

Vote: Unanimous

Time: 8:23 p.m.

Public Addressing: One person from the public addressed the Council.

City Manager report: City Manager Jim Bennett did not have a report

Other Business: Councilor Lessard addressed a topic that Richard Rhames talked about during the Public Addressing the Council. Councilor Lessard says that he and the City Manager had a conversation about a month ago, in that for housing one of the things that should be looked at is trying to figure out the bell curve on how many students are needed within the school system to maximize the amount of State Revenue Sharing that Biddeford gets. So that Biddeford doesn't find itself in the same situation like Scarborough and Gorham where they over billed, they brought in too many students and over populated their schools and now they are having trouble keeping up with taxes and need large tax increases each year. He goes on to say that there is a point in the bell curve of exactly how many houses are needed, of what size, to have what size families that are coming to the City of Biddeford so we can be most efficient and maximize the State Revenue Sharing. This may help direct us in correct way to maximize Revenue Sharing for the City.

Councilor LaFountain had two items he wanted to address to the Council. The first item is that May Street still continues to be an issue for both pedestrian safety and traffic calming. Councilor LaFountain went on to say that they did make some progress at the Policy Meeting a few months ago to discuss some potential short-term solutions. They got a good over view from the Public Works Department, Planning Department and Engineering to understand there are some long-term commitments on that street but those are happening in 2026 and beyond. What he is looking for from staff is some estimates on the short-term solutions that they discussed at Policy that they can implement in this up-coming budget cycle, that can be in there for 2023 and for at least the next three years before we have a more long-term solution. He's hoping to see these ahead of the budget cycle or potentially included in the CIP Presentation. Secondly, Councilor LaFountain wanted the Council to reflect on two weeks ago, the Clifford Park eminent domain, that they met regarding and enacted. One thing he would like going forward is that if they are going to be acting in a capacity that is unfamiliar to some on the Council, per say a Quasi-Judicial Hearing and they are going to be follow procedures that are not their Council procedures, he'd like to know ahead of time, hopefully when the agenda's posted that they would get information about that. Also, that the Council would get written rules of whatever the procedures are. He believes that would enable the Council to make better decisions for the community and that they are knowledgeable of what they are doing.

Council President Addressing the Council: Council President Norman Belanger thanks the Council. He says the discussion they had today, to him, exemplifies what makes it tolerable to be on this Council, is that people are very respectful to each other's decisions even though when they don't agree. Councilor Belanger says every time they have these types of discussions, he walks away feeling better about the Council and the community because of the Council's ability to have discussions like that. He wanted to thank his fellow Councilor for the ability to do that.

Mayor Addressing the Council: Mayor Alan Casavant commented on the WinterFest and how it was a huge success, largest crowd ever. He commented on Councilor Whiting going down the sledding hill. He wanted to thank Delilah Poupore for her hard work getting this together. He also wanted to thank Brian Dunphe, Larry Patoine, Justin Sweeney and Joe McKenney who are the core group that has a lot to do with pulling the WinterFest off. He wanted to thank the guys that build the sledding hill. He says if you've ever driven by to watch them build it, it's just

amazing what they pull off and incredibly talented at what they do. He goes on to thank Peter's Construction and Excavation, Thyng Paving, Phil Labbe Excavation, Dee Quality Foundations and Builder's Supply who all took a part in building the sledding hill and they have been doing it every year for the past 10-11 years. He also thanks the New Life Church. Mayor Casavant says without all these people volunteering their time WinterFest wouldn't be possible. He wanted to publically thank them all because what they do is extraordinary

Executive Session:

MRS 405(6)(D) – Labor Negotiations

Motion made by Councilor Belanger to enter into Executive Session, seconded by Councilor Whiting

Vote: Unanimous

Motion Passes

Time: 8:35 p.m.

Motion made by Councilor Lessard to come out of Executive Session, seconded by Councilor Grohman

Vote: Unanimous

Motion Passes

Time: 9:13 p.m.

Adjourn:

Motion made by Councilor Lessard to adjourn, seconded by Councilor Grohman

Vote: Unanimous

Motion Passes

Time: 9:13 p.m.



City Council

Meeting Date: March 7, 2023

Meeting Time: 6:00 p.m.

Agenda Item No: 2023.17

Item Description: CDBG Expenditure Recommendations and 1-Year Extension of the 5-Year Consolidated Plan

Submitted by: James Bennett, City Manager

Below is a summary of the City's CDBG and CDBG-Covid grant award balances, the upcoming deadlines by which Program funds must be expended, and staff-recommended priority projects/categories eligible to receive CDBG funding. These funding recommendations appeared on the Citizens' Advisory Committee (CAC) meeting agenda of March 1st. Also on that CAC agenda (and for your consideration on the 7th) is a recommendation *that City Council authorize a formal request to the U.S. Department of Housing and Urban Development (HUD) for a one-year extension of the current CDBG 5-Year Consolidated Plan, which expires June 30, 2023 (see draft HUD letter and Council Order).*

As we discussed recently, the CDBG Program has a timely expenditure rule. All but 1.5 times the current Program Year (PY) grant award amount must be expended and drawn from our federal account by May 1st of the following year (PYs run July 1st to June 30th). The timeliness standard was not met last year (PY 2021-22) and will not be met again this year (PY2022-23). Reasons for this include the amount of staff time HUD mandated be spent on the cleanup of non-compliance issues from the Biddeford Housing Authority's 73 Bacon Street Project in PYs 2015/16/17; lack of applicants for the 2- to 4-Unit Housing Rehab Program (where a majority of PY funding was devoted); and turnover of the CDBG Coordinator role (twice in less than 3 years). *As a result, a current CDBG fund balance of @ \$751,000 needs to be spent on eligible projects benefiting residents with low/moderate-income (LMI) by April 1, 2024 for the City to meet CDBG's next timeliness compliance date of May 1, 2024.*

The majority of the CDBG balance (53.3% or \$400,000) is recommended by staff for *use by the Council to implement its 2023-2028 Affordable Housing Goals* (approved via Council order on Feb 21st) *and address other priority recommendations of the Mayor's Affordable Housing Task Force* (yet to be adopted by the Council). As a reminder, CDBG funding can only be used to support Housing Goals and Task Force Recommendations that benefit households with LMI (i.e., annual income not exceeding the CDBG eligibility limit of 80% of Area Median Income or AMI).

The second staff recommendation is to use \$251,000 or 33.4% of the CDBG fund balance for *infrastructure improvements in LMI neighborhoods*. Specifically, based on the review of crime activity within those neighborhoods, I will be making a recommendation that funding to improve the Mill District should be a higher priority in the upcoming Capital Improvements Plan and FY24 City Budget. I am recommending these CDBG infrastructure funds be part of the Mill District infrastructure improvement plans.

The balance of the CDBG funds (\$100,000 or 13.3%) will be used to address the *ADA Transition Plan requirements the City now has due to failure to comply with a 1990's federal mandate*. The first priority is to address accessibility issues in City Hall, a portion of which have been included in the current CDBG Annual Action Plan and for which an RFP will be issued by late Spring.

In the CDBG-CoVid Program, @\$45,000 needs to be spent on COVID-eligible projects by June of this year. Staff's recommended project priorities are:

- \$30,000 (66.7% of the total) to help offset the rising costs borne by the Biddeford Food Pantry in serving LMI residents. Pantry Manager Don Bisson reports a 17% increase in the nonprofit's costs in the past month, an increase in daily clients served (from @80 individuals to @100), and an urgent need for better refrigerator/freezer capacity for perishable foods.
- \$15,000 (33.3% of the total) to support CDBG-eligible public infrastructure projects, such as improved street lighting for public safety/crime prevention or ADA-accessible green spaces in LMI areas.

To: City Council (for March 7, 2023 meeting)

From: Citizen's Advisory Committee (CAC)

RE: CDBG Expenditure Recommendations and Extension of the 5-Year Consolidated Plan

Date: March 2, 2023

Please find below a summary of the City's CDBG and CDBG-CV grant award balances, the upcoming deadlines by which Program funds must be expended, and CAC-recommended priority categories & potential project directions that are CDBG eligible. These recommendations are in keeping with Council's February vote to value impact over timeliness in CDBG spending. There will also be a Council vote on the staff- and CAC- recommendation to request a one-year extension of the current CDBG 5-Year Consolidated Plan.

