

City of Biddeford
City Council
February 20, 2024 6:00 PM Council Chambers & Zoom

Please click this URL to join:

<https://biddeford.zoom.us/j/93327820183?pwd=ZkZpYXE3cDFZdXEyZ0JmWE5OS2RyUT09>

Passcode: 017927
Webinar ID: 933 2782 0183

Or One tap mobile:
+16469313860,,93327820183# US
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626 6799

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Status:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Presentation**
- 5. Appointments:**
 - 5.a. 2024.19) Approval/Mayoral Council Appointment to DEI Committee
[20240220 Council Appointment to DEI Committee -ORDER](#)
 - 5.b. 2024.20) Approval/Mayoral Appointments to Citizen Committees
[20240220 Application - Bistra Nikiforova- DEI Committee](#)
[20240220 Application- Anne Morrissey- DEI Committee](#)
[20240220 Application- Jeffrey Purser-DDC](#)
[20240220 Application- Ken Jordan-DDC](#)
[20240220 Application-Breese Reagle- DEI Committee](#)
[20240220 Application-Maura Oakes -DEI Committee](#)
[20240220 Application-Sarai Manyiel -DEI Committee](#)
[20240220 Application-Syed Zafar-DEI Committee](#)
[20240220 Mayoral Appointments Citizen Committees- Appointments](#)
[20240220 Application- Florence Leighton-DEI](#)

[20240220 Application- Andrew Lovely- DEI](#)

6. Public Hearing

- 6.a. Public Hearing Dizzy Birds Rotisserie Liquor License new usage
[Dizzy Birds Rotisserie public hearing notice 2-20-24](#)

7. Liquor License Consideration

- 7.a. Liquor License Approval - Dizzy Birds Rotisserie, new usage.
[Dizzy Birds Rotisserie liquor license application](#)

8. Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)

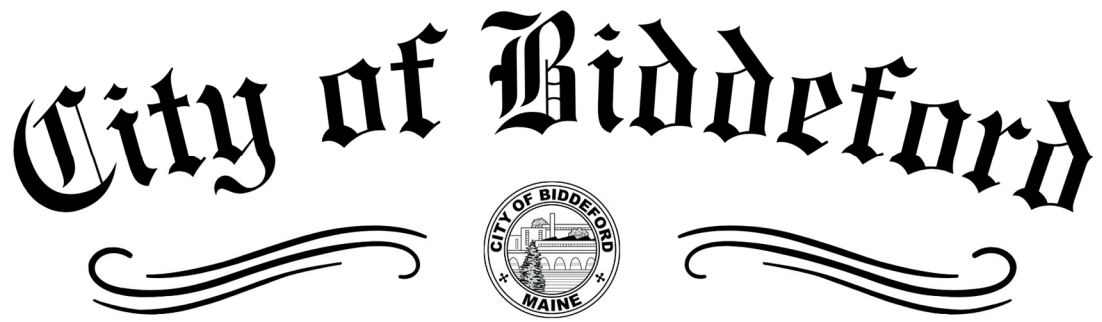
9. Consideration of Minutes:

- 9.a. Approval Council Minutes 2-6-24
[Council minutes 2-6-24](#)

10. Orders of the Day:

- 10.a. 2024.21) Approval/Authorization for Temporary Road Repairs
[Temp repairs ORDER](#)
[Storm Damage Temp Repairs](#)
[Bid tab](#)
[Foglio Bid](#)
[Storm Repair RFB](#)
[Grondin Bid](#)
[Shaws Bid](#)
- 10.b. 2024.22) Approval/Maine Service Center Coalition Representative
[20240220 Maine Service Center Coalition Representative -ORDER](#)
[Maine Service Centers Coalition 2024 Representative](#)
- 10.c. 2024.23) Approval/Stabilization Payment Biddeford Riverwalk Community 1, LLC
[20240220 Approval Stabilization Payment Biddeford Riverwalk Community 1, LLC - BRIEF](#)
[20240220 Approval Stabilization Payment Biddeford Riverwalk Community 1, LLC - ORDER](#)
[20240220 Biddeford Parking Stabilization Payment Calculation and Forecast - REFERENCE](#)
[20240220 Stabilization Payment 5, Biddeford Riverwalk Community 1, LLC - INVOICE.docx](#)
- 10.d. 2024.24) Approval/Authorize Creation of Ad Hoc Veterans Committee and Appointment
[20240220 Mayors Ad Hoc Veterans Committee-ORDER](#)
- 10.e. 2024.25) Approval/Authorization Joint Development Agreement for Marble Block Project
[2-20-2024 Marble Block JDA - BRIEF](#)
[2-20-2024 Marble Block JDA - ORDER](#)
[20240214 Final Draft JDA - Marble Block](#)
[Marble Block - New Facade Design](#)
[Marble Block - Schematic Plans \(080723\)](#)
- 10.f. 2024.26) Approval/Fire Department Contract 2024
[20240220 Fire Contract Approval- ORDER](#)

- 11. Public Addressing the Council..(5 minute limit per speaker)**
- 12. City Manager Report**
- 13. Other Business**
- 14. Council President Addressing the Council**
- 15. Mayor Addressing the Council**
- 16. Adjourn**

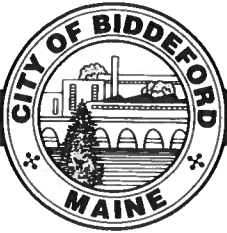


2024.19 **IN BOARD OF CITY COUNCIL.....FEBRUARY 20, 2024**
BE IT ORDERED, that the City Council does hereby confirm Mayor Martin Grohman's
nomination of:

Councilor Scott Whiting
Ward 2

to the Diversity, Equity and Inclusion Committee with a term to expire December 2025.

Attest by:_____



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 11/16/2023

Name: Bistra Nikiforova

Street Address: _____
Biddeford, ME 04005

Mailing Address: Ward 7
(if different) _____

Phone Number(s): _____

Email Address: _____

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)

1, DEI Committee for the City of Biddeford - April 2022 - present

2. Engine Board of Directors - June 2023 - present

3. Heart of Biddeford - Marketing Committee - 2021 - present

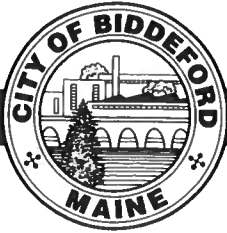
Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

Besides being in the first cohort of members for the DEI Committee at the City of Biddeford, I have been doing extensive work in the area of diversity, equity and inclusion through working with individuals, speaking up at community meetings, and writing about the DEI in specific professional areas.
Diversity, equity and inclusion is a topic I am passionate about.

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

For the almost two years as a member of the DEI committee I have learned more about local governance than at any time before. I feel there is a lot of work to be done to align the community, City policies and process to be more inclusive and equitable. As a voting member of the Biddeford Community, I believe I can contribute to this alignment through serving the City of Biddeford as a member of the DEI committee.

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



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 11/17/2023

Name: Anne Morrissey

Street Address: _____
Biddeford, ME 04005

Mailing Address: _____
(if different) _____

Phone Number(s): _____

Email Address: _____

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)

Current member of the City of Biddeford's Diversity, Equity, & Inclusion Committee
Former Civil Leadership Fellow; Boston CARES (Boston based service organization)

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

Professionally and academically I have always prioritized community building in my life. I worked for many years for a large social service agency in Boston as the Director of Operations while also getting my masters degree in Public Policy. After meeting my spouse I moved to Maine where I was certified as a Therapeutic Foster Parent and provided care to medically complex foster children for several years before going to work in the Special Services Dept of a local public school District. I feel that all these experiences have afforded me opportunities to engage and serve my community in authentic and beneficial ways and I am eager to use this experience while supporting the City of Biddeford.

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

As a person who very intentionally chose Biddeford to home for my family, I feel very strongly about celebrating and protecting the values that brought us here. Biddeford is a truly diverse city with an active community and one in which I have felt supported in my identities as both a Neurodivergent and a Queer person. I look forward to continuing to raise my children here and would value the opportunity to continue my work with the DEI committee to ensure the city's continued success as a stronghold of inclusiveness.

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

Committee, Board, and Commission Application Form

Application

Name	Jeffrey Purser
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Ward	5
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Need to find your Ward?

[Click here](#) to find your Ward on a map or a list of streets.

(Section Break)

Which City Committee, Board or Commission do you request to be appointed to?	Downtown Development Commission
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If other, please list below.	<i>Field not completed.</i>
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Why are you interested in serving the City of Biddeford?	As a property owner and resident of the city, I want to ensure that the quality of life improves for the next generation.
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Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve.	I completed my education with a Masters in Business Administration and have economic development experience with the Peace Corps. I currently work for the Small Business Administration.
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Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates).	<i>Field not completed.</i>
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Committee, Board, and Commission Application Form

Application

Name	Ken Jordan
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Ward	3
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Need to find your Ward?

[Click here](#) to find your Ward on a map or a list of streets.

(Section Break)

Which City Committee, Board or Commission do you request to be appointed to?	Downtown Development Commission
--	---------------------------------

If other, please list below.	<i>Field not completed.</i>
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Why are you interested in serving the City of Biddeford?	To help continue the betterment of our downtown and community!
--	--

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve.	None, aside from a career in business development, partnerships, and a stint in fundraising with the Ronald McDonald House of Maine
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Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates).	None
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Committee, Board, and Commission Application Form

Application

Name	Breese Reagle
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Ward	4
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Need to find your Ward?

[Click here](#) to find your Ward on a map or a list of streets.

(Section Break)

Which City Committee, Board or Commission do you request to be appointed to?	Diversity, Equity and Inclusion Committee, Recreation Commission
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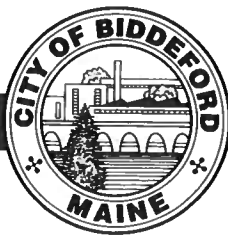
If other, please list below.	<i>Field not completed.</i>
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Why are you interested in serving the City of Biddeford?	I have always been involved within the community. I started my professional career as a social studies teacher in rural North Carolina teaching underprivileged children in a diverse setting, always pointing out the importance of civic engagement.
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Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve.	In the same vein as my service as a social studies teacher, I have had a passion for diversity, equity, and inclusion. When teaching social studies, 95% of my students met the requirements for free and reduced lunch. They were also predominantly Hispanic in a county of predominantly white residents. As you could imagine, this was a combination that breed inequality. I found it to be my duty to better educate my disadvantaged students, and it showed with my students scoring higher in growth among all of their peers in the county on the end-of-year standardized tests. Beyond my past position as a social studies teacher, I have a Masters Degree in Parks, Recreation, Tourism, and Sports Management. I have served in a variety of capacities, including recreation coordinator and assistant director of parks and recreation.
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Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates).

Although I have presented to many different boards and committees in my time as a recreation professional, this would be the first commission/committee that I would be a part of.



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 11/14/2023

Name: Maura Oakes

Street Address:

Biddeford ME, 04005

Mailing Address:
(if different)

Phone Number(s):

Email Address:

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)

This would be my first time serving on any Public Boards, Commissions or Committees but I have been involved in the planning of numerous large and small events in my current work.

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

I currently work full-time as the Mental Health Coordinator at OUT Maine, an LGBTQ+ non-profit that has a goal to uplift queer youth all over the state of Maine. I have been at this position for over two years and find that I have relevant experience to help the City of Biddeford in maintaining safe and welcoming/affirming environment for marginalized populations especially the LGBTQ+ community. I have also been a licensed clinical professional counselor for about 5 years working in intensive in home care, outpatient and emergency department crisis services which has given me the tools to provide care to folks in a variety of settings and under varying circumstances.

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

I bought my first home in Biddeford in 2020 after attending the University of New England for my undergraduate degree. I have fallen in love with this city and yearn to be more involved in an important and meaningful way. Being a part of the DEI committee would speak to my desire to be making positive change as well as connect my career into one large passion project. I have not served on a board previously but I feel that my youthful energy and experience working in the LGBTQ+ community would serve as an asset to the City of Biddeford DEI committee. My involvement would also help to strengthen the cities resources by way of the connections that OUT Maine has throughout York County (and the entire state) for the LGBTQ+ community. I look forward to the prospect of becoming more involved and engaging community members and making sure that people have access to supports that help them to meet basic needs necessary for a healthy and promising life.

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

Committee, Board, and Commission Application Form

Application

Name	Sarai Manyiel
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Ward	6-1
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Need to find your Ward?

[Click here](#) to find your Ward on a map or a list of streets.