Accounting for capped and allocated expenses, there is approx. \$1,307,000 (1) CDBG funding that could be spent by April 1, 2024. As you know, due to CDBG's timely expenditure rule, a CDBG fund balance of @ \$751,000 needs to be spent on eligible projects benefitting low/moderate-income (LMI) residents by April 1, 2024. Since City Council's 2020 Housing Goals and the 2023 Mayor's Affordable Task Force Recommendations both focus—at least in part—on addressing the urgent housing affordability challenges of LMI residents (i.e., households with annual income not exceeding the CDBG eligibility limit of 80% of Area Median Income or AMI), the CAC recommend Council review and deliberate the following priority uses of the \$751,000 CDBG fund balance:

- 13.3% (\$100,000+, up to \$173,805) to support the removal of architectural barriers from City properties, such as City Hall, in keeping with Biddeford's 2021 ADA Transition Plan.
- 86.7% (\$651,00+, up to \$1,333,000) to support City Council in addressing its affordable housing priorities, that are HUD eligible for the City's LMI population. Multiple Avenues of spending should be pursued, to ensure timeliness. When considering all possible avenues of expenditure,

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1 All dollar amounts are approximate, pending final CDBG allocation details for PY23/FY24

2 Specific allocation amounts are calculated annually by HUD.

the CAC encourages staff and council to maximize impact by developing projects that will utilize the benefits of long-term planning, as additional CDBG funds are allocated to the city annually²

Potential Avenues include:

- Expansion of the 2-4 Unit Rehab Program, for instance removing the owneroccupied requirement
 - Development of new Transitional Housing(TH) in Biddeford (Where this would potentially be a multi-year project, funding in the immediate-term could go towards project-specific planning expenses, securing and/or preparing a site, architectural and engineering costs, etc..)
 - Physical upgrades to existing Transitional Housing Program or other sites providing direct support to LMI individuals (for instance, roof replacement or energy efficiency upgrades)
 - Creation of a First Time Homebuyer assistance program (this may require external funding to staff, but could provide down payment assistance or other fiscal support to LMI First Time Homebuyers)
 - Additional Staffing for code enforcement, to address life-safety compliance issues
 - Development of other Affordable Housing types focusing on those below 80% LMI (Again, where this might be a multi-year pursuit, but could begin utilizing funds in the short-term, as laid out in regard to TH. While the CAC feels TH is a more urgent need, this is a potential avenue).
- If spending targets have not been met by July 31st, 2023, the CAC endorses vigorously pursuing infrastructure projects at that time, to ensure timeliness. Potential projects include:
 - Sidewalk reconstruction
 - Improved street lighting
 - Upgrades to or creation of public green spaces
 - Traffic safety improvements
 - Some notes on treating infrastructure spending as a back-up as opposed to a priority:
 - o This recommendation is based on the CAC's observations that:
 - During virtually all public engagement processes (Comp Plan surveys, Ward meetings, etc..), the need for increasing the supply of affordable housing, and addressing life/safety concerns of Biddeford's existing Affordable Housing stock, has been noted time and time again as a top public priority.
 - During the current/to-be-extended Consolidated Plan, approved by Council prior to implementation, ~72% of CDBG project-funding has gone towards infrastructure projects. Goals related to Housing and the needs of the unhoused have not been as thoroughly addressed. For

[Type here]

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2 Specific allocation amounts are calculated annually by HUD.

instance, as noted in the CAC's previous memo, Transitional Housing, mentioned in two Consolidated Plan priorities, has not been addressed at all)

- To qualify for CDBG funding, projects should be user-focused (i.e. directly addressing the needs of LMI community members), demonstrably benefit majority-LMI residents, and otherwise meet spending guidelines set by HUD.
- If Infrastructure projects are pursued, at any date, Council is encouraged to prioritize projects in historically LMI districts such as the Bacon Street Neighborhood, where market-rate development is less-prevalent, and where concerns around sidewalks and other public-safety considerations have been brought forward by community members at Ward meetings and during other public engagements.

Once Council provides direction, we will check in with our HUD rep to determine specific requirements for implementation. All projects are subject to HUD review and approval before the plan is finalized.

In the CDBG-CV Program, @\$45,000 needs to be spent on eligible COVID-related projects by June 1, 2023 to meet HUD's timely use requirement. Staff's recommended project priorities are:

- \$30,000 (66.7% of the total) to help offset the rising costs borne by the Biddeford Food Pantry in serving LMI residents. Pantry Manager Don Bisson reports a 17% increase in the nonprofit's costs in the past month, an increase in daily clients served (from @80 individuals to @100), and an urgent need for better refrigerator/freezer capacity for perishable foods.
- \$15,000 (33.3% of the total) to support CDBG-eligible public infrastructure projects, such as improved street lighting or ADA-accessible green spaces in LMI areas.

Staff and CAC are also asking Council formally request from HUD a one-year extension of the CDBG 5-Year Consolidated Plan, which expires June 30, 2023. As you know, this extension would help the City and CAC achieve optimal community input—especially from LMI residents—on the proposed use of CDBG grant awards over the period from July 1, 2024 through June 30, 2029. The extension also coincides nicely with the above spenddown proposal, as community members can be more involved in the coming year's Consolidated Plan public outreach process, and can contribute to the action on the City's housing goals.

Signed,

Biddeford Citizens Advisory Committee

Cat Bates, Chair

Leah Schaffer, Vice Chair

Stephanie Edwards, Secretary

Scott Whiting, Council representative

Ronda Bey

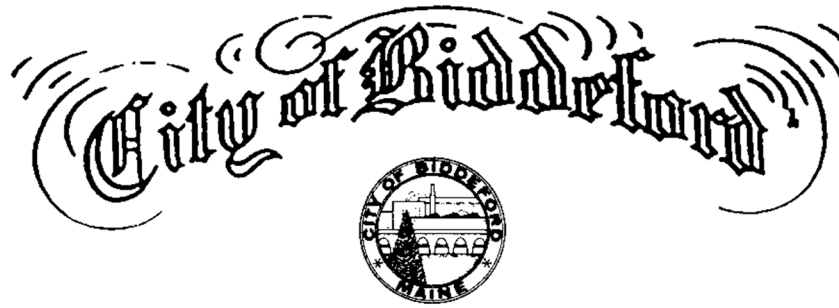
Loretta Turner

Kaily George

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1 All dollar amounts are approximate, pending final CDBG allocation details for PY23/FY24

2 Specific allocation amounts are calculated annually by HUD.



2023.17

IN BOARD OF CITY COUNCIL, MARCH 7, 2023,

BE IT RESOLVED that the City Council of the City of Biddeford does hereby direct the Mayor to request in writing of the U.S. Department of Housing and Urban Development (HUD) a one-year extension of the City's current Five-Year Consolidated Plan for the Community Development Block Grant (CDBG) Program, which is due to expire on June 30, 2023. Pending approval of this request, Biddeford's new Five-Year Consolidated Plan will be submitted by May 2024 for the program year that begins July 1, 2024 and includes program years 2024 to 2028.

The City makes this request in light of COVID's marked impact on our community, notably the unprecedented increase in the cost of housing, an alarming lack of affordable rental units for --and homes for purchase by-- those of low/moderate income, and a growing population of unhoused individuals. From a strategic standpoint, this extension will allow the City to align the Five-Year Consolidated Planning process with scheduled updates to Biddeford's Comprehensive Land Use Plan, local adoption of Maine's first statewide affordable housing laws, and City Council's review of recommendations from its housing task force for creating and preserving hundreds of affordable residential units over the next five years. Importantly, this extension also will allow our Citizens' Advisory Committee (CAC) to fully engage persons of low/moderate income in Biddeford and capture their critical suggestions to help inform the next Five-Year Consolidated Plan.

Attest by: _____



City Council

Meeting Date: March 7, 2023

Meeting Time: 6:00 p.m.