(Section Break)

Which City Committee, Board or Commission do you request to be appointed to?	Diversity, Equity and Inclusion Committee
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If other, please list below.	<i>Field not completed.</i>
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Why are you interested in serving the City of Biddeford?	I am a new citizen of Biddeford and a former classroom teacher. I am also a Black woman who has extended family and nibiling who are being raised in this beautiful town. I want to make sure that everyone feels safe in this community and proud to call this place home.
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Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve.	I have been a humanities teacher at Casco Bay High School, creating an expeditionary learning curriculum. I created and advised the Black Student Union at Casco Bay, and I taught for a year at an International school in Cairo. I have traveled. I have a degree in Cross-cultural literature. I am currently a program coordinator for Portland Empowered, which is a program that advocates for equity in Portland Public Schools.
--	---

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates).	I was a board member at One tree wholistic center in South Portland, ME before closing which was a learning center for children, also provided before and after care for elementary school students.
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Committee, Board, and Commission Application Form

Application

Name	Syed Zafar
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Ward	4
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Need to find your Ward?

[Click here](#) to find your Ward on a map or a list of streets.

(Section Break)

Which City Committee, Board or Commission do you request to be appointed to?	Diversity, Equity and Inclusion Committee
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If other, please list below.	<i>Field not completed.</i>
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Why are you interested in serving the City of Biddeford?

I am eager to channel my expertise into the Diversity, Equity, and Inclusion Committee as I believe that fostering an inclusive community is fundamental to Biddeford's success. My professional background has instilled in me the importance of diversity in achieving comprehensive and sustainable solutions. Through my work, I have witnessed firsthand the positive impact of diverse perspectives in promoting innovation, understanding, and overall community resilience.

Biddeford, like any thriving city, should be a place where everyone feels welcomed, valued, and represented. By serving on the Diversity, Equity, and Inclusion Committee, I aim to contribute to the development of policies and initiatives that ensure equal opportunities for all residents, regardless of their background. A city that embraces diversity not only strengthens its social fabric but also attracts a broader range of talents and perspectives, fostering a more dynamic and prosperous community. I have enjoyed being a part of the Biddeford community, and I enjoy serving this community, and I am ecstatic at the opportunity to double down on my commitment to this great city.

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

My extensive background and experience uniquely qualify me to contribute effectively to the City of Biddeford as a member of the Diversity, Equity, and Inclusion (DEI) Committee. I bring a diverse skill set and a deep commitment to promoting diversity, equity, and inclusion, which will be valuable to this committee.

First and foremost, my educational background sets a solid foundation to contribute to the DEI Committee in a positive manner. I hold a PharmD, MPH, and MBA, which collectively equip me with a comprehensive approach to addressing public health issues, a critical aspect of fostering diversity, equity, and inclusion. My passion for public health reflects my unwavering commitment to creating healthier communities, promoting access to healthcare, and advocating for social equity.

Moreover, my professional experience in a senior leadership role at a global biopharmaceutical company has honed my business acumen and analytical abilities. In this role, I am a board member of the Diversity, Equity, and Inclusion Committee, which spans a global reach. My responsibilities in this role are to ensure the organization is meeting DEI initiatives in a global landscape.

I have held leadership positions such as Chief Operating Officer for a global nonprofit and managed successful businesses throughout my career. These roles have instilled in me the ability to thrive under pressure, manage competing priorities, and drive positive change. Importantly, I have always maintained a commitment to ensuring that the process of change is not only practical but also enjoyable for those involved. My track record of leading with integrity and innovation underscores my dedication to contributing positively to Biddeford's efforts in promoting diversity, equity, and inclusion.

Having a personal and professional stake in the City of Biddeford amplifies my enthusiasm for serving on the DEI Committee. Biddeford holds a special place in my heart as a town that has provided me with stability, happiness, and meaningful connections. It is a town with vast potential, and I am deeply committed to fostering a culture of diversity, equity, and inclusion for its continued prosperity.

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

Throughout my career, I have consistently demonstrated my dedication to public service and passion for improving communities. My journey in serving on public boards and committees began when I served as the Chief Operating Officer (2016) for a global nonprofit organization. In this capacity, I had the privilege of leading a diverse team and managing complex projects that aimed to address critical global issues. This experience instilled a deep appreciation for collaborative decision-making, an essential skill for a member of the Diversity, Equity, and Inclusion (DEI) Committee.

Within the biopharmaceutical industry, I have actively participated in various committees, most notably in the grant and equity department (2021), where I contributed to developing and implementing initiatives to promote equity, diversity, and inclusion. This work was pivotal in fostering a more equitable and accessible environment within the industry, aligning with my commitment to these values. Additionally, I currently serve on the DEI committee (ongoing) for my professional job, where I continuously contribute to initiatives that champion inclusivity and social equity.

I held leadership roles and served on boards such as the International Society for Pharmaceutical Engineering (2017). These experiences allowed me to develop crucial skills in strategic planning, effective communication, and consensus-building – skills that are directly transferable to the responsibilities of a Diversity, Equity, and Inclusion Committee member. My commitment to promoting inclusivity and diversity has been a consistent thread throughout my career, and I am eager to bring these qualities to the DEI Committee for the city of Biddeford.

City of Biddeford



2024.20

IN BOARD OF CITY COUNCIL...FEBRUARY 20, 2024

BE IT ORDERED, that I Martin Grohman, Mayor of the City of Biddeford, do hereby appoint:

Syed Zafar

Ward 4

Diversity, Equity and Inclusion Committee

Term to expire December 2024

Andrew Lovley

Ward 5

Diversity, Equity and Inclusion Committee

Term to expire December 2024

Sarai Manyiel

Ward 6

Diversity, Equity and Inclusion Committee

Term to expire December 2024

Breese Reagle

Ward 4

Diversity, Equity and Inclusion Committee

Term to expire December 2025

Anne Morrissey

Ward 7

Diversity, Equity and Inclusion Committee

Term to expire December 2025

Bistra Nikiforova

Ward 7

Diversity, Equity and Inclusion Committee

Term to expire December 2026

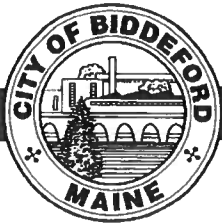
Florence Leighton
Ward 2
Diversity, Equity and Inclusion Committee
Term to expire December 2026

Maura Oakes
Ward 4
Diversity, Equity and Inclusion Committee
Term to expire December 2026

Ken Jordan
Ward 3
Downtown Development Commission
Term to expire December 2026

Jeffrey Purser
Ward 5
Downtown Development Commission
Term to expire December 2026

Attest by:_____



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date:

11/16/2023

Name:

FLORENCE "FLO" LEIGHTON

Street Address:

BIDDEFORD, ME 04005

Mailing Address:
(if different)

Phone Number(s):

Email Address:

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)

CITIZEN'S DEI COMMITTEE 2021 - 2023
CO-CHAIR - EDUCATION/OUTREACH SUB-COMMITTEE

BIDDEFORD HIGH SCHOOL BLACK STUDENT UNION -
COMMUNITY ADVISOR, 11/2023 - PRESENT

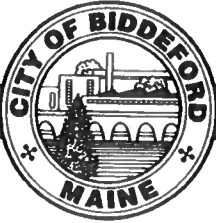
Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

I AM A LICENSED MENTAL HEALTH NURSE PRACTITIONER
AND FORMER UNIVERSITY EDUCATOR. I HAVE BUILT MY
CLINICAL PRACTICE & CONSULTING WORK AROUND PROMOTING EQUITY
IN THE MENTAL HEALTH SPACE.