Agenda Item No: 2023.17

Item Description: CDBG Expenditure Recommendations and 1-Year Extension of the 5-Year Consolidated Plan

Submitted by: James Bennett, City Manager

Below is a summary of the City's CDBG and CDBG-Covid grant award balances, the upcoming deadlines by which Program funds must be expended, and staff-recommended priority projects/categories eligible to receive CDBG funding. These funding recommendations appeared on the Citizens' Advisory Committee (CAC) meeting agenda of March 1st. Also on that CAC agenda (and for your consideration on the 7th) is a recommendation *that City Council authorize a formal request to the U.S. Department of Housing and Urban Development (HUD) for a one-year extension of the current CDBG 5-Year Consolidated Plan, which expires June 30, 2023 (see draft HUD letter and Council Order).*

As we discussed recently, the CDBG Program has a timely expenditure rule. All but 1.5 times the current Program Year (PY) grant award amount must be expended and drawn from our federal account by May 1st of the following year (PYs run July 1st to June 30th). The timeliness standard was not met last year (PY 2021-22) and will not be met again this year (PY2022-23). Reasons for this include the amount of staff time HUD mandated be spent on the cleanup of non-compliance issues from the Biddeford Housing Authority's 73 Bacon Street Project in PYs 2015/16/17; lack of applicants for the 2- to 4-Unit Housing Rehab Program (where a majority of PY funding was devoted); and turnover of the CDBG Coordinator role (twice in less than 3 years). *As a result, a current CDBG fund balance of @ \$751,000 needs to be spent on eligible projects benefiting residents with low/moderate-income (LMI) by April 1, 2024 for the City to meet CDBG's next timeliness compliance date of May 1, 2024.*

The majority of the CDBG balance (53.3% or \$400,000) is recommended by staff for *use by the Council to implement its 2023-2028 Affordable Housing Goals* (approved via Council order on Feb 21st) *and address other priority recommendations of the Mayor's Affordable Housing Task Force* (yet to be adopted by the Council). As a reminder, CDBG funding can only be used to support Housing Goals and Task Force Recommendations that benefit households with LMI (i.e., annual income not exceeding the CDBG eligibility limit of 80% of Area Median Income or AMI).

The second staff recommendation is to use \$251,000 or 33.4% of the CDBG fund balance for *infrastructure improvements in LMI neighborhoods*. Specifically, based on the review of crime activity within those neighborhoods, I will be making a recommendation that funding to improve the Mill District should be a higher priority in the upcoming Capital Improvements Plan and FY24 City Budget. I am recommending these CDBG infrastructure funds be part of the Mill District infrastructure improvement plans.

The balance of the CDBG funds (\$100,000 or 13.3%) will be used to address the *ADA Transition Plan requirements the City now has due to failure to comply with a 1990's federal mandate*. The first priority is to address accessibility issues in City Hall, a portion of which have been included in the current CDBG Annual Action Plan and for which an RFP will be issued by late Spring.

In the CDBG-CoVid Program, @\$45,000 needs to be spent on COVID-eligible projects by June of this year. Staff's recommended project priorities are:

- \$30,000 (66.7% of the total) to help offset the rising costs borne by the Biddeford Food Pantry in serving LMI residents. Pantry Manager Don Bisson reports a 17% increase in the nonprofit's costs in the past month, an increase in daily clients served (from @80 individuals to @100), and an urgent need for better refrigerator/freezer capacity for perishable foods.
- \$15,000 (33.3% of the total) to support CDBG-eligible public infrastructure projects, such as improved street lighting for public safety/crime prevention or ADA-accessible green spaces in LMI areas.

To: City Council (for March 7, 2023 meeting)

From: Citizen's Advisory Committee (CAC)

RE: CDBG Expenditure Recommendations and Extension of the 5-Year Consolidated Plan

Date: March 2, 2023

Please find below a summary of the City's CDBG and CDBG-CV grant award balances, the upcoming deadlines by which Program funds must be expended, and CAC-recommended priority categories & potential project directions that are CDBG eligible. These recommendations are in keeping with Council's February vote to value impact over timeliness in CDBG spending. There will also be a Council vote on the staff- and CAC- recommendation to request a one-year extension of the current CDBG 5-Year Consolidated Plan.

Accounting for capped and allocated expenses, there is approx. \$1,307,000 (1) CDBG funding that could be spent by April 1, 2024. As you know, due to CDBG's timely expenditure rule, a CDBG fund balance of @ \$751,000 needs to be spent on eligible projects benefitting low/moderate-income (LMI) residents by April 1, 2024. Since City Council's 2020 Housing Goals and the 2023 Mayor's Affordable Task Force Recommendations both focus—at least in part—on addressing the urgent housing affordability challenges of LMI residents (i.e., households with annual income not exceeding the CDBG eligibility limit of 80% of Area Median Income or AMI), the CAC recommend Council review and deliberate the following priority uses of the \$751,000 CDBG fund balance:

- 13.3% (\$100,000+, up to \$173,805) to support the removal of architectural barriers from City properties, such as City Hall, in keeping with Biddeford's 2021 ADA Transition Plan.
- 86.7% (\$651,00+, up to \$1,333,000) to support City Council in addressing its affordable housing priorities, that are HUD eligible for the City's LMI population. Multiple Avenues of spending should be pursued, to ensure timeliness. When considering all possible avenues of expenditure,

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1 All dollar amounts are approximate, pending final CDBG allocation details for PY23/FY24

2 Specific allocation amounts are calculated annually by HUD.

the CAC encourages staff and council to maximize impact by developing projects that will utilize the benefits of long-term planning, as additional CDBG funds are allocated to the city annually²

Potential Avenues include:

- Expansion of the 2-4 Unit Rehab Program, for instance removing the owneroccupied requirement
 - Development of new Transitional Housing(TH) in Biddeford (Where this would potentially be a multi-year project, funding in the immediate-term could go towards project-specific planning expenses, securing and/or preparing a site, architectural and engineering costs, etc..)
 - Physical upgrades to existing Transitional Housing Program or other sites providing direct support to LMI individuals (for instance, roof replacement or energy efficiency upgrades)
 - Creation of a First Time Homebuyer assistance program (this may require external funding to staff, but could provide down payment assistance or other fiscal support to LMI First Time Homebuyers)
 - Additional Staffing for code enforcement, to address life-safety compliance issues
 - Development of other Affordable Housing types focusing on those below 80% LMI (Again, where this might be a multi-year pursuit, but could begin utilizing funds in the short-term, as laid out in regard to TH. While the CAC feels TH is a more urgent need, this is a potential avenue).
- If spending targets have not been met by July 31st, 2023, the CAC endorses vigorously pursuing infrastructure projects at that time, to ensure timeliness. Potential projects include:
 - Sidewalk reconstruction
 - Improved street lighting
 - Upgrades to or creation of public green spaces
 - Traffic safety improvements
 - Some notes on treating infrastructure spending as a back-up as opposed to a priority:
 - o This recommendation is based on the CAC's observations that:
 - During virtually all public engagement processes (Comp Plan surveys, Ward meetings, etc..), the need for increasing the supply of affordable housing, and addressing life/safety concerns of Biddeford's existing Affordable Housing stock, has been noted time and time again as a top public priority.
 - During the current/to-be-extended Consolidated Plan, approved by Council prior to implementation, ~72% of CDBG project-funding has gone towards infrastructure projects. Goals related to Housing and the needs of the unhoused have not been as thoroughly addressed. For

[Type here]

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instance, as noted in the CAC's previous memo, Transitional Housing, mentioned in two Consolidated Plan priorities, has not been addressed at all)

- To qualify for CDBG funding, projects should be user-focused (i.e. directly addressing the needs of LMI community members), demonstrably benefit majority-LMI residents, and otherwise meet spending guidelines set by HUD.
- If Infrastructure projects are pursued, at any date, Council is encouraged to prioritize projects in historically LMI districts such as the Bacon Street Neighborhood, where market-rate development is less-prevalent, and where concerns around sidewalks and other public-safety considerations have been brought forward by community members at Ward meetings and during other public engagements.