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

I AM A RESIDENT AND BUSINESS OWNER IN BIDDEFORD SINCE
2021. PRIOR TO RESIDING HERE I SERVED ON VARIOUS
NURSING AND ANTI-RACISM COMMITTEES IN LARGE HOSPITAL
SYSTEMS & GROUP PRACTICES. I CARE VERY DEEPLY ABOUT
THIS CITY AND MAKING IT MORE ACCESSIBLE TO THE
GROWING DIVERSE POPULATION MOVING HERE. I OWN MY
HOME AND INTENTIONALLY STARTED MY BUSINESS HERE
BECAUSE THIS IS MY PERMANENT HOME. I AM A
WOMAN OF COLOR AND BELIEVE MY VOICE IS CRUCIAL
TO MAKING A LASTING IMPACT IN OUR CITY'S DEI EFFORTS.

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



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 17 NOV 2023

Name: Andrew Lovley

Street Address: Biddeford, ME 04005

Mailing Address:
(if different)

Phone Number(s):

Email Address:

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)

City of
• Biddeford Community Diversity, Equity, & Inclusion Committee (2022-2023)

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

- M.A. in International Peace & Conflict Resolution, 2013 - Thesis on psychology of prejudice toward immigrants
- Founded & led Humanist student organization at Univ. of Southern ME, 2008-2010
- 1st generation college student
- Served two years in AmeriCorps as a tutor/mentor for low-income and/or at-risk youth 2010-2011, 2013+
- Served one year as case manager for adults w/ mental illness 2014-2015
- Born & raised in small town Maine. Resident of Biddeford since Fall 2021

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

I am applying to serve a second term on the DEI committee in order to build upon and expand from the foundational work done in its inaugural term. With a clear mission and vision statements now in place, as well as a firmer sense of the committee's identity and purview, and some experience carrying out projects to promote DEI in Biddeford, I am eager to see what the committee can accomplish next, and I hope to be a part of it for a second term. I believe that the community DEI committee, with new and veteran members, and now with a DEI coordinator in addition to the Communications coordinator, will be able to hit the ground running and do remarkable things going forward.

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

NOTICE OF PUBLIC HEARING

CITY OF BIDDEFORD

Regarding: Liquor License, Dizzy Birds Rotisserie

Notice is hereby given that the City of Biddeford will hold a public hearing regarding this application at its City Council Meeting on

Tuesday, February 20, 2024 at 6:00 pm

at the City Council Chambers, City Hall, 205 Main Street, Biddeford, Maine.

The purpose of the public hearing is to receive public comments on the following liquor license:

Dizzy Birds Rotisserie

Restaurant: Beer and Wine

All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at that time.

For New Businesses and Businesses with Liquor Licenses: Please be sure to contact the Code Enforcement Office to schedule an inspection (207) 284-9236

2/1/27
2D
CK#
1751
\$300

City of Biddeford
BUSINESS LICENSE APPLICATION

BUSINESS NAME: DIZZY BIRDS ROTISSERIE - RETAIL

Business Address: 65 MAIN ST Map Lot

Mailing Address: 65 MAIN ST STE 15 Biddeford

Business Telephone Number: 207-494-7089

Email Address: DM @ DIZZY BIRDS ROTISSERIE.COM

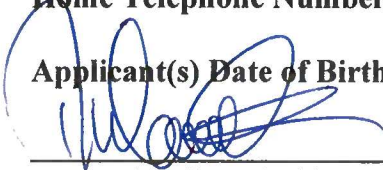
OWNER/OPERATOR: TOM PEACOCK - PRESIDENT

Home Physical Address: 670 WEST ROAD WATERBURY ME 04087

Home Mailing Address: SAME

Home Telephone Number: 207-408-7438 ~~207~~ (Cell)

Applicant(s) Date of Birth: 12/18/1960

 01/30/24
Applicant's Signature **Date**

Any information provided in this application, which is found to be false, will result in the denial or revocation of this license - per 1 M.R.S.A. 17-A §453.

TYPES OF ENTERTAINMENT:

\$150.00 (single/multiple events)

- | | |
|--|---|
| ☐ Concert | ☐ Playhouse/Play |
| ☐ Exhibitions (live performances) | |
| ☐ Circus/Carnival | |

\$150.00 (annual)

- | | |
|---|--|
| ☐ Indoor Skating Rink | ☐ Public Firing Range |
| ☐ Bowling Lanes | ☐ Bottle Club |
| ☐ Theater/Movie House
(plus \$25.00 per screen) | |
| ☐ Billiard Room(s) | |

AUTOMOBILE REPAIR AND/OR GRAVEYARD:

- | | |
|---|-----------------|
| ☐ Automobile Repair Garage for maintenance | \$75.00 |
| ☐ Automobile Graveyard | \$200.00 |

PLACES/DEALERS IN PRODUCTS:

\$200.00

- | | |
|--|---|
| ☐ Secondhand Dealers | ☐ Flea Market (for 20 tables; \$5 per add'l table) |
| ☐ Dealers in gold jewelry, etc. | ☐ Junk Dealer/Recycling |
| ☐ Antique Dealer | |

For New Businesses and Businesses with Liquor Licenses: Please be sure to contact the Code Enforcement Office to schedule an inspection (207) 284-9236

PAWNBROKER: **\$200.00**

VENDOR ON A PUBLIC PLACE: **\$50.00**

ICE CREAM TRUCK VENDOR **\$75.00**

(need to show proof of at least \$500,000 liability insurance)

VENDING ON WATERWAYS **\$100.00**

OPERATING LICENSE:

- ☐ Victualer (no alcohol)-State Cert. Required **\$75.00**
- ☒ Victualer serving beer and/or wine-State Cert. Required **\$100.00**
- ☐ Victualer serving beer, wine and/or liquor **\$150.00**
State Cert. Required
- ☐ Taxicab, motorbus, public automobile **\$50.00**
(plus \$20.00 per vehicle)
- ☐ Massage Establishment/Therapist **\$100.00**
- ☐ Combined Massage Establishment/Massage Therapist **\$150.00**
- ☐ Adult Business **\$2,000.00**
- ☐ Sludge Disposal **\$50.00**

MISCELLANEOUS:

- ☒ Advertising (for liquor licenses) **\$200.00**
- ☐ Newspaper Vending Machines (per machine) **\$10.00**
- ☐ Video Game Devices (up to a max of \$50.00) **\$10.00 (each machine)**

New Business License Application Disclosure: By submitting, signing and paying the applicable \$10.00 application fee (and \$200.00 advertising, when applicable), the issuance of business license in the City of Biddeford is not guaranteed. You will be required to pay the full business license fee(s) once departmental reviews have been completed and an Occupancy Permit has been issued by the Code Enforcement Office.

CITY COUNCIL APPROVAL DATE (if applicable): _____

CODE ENFORCEMENT APPROVAL: _____
(Occupancy Permit Issued)

CITY CLERK ISSUED: _____ **DATE:** _____

City of Biddeford
City Council
February 06, 2024 6:00 PM Council Chambers & Zoom

Status:

1. Roll Call - all present

Council President LaFountain
Councilor Lessard
Councilor Ortiz
Councilor Emhiser
Councilor Whiting
Councilor Beaupre
Councilor Mills
Councilor Schlaver
Councilor Belanger

2. Pledge of Allegiance

3. Adjustment(s) to Agenda – Item 5.a Proclamation is dropped; Agenda item 13.d will be discussed before 13.c.

4. Appointments:

4.a. 2024.12) - Approval/Confirmation of Council Appointment to Downtown Committee
[20240206 Norman Belanger Downtown Committee -Appointment ORDER](#)
Motion: Councilor Beaupre
Second: Councilor Mills
Vote: Unanimous in favor.
Motion passed.

4.b. 2024.13) - Approval/Confirmation of Appointments to Citizen Committees
[20240206 Mayoral Appointments Citizens Committee- ORDER](#)
[20240206 Application -Edward Fullmer - Airport Commission](#)
[20240206 Application -William Moriarty- Recycling and Waste Management Commission](#)
[20240206 Application- Jake Pierson - BPAC-Recycling Waste Management](#)
[20240206 Application- Quang Minh Le - Board of Assessment Review](#)

Motion: Councilor Beaupre
Second: Councilor Mills
Vote: Unanimous in favor.
Motion passed.

- 4.c. 2024.14) - Approval/Confirmation of Appointment of Chair of the Recycling and Waste Commission
[2024020206 Gregg Shapiro, Chair- ORDER](#)
Motion: Councilor Schlaver
Second: Councilor Whiting
Vote: Unanimous in favor.
Motion passed.
5. **Proclamation:**
5.a. Proclamation Organ Donor Month – deleted from agenda.
6. **Public Hearing**
6.a. Public Hearing: Catface Cafe LLC liquor license
[Catface Cafe liquor license application](#)
[Public Hearing notice 2-6-24 Catface Cafe liquor license](#)

Public Hearing opened at 6:04 pm
No public comments
Public Hearing closed at 6:05 pm
7. **Liquor License Consideration**
7.a. Approval/Liquor License Catface Cafe LLC
[Catface Cafe liquor license application](#)

Motion: Councilor Beaupre
Second: Councilor Belanger
Vote: Unanimous in favor.
Motion passed.
8. **Public Input**
8.a. May Street Traffic - Public Input
[20240205 May Street Traffic Analysis - April - Nov 2023 - Final](#)
5 citizens spoke about the new traffic pattern. There are concerns with parking during spring sports, sidewalks, people speeding up as they go around the islands and again after they pass the islands, the height of the plants when they mature, and the placement of the crosswalks.
Police Chief Fisk shared information from the recent traffic study.
9. **Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)**
One citizen commented about a recent article about the storm damage and also the information that they learned once they started researching it more.

10. Presentation

- 10.a. Presentation by City Manager - TIFs & Credit Enhancements as a tool for economic development

[Tax Increment Financing \(TIF\) 101. - PRESENTATION](#)

City Manager Jim Bennett gave a presentation on TIFs and how they are used. He explained how and why they are created. He gave specific examples of projects using TIF.

11. Consideration of Minutes:

- 11.a. Approval Council Minutes 1-16-24

[Council Minutes 1-16-24](#)

Motion: Councilor Schlaver

Second: Councilor Whiting

Vote: Unanimous in favor.

Motion passed.

12. Second Reading:

- 12.a. 2023.09 Approval/Re-zone portions of the City's R-2 and R-1 A lots to MSRD -2

[City Council Order Rezoning from R1 and R1A to MSRD2 1-16-24 2nd](#)

[Bennett Policy Memo to CC 6-20-23 IZ incentive](#)

[Policy Brief Rezoning to MSRD2 1-16-24](#)

[Policy Brief Rezoning to MSRD2 9-20-23](#)

[PPH First Reading](#)

[Zoning Map Amendment R2 to MSRD2 12-06-23 PB MEMO](#)

[Rezoning Map Proposal 9-20-2023](#)

Motion: Councilor LaFountain

Second: Councilor Mills

Vote: Unanimous in favor.

Motion passed.

- 12.b. 2023.10 Approval/Amend Ordinances, Part II: Code of Ordinances - Subdivisions
Article 1, Section 66-21 Soil Evaluations

[City Council Order 2024.10 Subdivisions Septic Inspections 2nd](#)

[Policy Brief Septic Inspections 1-16-24](#)

[Ordinance Amendment SEPTIC and SLUDGE 1-16-23](#)

[Ordinance Amendment SEPTIC INSPECTIONS 1-16-24](#)

[Septic and Sludge Ordinance Amendment 12-06-23 PB MEMO](#)

[Brent Lawson email regarding septic inspections](#)

Motion: Councilor Mills

Second: Councilor Schlaver

Vote: Unanimous in favor

Motion passed.

- 12.c. 2023.11 Approval/Amend Ordinance Part III: Code of Ordinances, Article VI - Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

[City Council Order 2024.11 Subsurface wastewater disposal and sludge spreading 2nd](#)

[Maine House of Representatives email regarding sludge 12-8-23](#)

[Ordinance Amendment SEPTIC and SLUDGE 12-20-23](#)

[Ordinance Amendment Subsurface Wastewater and sludge spreading 1-16-24](#)

[Policy Brief Subsurface Wastewater disposal and sludge spreading 1-16-24](#)

[Septic and Sludge Ordinance Amendment 12-06-23 PB MEMO](#)

Motion: Councilor Mills

Second: Councilor Schlaver

Vote: Unanimous in favor.