Once Council provides direction, we will check in with our HUD rep to determine specific requirements for implementation. All projects are subject to HUD review and approval before the plan is finalized.

In the CDBG-CV Program, @\$45,000 needs to be spent on eligible COVID-related projects by June 1, 2023 to meet HUD's timely use requirement. Staff's recommended project priorities are:

- \$30,000 (66.7% of the total) to help offset the rising costs borne by the Biddeford Food Pantry in serving LMI residents. Pantry Manager Don Bisson reports a 17% increase in the nonprofit's costs in the past month, an increase in daily clients served (from @80 individuals to @100), and an urgent need for better refrigerator/freezer capacity for perishable foods.
- \$15,000 (33.3% of the total) to support CDBG-eligible public infrastructure projects, such as improved street lighting or ADA-accessible green spaces in LMI areas.

Staff and CAC are also asking Council formally request from HUD a one-year extension of the CDBG 5-Year Consolidated Plan, which expires June 30, 2023. As you know, this extension would help the City and CAC achieve optimal community input—especially from LMI residents—on the proposed use of CDBG grant awards over the period from July 1, 2024 through June 30, 2029. The extension also coincides nicely with the above spenddown proposal, as community members can be more involved in the coming year's Consolidated Plan public outreach process, and can contribute to the action on the City's housing goals.

Signed,

Biddeford Citizens Advisory Committee

Cat Bates, Chair

Leah Schaffer, Vice Chair

Stephanie Edwards, Secretary

Scott Whiting, Council representative

Ronda Bey

Loretta Turner

Kaily George

[Type here]

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2 Specific allocation amounts are calculated annually by HUD.

March 7, 2023

Robert D. Shumeyko, Director

U.S. Department of Housing and Urban Development, New England Region
Office of Community Planning and Development
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, 5th Floor
Boston, MA 02222-1092

RE: City of Biddeford, Maine's Request for a One-Year Extension of the CDBG Five-Year Consolidated Plan

Dear Mr. Shumeyko,

Pursuant to 24 CFR § 91.15(b)(3), the City of Biddeford requests a one-year extension of the current Community Development Block Grant (CDBG) Five-Year Consolidated Plan, which is due to expire on June 30, 2023. Pending approval of this request, Biddeford's new Five-Year Consolidated Plan will be submitted by May 2024 for the program year that begins July 1, 2024 and includes program years 2024 to 2028.

The City makes this request in light of COVID's marked impact on our community, notably an unprecedented increase in the cost of housing, an alarming lack of affordable rental units for -- and homes for purchase by-- those of low/moderate income, and a growing population of unhoused individuals. From a strategic standpoint, this extension will allow the City to align the Five-Year Consolidated Planning process with scheduled updates to Biddeford's Comprehensive Land Use Plan, local adoption of Maine's first statewide affordable housing laws, and City Council's review of recommendations from its Housing Task Force for creating and preserving hundreds of affordable residential units over the next five years. Importantly, this extension also will allow our Citizens' Advisory Committee (CAC) to fully engage persons of low/moderate income in Biddeford and capture their critical suggestions to help inform the next Five-Year Consolidated Plan.

Should you have questions about this request, please contact Gregory Mitchell (Gregory.Mitchell@BiddefordMaine.org), director of the Biddeford Planning & Development Department. Meantime, I thank you on behalf of the Biddeford City Council for your consideration.

Very truly yours,

Alan Casavant, Mayor



City Council

Meeting Date: March 7, 2023

Meeting Time: 6:00 pm

Agenda Item No: 2023.18

Item Description: Outreach and Inclusion Position Title Change

Submitted by: Diana DePaolo, Human Resources Director

Danica Lamontagne, Assistant to the City Manager

Supporting Information/Documentation:

Key Terms:

N/A

Executive Summary:

The City created a Community Outreach and Inclusion Coordinator position, which was filled in January of 2022. After evaluating the position for a year, we see value in shifting it to a DEI Coordinator position.

Detailed Review:

In January of 2022, the City filled its new "Outreach and Inclusion Coordinator" position. Additionally, in 2022, the City became committed to performing Diversity, Equity and Inclusion work from both a community- and employer-based perspective.

Over the course of the year, it became evident that this new DEI work would entail a big commitment from staff in terms of time and training if we really want to move the needle forward on this initiative. Much of this work was being shifted to the new position as the need grew.

The employee who was in the Outreach and Inclusion role gave notice and worked his last day recently. As always, we took a look at the position to determine if we were maximizing its usefulness to the City. In doing so, it became apparent that the DEI work this position was doing was the most critical and needed to be the position's focus.

To this end, we recommend a change in title to "DEI Coordinator". Westbrook and Lewiston have a similar position, and Portland just started advertising for this position as well. Additionally, the external DEI committee recently discussed and endorsed a DEI-focused staff position.

The DEI Coordinator's responsibilities would include many of the community outreach tasks that are consistent with the job description of the Outreach and Inclusion Coordinator, such as outreach to diverse and underrepresented groups. It would also include DEI work within our organization.

Due to the personnel-based nature of some aspects of the reimagined position, it is recommended that this staff person report to the HR Director. We recommend keeping the position as a level 11.

The Personnel Committee reviewed this recommendation at their February 21 meeting. The Committee was supportive of the concept of a DEI Coordinator but expressed concerns about the potential impacts to the City's direct outreach efforts that could occur by modifying the scope of the position. The Council's decision to create the Outreach and Inclusion Coordinator position stemmed directly from the goal to bolster the City's communication efforts. The intention of the position was to provide an increased presence for the City out in the community.

Since the Council as a whole was involved in the creation of the original position, the Personnel Committee sought feedback from the Council as a whole to determine if a change in course is needed.

Funding Source:

N/A; no impact on budget

Staff Recommendation:

Assign this position the title of DEI Coordinator under the Human Resources Department and leave its position on the wage scale at a level 11



Finance Committee / City Council

Meeting Date: March 7th, 2023
Meeting Time: 5:00 PM

Agenda Item No: 2023.19
Item Description: Horrigan Court – CSO Detention Conduit

Submitted by: Jeff Demers (Public Works Director)
Craig Chekan, PE (City Engineer)
Tom Milligan, PE (City Engineer Emeritus)
Alex Buechner (Wastewater Superintendent)

Supporting Information/Documentation:

1. Public Works Director Request to City Manager
2. Wright-Pierce Recommendation Letter
3. Previous Horrigan Court Pump Station Replacement Council Order (2022.12)

Executive Summary:

- a) Gordon Contracting, Inc. is in mid-construction of the Horrigan Court Pump Station replacement project (previous council order 2022.12) and per Staff request, has submitted a \$1,450,000 change order quote to install a 100,000-gallon inline CSO detention structure

Detailed Review:

- a) The City is actively working towards an updated CSO Abatement Master Plan with DEP and Wright-Pierce
- b) The existing Combined Sewer Overflow (CSO) at Horrigan Court is one of the City's largest overflow locations and has been identified as an ideal location for a CSO detention structure
- c) Per Wright-Pierce's hydrologic sewer model and attached recommendation letter, a 100,000-gallon inline CSO detention structure would be beneficial in reducing overflow events and volumes at Horrigan Court
- b) Gordon Contracting, Inc. is in mid-construction of the Horrigan Court Pump Station replacement and submitted a change order quote of \$1,300,000 to install a 100,000-gallon inline CSO detention conduit
 - i. Gordon's quote of \$14/gallon of storage aligns with adjacent community detention projects under construction (\$13-\$15/gallon in Portland)
- d) Wright-Pierce has confirmed no DEP or SRCC permit modifications are required with this change-in-scope
- e) Staff is requesting the additional \$150,000 for an additional 24" pipe for future separation needs and water nozzles for flushing as needed.
- f) It is important to note that 100,000-gallons will not eliminate all CSO overflows at Horrigan Court; as the City works towards a new CSO abatement consent agreement with DEP, additional CSO detention may be required in the Horrigan Court/Diamond Match vicinity.