Motion passed.

13. Orders of the Day:

- 13.a. 2024.15 Approval/HUD Lead Abatement/Other Rehab - 22 Jefferson Street Bid Award

[Council Memo--22 Jefferson St Bid Award](#)

[ORDER--REHAB BID AWARD 22 JEFFERSON ST](#)

[BID TAB AND PROPOSALS--22 JEFFERSON ST REHAB](#)

Motion: Councilor LaFountain

Second: Councilor Mills

City of Biddeford Director of Housing and Rehabilitation Gail Wilkerson explained the two projects and answered questions about the funding and community outreach efforts.

Vote: Unanimous in favor.

Motion passed.

- 13.b. 2024.16 Approval/HUD Lead Abatement/Other Rehab - 114 Washington Street Bid Award

[Council Memo--114 Washington St Bid Award](#)

[ORDER--LEAD BID AWARD--114 WASHINGTON ST](#)

[BID TAB AND BID PROPOSALS-114 WASHINGTON ST REHAB](#)

Motion: Councilor Mills

Second: Councilor LaFountain

Vote: Unanimous in favor.

Motion passed.

- 13.c. 2024.17 Approval/Authorize City Manager to enter into new labor agreement between the City and Teamsters Local 340 for the Biddeford Police Department

[20240206- Biddeford Police Department Labor Agreement](#)

Councilor Lessard Motion to go into Executive Session, MRSA 405 (6) (d) Labor Negotiations at 7:16 pm
Second: Councilor Schlaver
Vote: 8 yeas – Councilors LaFountain, Lessard, Ortiz, Emhiser, Whiting, Beaupre, Schlaver and Belanger
1 nay – Councilor Mills
Motion passed.

Councilor LaFountain: motion to come out of Executive Session at 7:35 pm
Second: Councilor Mills
Vote: Unanimous in favor.
Motion passed.

Motion: Councilor Belanger
Second: Councilor Schlaver
Vote: 8 yeas: Councilors LaFountain, Ortiz, Emhiser, Whiting, Beaupre, Mills, Schlaver and Belanger.
1 nay – Councilor Lessard.
Motion passed.

- 13.d 2024.18 Approval/Authorize City Manager to begin procurement process for Gilbert Boucher Park Bath House.
[20240206 Gilbert Boucher Bath House -ORDER](#)
[20240206 Gilbert Boucher Bath House - MEMO](#)

Motion: Councilor LaFountain
Second: Councilor Mills

Department of Recreation Director Catherine Ellis provided an overview of the storm damage, the time line for future repairs and the need to secure trailers soon due to high demand.

Vote: Unanimous in favor.
Motion passed.

14. Public Addressing the Council..(5 minute limit per speaker)

Councilor LaFountain - Motion to suspend online comments.
Second: Councilor Whiting
Vote: Unanimous in favor.
Motion passed.

In person comments -

One person recommended a great article from 1973 New Yorker about the bath house.
Another spoke about the child care crisis.

15. City Manager Report

City Manager Bennett again wants to thank City staff for everything they did before, during and after the storm. Particularly Public Works, the Fire and Police departments, Communications, and Roby Fecteau, Director of Code Enforcement and Emergency Management. Their efforts definitely minimized the storm damage and provided timely information to residents.

16. Other Business

Councilor Lessard – had a constituent comment about a police cruiser that was hard to see the markings. He is against allowing zoom input at meetings.

Councilor Belanger – allowing free speech does not mean allowing hate speech. He would like to encourage public participation in as many ways as possible but this behavior will not be tolerated.

Councilor Mills – thanked the public for their input on May Street. Mentioned the Veterans Committee coming soon.

Councilor Beaupre – would like a way to have Council follow up on public comments.

17. Council President Addressing the Council

The online comments were reprehensible, will need to take a second look at the zoom policy. He wants to recognize the four decades of dedication of Bill Harriman in the Recreation Department. The Recreation Department is currently hiring summer lifeguards. He also wants to recognize the recent Chamber of Commerce winners Garden Bar and Sugar.

18. Mayor Addressing the Council

There will be a Proclamation for Black History Month next week at the Council Workshop. He will be working with Policy Chairman Belanger on a Solar Ordinance. The Council Workshop on the 13th will be a follow up to the previous Unhoused Workshop. Winterfest is this weekend.

19. Executive Session

19.a. Executive Session MRSA 405 (6) (d) Labor Negotiations

19.b. Executive Session MRSA 405 (6) (c) Real Estate Matters

Councilor Whiting: Motion to go into Executive Session at 8:06 pm

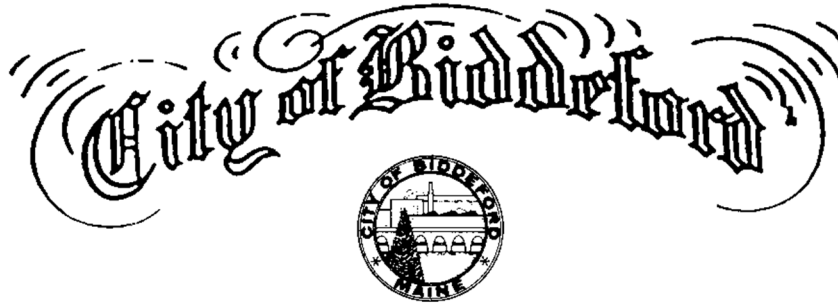
Second: Councilor Mills

Vote: Unanimous in favor.

Motion passed.

Councilor Belanger Motion to come out of Executive Session at 9:34 pm
Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

20. Adjourn



2024. 21

IN BOARD OF CITY COUNCIL... February 20, 2024

BE IT ORDERED, that the City Council approve the public works department to enter into a contract with Shaw brothers Inc., for the amount not to exceed \$67,100.00 for the temporary road repairs on Fortune Rocks Road, Ocean Ave and Granite Point Road.

Attest by: _____



Finance Committee - City Council

Meeting Date: 2/20/2024

Meeting Time: 5:00 pm

Agenda Item No: 2024.21

Item Description: 10.a (Authorization of Temporary Road Repairs

Submitted by: Jeff Demers - Public Works Director

Supporting Information/Documentation:

Storm (RFP)

Bid Tabulation sheet

Bids submitted by: Foglio Construction, Grondin Construction and Shaw Brothers Construction.