Funding Source:

Funding for this project will be as follows: \$1,450,000 from the Combined Sewer Overflow/ARPA Abatement line 23CSO001 with an approximate balance of \$3,100,000

Staff Recommendation:

To take advantage of the existing mobilization and excavation of Gordon Contracting's current scope-of-work on the Horrigan Court Pump Station Replacement Project, City Staff is recommending a \$1,450,000 not-to-exceed change order quote to install a 100,000-gallon inline CSO detention structure at Horrigan Court.

Date: 2/16/2023

Project No.: 12223H

To: Jeff Demers - City of Biddeford

From: Ryan Wingard, PE; Charles Daigle, PE – Wright-Pierce

Subject: Horrigan Court CSO Storage Recommendations

The purpose of this memorandum is to present options that have been discussed to date for incorporating CSO storage within the Horrigan Court Pump Station site and/or the Diamond Match property. CSO storage in this location would reduce overflows from CSO#6 located adjacent to the existing pump station on Horrigan Court. Storage on the Diamond Match property also has the potential to reduce overflows from CSO#7 located on Elm Street near Subway and Dominos. Wright-Pierce and City staff have had several discussions regarding storage requirements in this area and Wright-Pierce has provided some planning level information for the City to consider. This memorandum is meant to summarize those discussions and memorialize the information presented to the City to date.

Historical Information

Wright-Pierce assisted the City with a preliminary evaluation of storage facility options at the Diamond Match property in October of 2011. Using collected flow meter and rainfall data, it was determined that a 5.0 million gallon (MG) storage facility would be needed to contain CSO volume generated by the largest storm experienced during the monitoring period (2.14 inches at a peak intensity of 0.59 inches/hour on April 17, 2011). Excluding that April 2011 event, a 2.0 MG storage facility would be required to contain CSO volume generated by the other storms during that monitoring period. As of the date of the October 2011 evaluation, it was anticipated that City staff and officials would only support a 1.0 MG storage facility at this site. Based on conceptual plans at the time for Diamond Match Park, the 1.0 MG storage facility was envisioned to be located on the far western side of the Diamond Match property, closest to the Horrigan Court Pump Station site.

Over the 12 year period since the October 2011 evaluation, the City has undertaken many combined sewer system improvements in the areas tributary to Horrigan Court and the Diamond Match property. These improvements include multiple sewer separation projects, installation of the Elm Street flow diversion valve, and upgrades to the Horrigan Court Pump Station (occurring in 2023). As such, CSO volumes have significantly been reduced and further evaluation of required storage at these sites was necessary.

CSO Data

The City of Biddeford continues to make improvements to the combined sewer system to mitigate CSOs as identified in the draft CSO Master Plan. As problems are solved, previous CSO data quickly becomes outdated. It is very important to use the most up to date data sets when considering significant investments, such as a storage facility. The following analysis is based on CSO data for the years 2020 – 2022, provided by the City of Biddeford. This is the most recent data available and reflects the time period occurring after the Elm Street valve was installed.

Analysis of the selected data set reveals the total number of CSO events and overflow volume of each event. This data was used to review various storage volumes and infer the number of CSO events a given storage volume could capture as well as the anticipated volume of capture. This data is presented in Table 1:

Table 1 Horrigan Court CSO Data - 2020, 2021, 2022					
Storage Volume (gal)	No. of CSO Events Exceeding Storage Volume	% of CSO Events Smaller than Storage	Anticipated CSO Volume Captured (gal)	Remaining CSO Volume (gal)	% of CSO Volume Captured
-	69	0%	0	9,651,100	0.0%
10,000	50	28%	566,100	9,085,000	5.9%
25,000	43	38%	1,254,100	8,397,000	13.0%
50,000	30	57%	2,186,100	7,465,000	22.7%
75,000	22	68%	2,786,100	6,865,000	28.9%
100,000	19	72%	3,374,100	6,277,000	35.0%
200,000	14	80%	5,012,100	4,639,000	51.9%
300,000	11	84%	6,234,100	3,417,000	64.6%
400,000	7	90%	7,148,100	2,503,000	74.1%
500,000	4	94%	7,781,100	1,870,000	80.6%
600,000	2	97%	8,003,100	1,648,000	82.9%
1,900,000	1	99%	9,643,100	8,000	99.9%
2,000,000	0	100%	9,651,100	-	100.0%

Review of the data presented in Table 1 reveals that more than half of CSOs are smaller than 50,000 gallons, but the larger CSO events result in the majority of overflow volume. For example, 100,000 gallons of CSO storage is anticipated to have captured 72% of the CSO events while capturing 35% of the total CSO volume. As storage volume increases beyond 200,000 gallons, the incremental rise in CSO volume captured becomes smaller with each increase in storage volume, while the installation cost rises. As such, it appears that 100,000 - 200,000 gallons of storage will provide the most volume captured per dollar spent.

This above analysis is considered a high-level analysis and may not accurately quantify multi-day storms. A storm spanning two days with CSOs on both days is counted as two separate events. This reduces maximum volumes and may result in storage volume estimates smaller than they should be. For example, 463,000 gallons overflowed on 10/30/21 and 1,908,000 overflowed on 10/31/21. This high-level analysis assumes storage would be empty at the beginning of the day on the 31st which is likely not the case depending on timing.

CSO Storage at Horrigan Court

Over the years, CSO storage has been conceptually discussed for the Horrigan Court property as well as the Diamond Match property. The Horrigan Court property has a handful of constraints resulting in challenges with installation of large storage volumes. Review of the site and the current Horrigan Court Pump Station project indicate 100,000 gallons of CSO storage could be located on site. Additional storage volume, if required, could be sited on the Diamond Match property at a later date.

Following design of the Horrigan Court Pump Station Upgrade project, the City was encouraged by MaineDEP to review options for incorporating CSO storage into the project. The following has been discussed with the contractor currently working on the Horrigan Court Pump Station Upgrade.

100,000-gallon Storage Conduit

Install a 12-foot wide by 8-foot tall V-bottom storage conduit (see Figure 1 below) in place of the proposed 24" gravity sewer being installed as part of the Horrigan Court Pump Station Upgrade project. Review of the site indicates the maximum length of the storage conduit could be approximately 132-feet, located between the existing granite drain culvert and the pump station proposed bypass structure (see Figure 2 below). This results in a storage volume of approximately 94,780 gallons within the conduit. When combined with the volume of proposed downstream structures, the total storage volume exceeds 100,000 gallons. This option has been discussed with the onsite contractor and is considered a feasible addition to the ongoing project with a rough estimated cost of \$1,275,000 - \$1,300,000. This estimate assumes cast in place concrete construction. Review of past CSO data indicates a 100,000 gallon storage volume would have prevented 72% of CSO events and captured 35% of the total CSO volume.

Figure 1: V-Bottom Storage Conduit

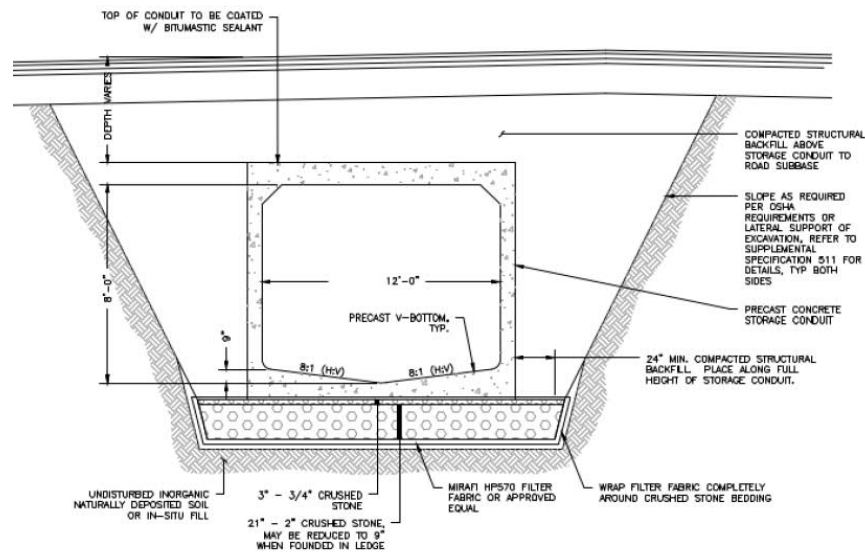
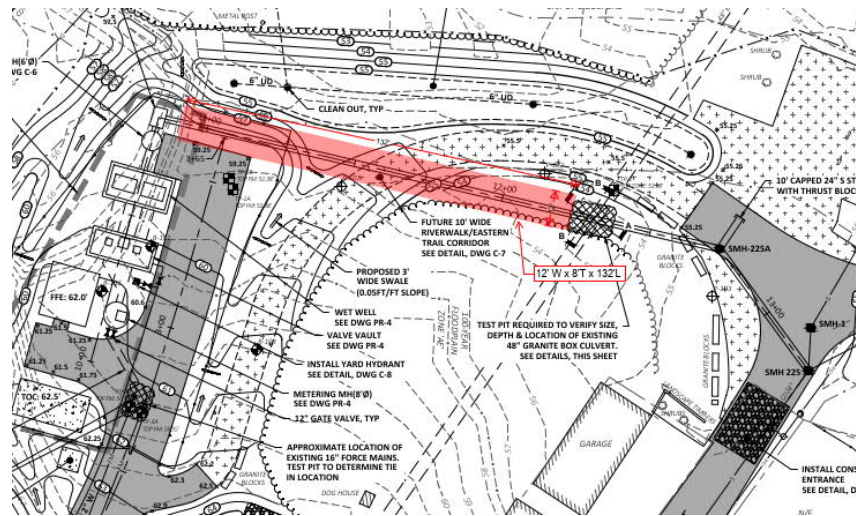


Figure 2: 100,000 Gallon Storage Sketch



Recommendation

Based on the data presented above, 100,000 gallons of storage is recommended to be incorporated on the Horrigan Court site. The addition of CSO storage into the ongoing Horrigan Court Pump Station Upgrade project streamlines the process will result in a cost savings for the City for the following reasons:

- Lower design costs versus having to develop stand-alone contract documents to bid the project separately.
- Construction cost savings due to contractor already being on site.
- Construction cost savings due to performing the work now versus waiting to rebid. Construction cost will continue to rise so performing the work sooner will save on construction costs.
- The additional of storage at this site will likely relieve pressure from Maine DEP to build larger and more costly storage facilities in the future.
- Adding storage now will allow the City to more quickly monitor the impacts of storage on CSO reduction, which will allow for more informed decisions to be made regarding future storage at the Diamond Match site.

The cost estimate provided by Gordon Contracting appears to be inline with CSO storage costs seen on other recent and comparable projects. For example, the City of Portland is paying \$13.3/gallon of storage on the Back Cove West storage project and over \$15/gallon of storage on the Back Cove South storage project. These Portland in-line storage facilities are about the same depth as the proposed Biddeford project and involved ledge removal like what is anticipated at Horrigan Court.

Since cast-in-place concrete is being considered to save on cost and schedule, there will be an engineering effort required to design the storage facility for the contractor to properly build the facility. There is also the potential to need additional geotechnical information to support the design. These items will add time to the schedule and engineering costs.

Additional storage can be added in the future. Provisions have been made in the Horrigan Court Pump Station Upgrade design to add a sewer stub for a future upgrade on the Diamond Match property.

The storage option described above is considered in-line storage which is essentially using large pipes for storage. This design allows for water to flow in and out of the chamber via gravity allowing for passive operation. Storage options considered for the Diamond Match property would likely require the stored volume to be pumped out after the storm. This increases construction, operation, and maintenance costs. As such, it seems like the addition of the largest possible in-line storage at Horrigan Court will be the least expensive solution considering long term costs.

Chekan, Craig

From: Demers, Jeff
Sent: Thursday, February 16, 2023 4:40 PM
To: Bennett, James
Cc: Chekan, Craig; Buechner, Alex; Milligan, Tom
Subject: Pipe Chase
Attachments: Horrigan Court CSO Storage Recommendation Memo.pdf

Good afternoon Jim;

Thanks for sitting with me this morning and going over the Horrigan's court pump station project.

The purpose of this e-mail is to request that city staff have the opportunity to brief the Finance Department on March 7, 2023, and ask they consider allowing staff to add a contract amendment to the Gordon Constructions contract without going out to bid or having to complete a full Request for Proposal and Design. The Waste Water Department would be authorized not to exceed 1.4 million for this added scope of work.

Staff would like to add the scope of work identified in the memo attached, supplied by Wright-Pierce Engineering. The request will be for a pipe chase that would be tied to the new pump station that would allow the city to capture up to 100,000 gallons of combined sewer prior to going to the Saco river. Wright-Pierce has a very good handle on the entire pump station design today. In the memo, Wright-Pierce describes the advantages of the request staff will be making. A few of the advantages but not limited to are:

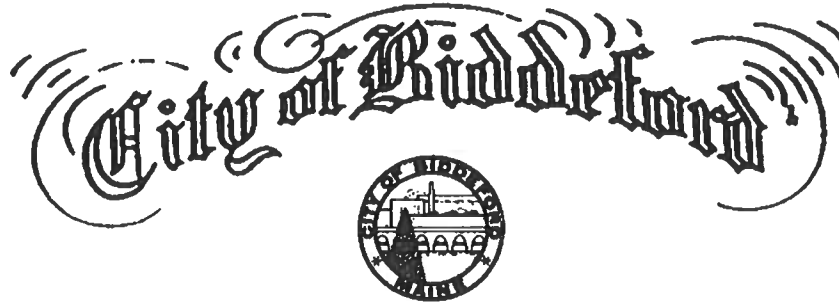
- Savings on Mobilization costs, as they are on site doing the new pump station upgrade
- Saving on construction costs, as construction season is rapidly approaching
- The additional storage now on this site would likely relieve pressure from the Maine D.E.P to build larger and more costly storage facilities in the future as part of the City's abatement and consent agreement talks

Thank you for the consideration.

Regards,

Jeff Demers
Director of Public Works/Waste Water Department
Jeff.Demers@biddefordmaine.org

371 Hill Street
Biddeford, maine 04005
Tele 207-282-1579
Fax 286-9395



2022.12

IN BOARD OF CITY COUNCIL..MARCH 1, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the award of contract for the replacement of the wastewater pump station at Horrigan Court to Gordon Contracting, Inc. of Sangerville, Maine in an amount not to exceed \$4,326,285.00.

BE IT FURTHER ORDERED, that \$450,000.00 be allocated for change orders, inspections and administrative fees.

Funding for this project will be as follows:

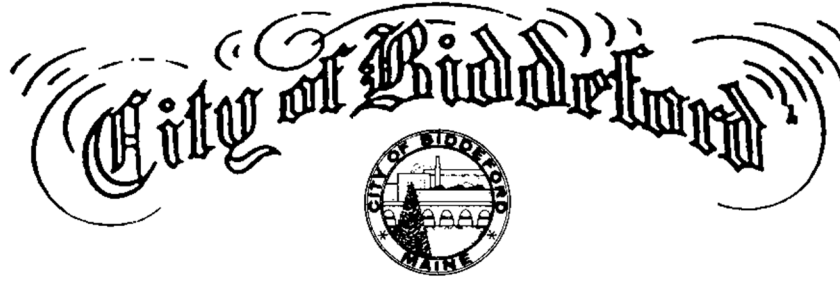
- \$3,776,285 from American Rescue Plan Act (ARPA) Funds
- \$1,000,000 from the Dept. of Environmental Protection Grant

NOTE: This item will be considered by the Finance Committee at their March 1, 2022 meeting.

March 1, 2022

Motion by Councilor Clearwater, seconded by Councilor Lessard to grant the order.
Vote: Unanimous.

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

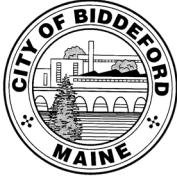


2023.21

IN BOARD OF CITY COUNCIL... MARCH 7, 2023

BE IT ORDERED, by the City Council of the City of Biddeford that the City Manager be authorized to solicit the services of a qualified consultant to (1) assist the City with a technical analysis of the unhoused issues within Biddeford, (2) assists with developing a comprehensive policy to include complete services for those impacted in order to break the unhoused cycle.