Executive Summary:

The Public Works Department is seeking approval for the temporary reconstruction of portions of Fortunes Rocks Road, Granite point road and Ocean Ave. Consisting of removing of heaved/lifted asphalt. Placement of temporary asphalt grindings and granite replacement.

Detailed Review:

The Public Works Department posted 'Request for Bids' on the city web site. Public works requested a time and material layout not to exceed amount. If approved Shaw Brothers will perform the following: The following amounts of hot top removal and granite placement are as follows; 20' wide asphalt road rehabilitation at 1820lf, 30' wide of asphalt road rehabilitation at 800lf. Reclaimed asphalt will be put into place as part of this temporary fix. Note: 'Permeant asphalt repair will not be complete until city gets further direction from Federal Emergency Management Association (FEMA). Partial granite ocean wall rehabilitation will be done in the footage mentioned above as needed to make secure and safe. Public works will maintain the temporary repair as needed throughout the summer months.

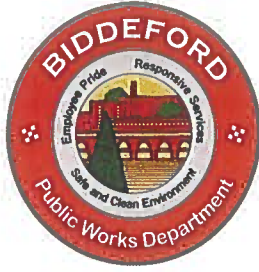
Funding assistance for the project is anticipated through possible FEMA reimbursements.

Funding Source:

31337-60466 (Special Emergency Account) Not to exceed \$67,100.00

Staff Recommendation:

Staff is recommending allowing Shaw Brother to perform the work requested above. This will allow the roads to be opened back up fully for the residents and emergency services. Public works staff will be available for any further discussion if needed.



City of Biddeford, Maine
Public Works Department
371 Hill Street Biddeford, Maine 04005
Phone: (207) 282-1579 Fax: (207) 286-9395

February 6, 2024

Bid Opening for Coastal Storm Damage Temporary Repair Project

Present: Joseph Lovejoy – Public Works
Kara Cote – Public Works
Representatives from: Shaw Brothers, R.J. Grondin & Sons

Bids were opened at the Public Works Department on February 6, 2024 at 2:30pm.

Shaw Brothers: \$67,090.00

Foglio, Inc: \$211,838.00

R.J. Grondin & Sons: \$156,819.00

FOGLIO INC.
Highway Const./Sitework/Residential
P.O. Box 308
Waterboro, ME 04087

February 6, 2024

Proposal Submitted to: City of Biddeford
Department of Public Works
371 Hill Street
Biddeford, ME 04005

**RE: BID PROPOSAL FOR JANUARY 16TH – JANUARY 20TH COASTAL STORM DAMAGE
TEMPOARY REPAIR PROJECT**

Scope of Work:

Provide equipment(with operator), Labor, Trucks and Material to perform temporary repairs to allow for safe vehicle passage over areas specified in Bid Documents. This proposal assumes that only areas deemed impassible will have asphalt removed. All areas having visually stable asphalt will remain. In order to achieve the goal, Foglio Inc. has included the following time and material in this bid proposal:

160 hours excavator @ \$300/hr	\$48,000.00
100 hours loader @ \$175/hr	\$17,500.00
120 hours skid steer @ \$150/hr	\$18,000.00
120 hours vibratory roll @ \$150/hr	\$18,000.00
120 hours labor @ \$65/hr	\$7,800.00
2,377 CY Type D gravel @ \$24/CY	\$57,048.00
535 CY RAP @ \$38/CY	\$20,330.00
26 loads of Armor Stones @\$400/load	\$10,400.00
2,460 LF Saw Cutting @ \$6/LF	\$14,760.00

NOTES:

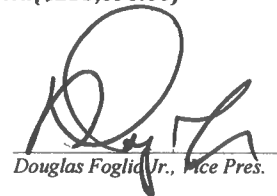
- 1) Unless specified otherwise above, all permits and fees are to be obtained and paid for by others.

We propose to furnish labor and material in accordance with the above Scope of Work for the sum of:

Two hundred eleven thousand eight hundred thirty-eight dollars and no cents....{\$211,838.00}

This proposal may be withdrawn if not accepted within 30 days.

Authorized
Signature:


Douglas Foglio Jr., Vice Pres.

Terms of payment:

Payment in full with 30 days of completion

Acceptance of proposal: _____ *Date:* _____

Phone: (207) 247-4186, 247-4461 Fax: (207) 247-6910

NOTICE INVITING BIDS
City of Biddeford Costal Storm Damage Temporary
Repair

In addition to the information contained in this Notice Inviting Bids section, more detailed information is provided in the Location and Description section, which should be carefully reviewed by all bidders before submitting a Bid Proposal.

1. Bid Information

The City of Biddeford ("City") will accept sealed bids for its January 16th thru January 20th 2024 Costal Storm Damage Temporary Repair ("Project"). Bids shall be delivered to the City of Biddeford's Public Works Department at 371 Hill Street, Biddeford Maine 04005 by or before FEB 6, 2024, at 2:30 p.m. at which time the bids will be publicly opened and read aloud. City reserves the right to reject any and all bids and to waive any non-substantive irregularities.

2. Project Information

2.1. Location and Description

The Project is located at three sites throughout the City's costal community as shown on Sheet A-1 of the bid drawing and is described as follows: Partial granite ocean wall rehabilitation, 20' wide asphalt road rehabilitation at 1820lf, 30 of asphalt road rehabilitation at 800lf. The City is looking for a Time and Material bid to do the following work: Remove damaged asphalt, bring granite wall back to edge of road, reclaim removed areas of asphalt to allow traffic movement for this temporary repair.

2.2 Time of completion

The planned timeframe for Substantial Completion of construction of the Project is 30 Working Days after the commencement date stated in the Notice to Proceed. An excusable delay, and an extension of time is granted by the City to Contractor.

3.2 BID Registration

City will not accept a Bid Proposal from or enter into the Contract with a bidder without proof that the bidder and its Subcontractors are registered and bonded with the City of Biddeford.

4. Bid Clarifications

Questions regarding the project, the bid procedures, or the meaning or intent of the

Contract Documents must by E-mail:

Jeff Demers Public Works Director

Email: jeff.demers@biddefordmaine.org

Any responses deemed necessary by the Director or City Engineer will be provided in a written addendum to be posted on the City's website:

<https://www.biddefordmaine.com>. Questions received less than three days before the deadline for bid submission might not be answered. City reserves the right to issue addenda before the time of the bid opening.

5. Bid Proposal and Security

6. Bid Proposal Form

Each bid must be submitted on contractor letter head.