BE IT FURTHER ORDERED, that the budget for the consulting services be limited to \$20,000 unless otherwise increased.



City Council

Meeting Date: March 7, 2023

Meeting Time: 6:00 PM

Agenda Item No: 6.f

Item Description: 2023.21) Approval/Engage a Consultant to Assist with Unhoused Services Analysis

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

Mayor's Affordable Housing Task Force Report

Key Terms:

N/A

Executive Summary:

Request authorization to solicit the services of a qualified consultant to assist the City with a technical analysis of local unhoused issues and assist with formulating recommended approaches to the problem(s) in order to maximize both the impact of services and efficient delivery of such services in accordance with the recommendations of the Mayor's Affordable Housing Task Force.

Detailed Review:

The Mayor's Affordable Housing Task Force (AHTF) Report included recommendations specific to the unhoused population in Biddeford. These include:

1. *The members are recommending that housing that is affordable to those earning 80% of the Biddeford Household Median Income should be the target for the majority of the affordable housing implementation strategy. When considering all available resources, between 55% to 65% of those resources should be used to support the Very Low to Low Income category.*
2. *The Task Force found the Very Low category is the most challenging of the categories to make recommendations on because of the complexity of the issues and the time constraints of the Task Force. The Task Force broadly recommended that between 15% to 25% of the available funds should be allocated to address this issue, given there was a comprehensive strategy for the challenges. The Council also voted to:*

- a. *Take some immediate action to change the cities current unwritten policy of doing the state minimum required through the General Assistance program. Since the vote, the Council has allocated \$235,503 in ARPA funds to a group working on the challenges for unhoused members in the community.*
- b. *Recommend that the Council adopt a comprehensive unhoused policy for the community by the Spring of 2023 that includes complete services for those impacted in order to break the unhoused cycle.*
- c. *Seek any additional technical services that it might need to meet the recommendations above. (pgs 13-14)*

and

Some specific ways an Affordable Housing Fund could be used include funding for the unhoused, or for support of creating new or conversions of affordable housing. The Task Force generally committed to support those who fall into the category of extremely low income, which include those at the 15% to 27.5% AMI range. This groups consists of both unhoused and housed individuals. The issue of serving the unhoused population is complex. It also is one that needs regional, state and federal support.(pg 18)

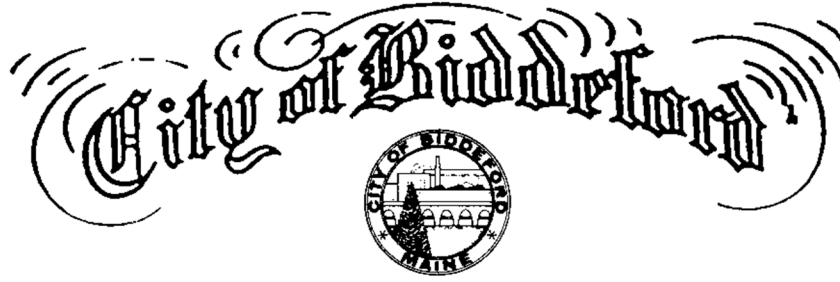
As indicated by the AHTF and recognized generally, “[t]he issue of serving the unhoused population is complex.” The nature of the issues exceed the knowledge base and capabilities of staff. Consistent with the recommendation of the AHTF, it is prudent to engage the services of a qualified consultant to assists the City with a technical analysis of local unhoused issues and assist with formulating a policy and recommended approaches to the problem(s) in order to maximize both the impact of services and efficient delivery of such services.

Funding Source:

Current estimate of \$20,000.

Staff Recommendation:

Staff recommends approval of the request.

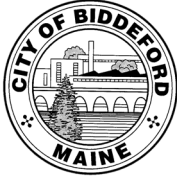


2023.22

IN BOARD OF CITY COUNCIL... MARCH 7, 2023

BE IT ORDERED, by the City Council of the City of Biddeford that the City Manager execute *Amendment No 2 to Agreement Between the City of Biddeford and Wright-Pierce for Engineering Services Associated with Biddeford Riverwalk* in the amount of \$79,600 for Riverwalk permitting, engineering and bidding services for construction.

Note: The Finance Committee will review the Order on March 7, 2023.



City Council

Meeting Date: March 7, 2023

Meeting Time: 6:00 PM

Agenda Item No: 6.g

Item Description: 2023.22) Authorization/Riverwalk Permitting and Bid Package, Wright-Pierce

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

Amendment No 2 to Agreement Between the City of Biddeford and Wright-Pierce for Engineering Services Associated with Biddeford Riverwalk

Key Terms:

N/A

Executive Summary:

Request for authorization to sign *Amendment No 2 to Agreement Between the City of Biddeford and Wright-Pierce for Engineering Services Associated with Biddeford Riverwalk* in order to finalize engineering, submit permits, and perform bid services to allow for construction of the Riverwalk from Laconia Plaza to Pearl Street.

Detailed Review:

The City engaged the services of Wright-Pierce for concept design of the remaining sections of the Biddeford Riverwalk¹ in November of 2017. In 2019 Amendment No. 1 was executed to refine the scope of work for three sections, design coordination for two sections, and permitting for the Laconia Plaza switchback and Segments B-D, which are the segments from Laconia Plaza to Pearl Street.

The easement process was not completed in time for the CY20 construction season pushing construction to CY21. The City later found that Brookfield Energy was performing work on the east channel fish ladder and dam requiring flow to be diverted to the west channel of the Saco River (Biddeford side). This prevented in-river work in CY21 because the permitting for in-river work is limited to July through November so as not to interfere with fish migration. Brookfield Energy obtained a project extension

¹ Segment B—Saco Falls Boardwalk; Segment C—Falls Plaza; Segment D1—Riverdam Boardwalk; Section D2—Riverdam Connector; Segment E—Pearl Plaza; Segment F—Spring Island Boardwalk Connector; Segment G—Elm Street Crossing; Segment H—Diamond Street Connector Boardwalk; Overland Connection—Riverwalk to Main Street and Lincoln Street

precluding the City from work in CY22. In addition, easements for Sections B & C required revision due to change in ownership and project design area (for the ADA lift).

The Amendment adds a review of cast-in-place wall construction versus block wall reconstruction in light of the river wall failure at the Overlook. The scope also adds a provision for lighting along the segments to address concerns with safety. It should be noted that the Riverwalk is currently restricted to dawn to dusk access. Adding a provision for lighting is both economical and prudent at this time given the ongoing buildout of Pearl Street and active redevelopment of the Pepperell Campus. Availability of suitable power for the lights and ADA lift was an issue that delayed design and has since been resolved by tying in to the power grid at the end of Pearl Street.

With execution of this Amendment, the City will be positioned to bid the project this spring in anticipation of construction-phase award when the in-river permitting allows resulting in completion of the Riverwalk from Laconia Plaza to Pearl Street.

Funding Source:

The City has a \$3,000,000 reserve from the garage project specific to Riverwalk construction that did not align with the garage construction project for the reasons specified above.

Staff Recommendation:

Staff recommends execution of Amendment No. 2.

AMENDMENT NO. 2
TO
AGREEMENT BETWEEN
THE CITY OF BIDDEFORD
AND
WRIGHT-PIERCE
FOR
ENGINEERING SERVICES ASSOCIATED WITH
BIDDEFORD RIVERWALK

AMENDMENT NO. 2
TO
AGREEMENT BETWEEN
THE CITY OF BIDDEFORD
AND
WRIGHT-PIERCE
FOR
ENGINEERING SERVICES ASSOCIATED WITH
BIDDEFORD RIVERWALK

This AMENDMENT made the ____ day of _____, 2023, by and between THE CITY OF BIDDEFORD, (hereinafter called CLIENT), and WRIGHT-PIERCE (hereinafter called ENGINEER).

WHEREAS, an Agreement was entered on November 15, 2017 between the CLIENT and ENGINEER, which Agreement is entitled *Engineering Services Associated with the Biddeford Riverwalk* (hereinafter referred to as AGREEMENT).

WHEREAS CLIENT wishes ENGINEER to proceed with development of front-end specifications and bidding services.

NOW, THEREFORE, in consideration of said AGREEMENT and other good and valuable considerations, it is hereby agreed and acknowledged by and between CLIENT and ENGINEER to amend the AGREEMENT as follows:

1. The AGREEMENT shall be amended to include this AMENDMENT, a copy of which shall be attached thereto and made a part thereof.
2. SECTION 1 – SCOPE OF SERVICES: ENGINEER will amend the original agreement and undertake the following additional tasks.

I. Re-initiate and Finalize Design Plans and Permit Documents

- A. To complete the scope of final design services, Wright-Pierce will reinitiate drawing production, finalize the details for construction, and complete quality control and quality assurance checks of the final design deliverables. We will finalize plans and technical specification development based on current codes and material standards for the civil, structural, architectural, and electrical components of the Project. Deliverables include construction drawings and updated opinion of project costs. Project permitting will be completed including the NRPA Individual Permit and the US Army Corps of Engineers (USACE) Category 2 General Permit for the proposed Riverwalk extending from Laconia Plaza to the north side of the Riverdam Building. Three remote meetings and one in-person meeting is assumed for permit coordination with NRPA, USACE, and the Saco River Corridor Commission. Subtasks include:
 - a. Finalize design and detailing of the switchback ramp to Laconia plaza.

- b. Finalize design and detailing of a pile supported 6' wide boardwalk section.
- c. Finalize design and detailing of a 10' wide boardwalk section partially pile supported and partially supported on the existing canal wall.
- d. Repair and reconfiguration of existing stone stairs at the Mill at Saco Falls.

II. Added Design Scope Items

A. The following items, previously not included in the Scope of Work, are included in this amendment:

- a. Design Development of Segments C and D: Wright Pierce will build on prior Design Coordination efforts for these segments to develop final design and details for construction and complete quality control and quality assurance checks of the final design deliverables. Plans and technical specifications will be developed based on current codes and material standards for the civil, structural, and architectural components of the Segments C and D. Accessibility at the Riverdam' building is assumed to be through the building to an internal elevator allowing access to the upper level of the Riverwalk. Subtasks include:
 - i. Design and detailing of a variable width path supported on the existing wall at the northeast corner of the Mill at Saco Falls and Riverdam building.
 - ii. It was previously unknown that the facility would be open in winter months. Shielding will be designed and details to protect the structure and path from being iced over from river spray/mist in winter months.
 - iii. Design and detailing of a new stair tower at the Riverdam building
 - iv. Design and detailing of protective screening, guards, and railing systems for Segments C and D to complement guards and railing systems provided in Segments A and B.
- b. Alternatives review including development of opinion of costs and detailing to compare and allow a cast-in-place concrete retaining wall solution for Segment B in lieu of repair, reconstruction, and repointing of existing granite block portions of walls. The cast-in-place wall alternate will be included on the plans and within the specifications.
- c. Design, detailing and code compliance for structural, architectural, and electrical details will be provided for a vertical platform lift planned near the northeast corner of the Mill at Saco Falls building to provide an accessible path in addition to the proposed reconstructed stairs. Design and detailing will be included for a concrete path at the lower level of the lift and a boardwalk connector at the upper level of the lift.

- d. Easement Coordination: Easement coordination was originally assumed out of scope, to be completed by the City. Wright-Pierce has attended several in person and virtual meetings on an ongoing manner to support procurement of easements.
- e. Electrical Design: Incorporate up to five ornamental lights as specified by the City along the length of the Riverwalk. Design services will include:
 - i. Conduct an on-site meeting with Central Maine Power and the City of Biddeford to determine power source needs for proposed site lighting. It is assumed that the existing pump station at the North Dam Mill building or a new transformer on Pearl Street will power the proposed lighting.
 - ii. Complete lighting design and layout of conduit and hand holes on the plans for installation of ornamental ‘dark sky’ fixtures assumed to be:
 - 1. Post by Holophane – Camden Aluminum Roadway Arm, single arm, 36” length.
 - 2. Luminaire by Holophane - Esplanade Teardrop Pedestrian Roadway LED Pendant
 - iii. Provide Electrical Details, Diagrams, and Schedules for conduit, wiring, and fixtures on the project drawings.
 - iv. Provide bid instructions and specifications on the plans for Electrical – General and Light Poles and Fixtures.
 - v. Structural design and detailing of concrete bases or steel brackets for each light pole to be integrated into the boardwalk.

III. Project Specifications / Bidding Documents

- A. Wright-Pierce will attend meetings with the City, prepare meeting figures, and develop bid specifications to allow the project to be issued for bid as a stand-alone project rather than through inclusion into the scope of the Parking Garage project as originally intended. This task will require development of Division 0 and Division 1 Specifications in EJCDC format for Segments A, B, C, D, and the Lincoln Mill Sidewalk Connection. Technical specifications as needed for construction will be included on the construction plans.

IV. Bid Phase Services

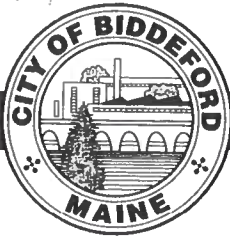
- A. Bidding services will include advertising for bids, distribution of drawings and specifications, maintaining a list of bidders, responding to bidder questions, preparation, and attendance at one pre-bid conference, preparing and issuing

bid addenda, attending the bid opening, tabulating, and evaluating bids and preparing a letter of recommendation regarding award of the contract.

- 3. SCHEDULE: ENGINEER will proceed with above tasks upon approval and direction from the City to move forward with preparation of project plans, permits, specifications, bidding services, and added scope items as noted above. Permits will be submitted to allow for construction of the project in 2023 in recognition of the anticipated low-flow summer in-water work window.
- 4. SECTION 2 – COMPENSATION: For Scope Items defined above as Re-initiate and Finalize Design Plans and Permit Documents, Added Design Scope Items, Project Specifications / Bidding Documents, and Bid Phase Services, an engineering budget of \$79,600.

IN WITNESS WHEREOF, the parties hereto have made and executed this AMENDMENT to said AGREEMENT as of the day and year first above written.

CLIENT:	ENGINEER:
By:	By:
Title:	Title:
Date:	Date:



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: FEB 27, 2023

Name: JOHN SCHAFER

Street Address: 24 SKY HARBOR DRIVE
BIDDEFORD

Mailing Address:
(if different) _____

Phone Number(s): 207. 294. 2410

Email Address: JSCHAFER@MAINE.RR.COM

Which City Committee, Board or Commission do you request to be appointed to:

- | | |
|--|--|
| ☐ • Airport Commission | ☒ • Harbor Commission |
| ☐ • Biddeford Citizens Advisory Committee | ☐ • Historic Preservation Commission |
| ☐ • Biddeford Fire Advisory Committee | ☐ • Planning Board |
| ☐ • Biddeford Housing Authority | ☐ • Policy Committee |
| ☐ • Biddeford Police Advisory Committee | ☐ • Project Canopy Committee |
| ☐ • Board of Assessment Review | ☐ • Recreation Commission |
| ☐ • Cable T.V. Committee | ☐ • Recycling & Solid Waste Management Commission |
| ☐ • Capital Projects Committee | ☒ • Shellfish Conservation Committee |
| ☐ • Conservation Commission | ☐ • Wastewater Management Commission |
| ☐ • Diversity, Equity and Inclusion Committee | ☐ • Zoning Board of Appeals |
| ☐ • Downtown Development Commission | ☐ • Other: |
| ☐ • Economic Improvement Commission | |

CITY OF BIDDEFORD
Committee Application

| Please list any prior experience serving on any Public Boards, Commissions or Committees (and approximate dates)

HARBOR COMMISSION 2013

| Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

| Please provide a brief statement describing your interest in serving the City of Biddeford.

I HAVE BEEN REQUESTED BY PAUL LARIVIERE TO APPLY FOR MEMBERSHIP TO THE HARBOR COMMISSION AND SHELLFISH COMMISSION TO CONTINUE WORKING ON THE RESPECTIVE ORDINANCES.

Attach any additional information to this application and return it to the City Clerk's Office.