6.1 Bid Security

Each Bid Proposal must be accompanied by a bid bond executed by a surety licensed to do business in the State of Maine. The bid security must guarantee that within ten days after City issues the Apparent Low Bidder Notice ("ALB Notice"), the bidder must execute the Contract and submit payment and performance bonds, warranty bonds, insurance certificates and endorsements, as required by the Contract Documents.

6.2 Performance, Payment, and Warranty Bonds

The successful bidder will be required to provide performance and payment bonds each in the amount of 100% of the Contract Price and a Warranty Bond in the amount of 15% of the Contract Price.

By: _____
Public Works Director

Date: _____

Publication Date: January

R. J. Grondin & Sons
General Contractors
11 Bartlett Rd.
Gorham, ME., 04038
207-854-1147
Fax 854-4315

February 6th, 2024

TO: Jeff Demers, City of Biddeford
FROM: Brendan Whalen, R. J. Grondin and Sons
RE: Coastal Storm Damage Temporary Repair

R.J. Grondin and Sons (RJG) is pleased to provide this proposal for the Coastal Storm Damage Temporary Repair project.

Pricing is based on plans titled Winter Storm Coastline Damage – Damage Inventory Plan by City of Biddeford Engineering Department dated 01/18/2024.

Below you will find a detailed scope of our work, and we recommend you review it in depth. After your review, we welcome you to contact us with any questions you have.

RJG reserves the right to adjust our pricing for any design changes or additional information provided at a later date. The price includes the following:

General Conditions:

1. Includes mobilization.
2. Dig Safe.
3. Traffic control.

Erosion Control:

1. Furnish, install, and maintain silt fence for the duration we are on site.
2. Furnish and install erosion control blanket.

Common Excavation:

1. Includes removing existing pavement up to 4" thick in location 5.
2. Includes removing damaged existing pavement from plan locations 1 and 7.

Roadway:

1. Furnish and install subbase gravel in shoulders of plan location 5.
2. Furnish and install woven fabric below proposed subbase gravel being installed against shoreline rocks.
3. Furnish and install 4" of reclaim in existing pavement footprint of area 5.
4. Furnish and install subbase gravel and 4" of reclaim in plan locations 1 and 7 to restore existing grade and width of road.

Site Improvements:

1. Includes pulling washed away rocks to edge of road in locations 1, 5, and 7. This excludes any rocks that are out of reach of the excavator in use from the edge of the road.

Lump Sum Total: \$156,819

Proposal valid for 30 days.

Based on a project start of February 2024.

Items not in price:

- Any permits or fees.
- Any work in plan locations 2, 3, 4, 6, 8, and 9.
- Any work requiring our equipment to set tires or tracks outside of the existing edge of pavement.
- Stacking and aligning wall rocks for aesthetic reasons.
- Snow plowing/removal from site.
- Removal of frost and any frozen material.
- Sawcutting pavement.
- Removing/replacing/relocating wheel stops.
- Removing jersey barriers from site.
- Import or export of granite wall rocks.
- Removing erosion control measures.
- Mobilizations and maintenance of road after we have left the site.

If you wish to discuss any aspect of this proposal or have additional questions, please feel free to contact me at your convenience.

Sincerely,



Brendan Whalen
Estimator



SHAW BROTHERS CONSTRUCTION, INC.
341 Mosher Road, P.O. BOX 69 GORHAM, ME 04038
(207) 839-2552 Fax (207) 839-6239

PROPOSAL

PROPOSAL SUBMITTED TO: City of Biddeford	CC: File	DATE: February 6, 2024
ADDRESS: 371 Hill Street	JOB NAME: Coastal Storm Damage Emergency Repairs	FAX:
CITY, STATE, AND ZIP Biddeford, ME 04005	JOB LOCATION: Biddeford	PHONE: (207) 282-1579
ATTN: Jeff Demers	EMAIL: Jeff.Demers@biddefordmaine.org	CELL:

Shaw Brothers Construction, Inc. will provide all necessary labor, equipment and materials to perform work in accordance with Coastal Storm Damage RFB. Our scope of work, **lump sum price**, and clarifications are shown below.

Scope of Work:

Mobilize equipment.
Sawcut pavement
Remove Pavement and legally dispose
Grade existing gravel and add reclaim to make roadway passable for traffic
Repair stone seawalls as necessary to make safe
Cleanup and demobilize.

Description	Quantity	Unit	Cost/Unit	Total Cost
Performance & Payment Bond	1	ls	\$ 425.00	\$ 425.00
Equipment Moves	15	hour	\$ 193.00	\$ 2,895.00
Pavement Sawcut	120	lineal feet	\$ 5.00	\$ 600.00
Foreman w/truck & tools	50	hour	\$ 155.00	\$ 7,750.00
Construction Worker	40	hour	\$ 62.00	\$ 2,480.00
50,000# Excavator	40	hour	\$ 230.00	\$ 9,200.00
21,500# Dozer	40	hour	\$ 198.00	\$ 7,920.00
24,000# Compactor	20	hour	\$ 179.00	\$ 3,580.00
Triaxle Dump	120	hour	\$ 117.00	\$ 14,040.00
1-1/2" Reclaim	1400	ton	\$ 13.00	\$ 18,200.00
78,000# Excavator	30	hr	\$ 305.00	\$ 9,150.00
				\$ -
				\$ -

Total Project Cost = \$ 67,090.00

Clarifications/Exclusions:

Roads to remain closed during construction. Traffic control is not included
Sales tax is not included.
This proposal is considered a lump sum price. The breakdown is provided as backup to our estimate only

We Propose hereby to furnish material, labor and equipment to complete the work described above for the lump sum of: \$ 67,090.00

-----Sixty seven thousand ninety dollars and no cents-----

Payment to be made as follows: Net 30 days

Interest at 1.5 percent per month on accounts over 30 days. Collection costs and reasonable attorney's fees will be added to account.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. All alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or

Authorized
Signature

Robert Brady

delays beyond our control. Owner to carry fire, tornado, and other necessary insurance.

NOTE: This proposal may be withdrawn by us if not accepted within 30 days.

Our workers are fully covered by Workers Compensation Insurance.

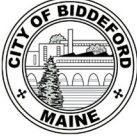
Acceptance of Proposal- The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on an island, with a ship in the water. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. There are small stars on either side of the word "MAINE".

2024.22

IN BOARD OF CITY COUNCIL...February 20, 2024

BE IT ORDERED, that the City Council does hereby approve City Manager James Bennett to serve as the City of Biddeford's appointed Representative for the Maine Service Centers Coalition.

Attest by: _____

MAINE SERVICE CENTER COALITION

2024 Resolution for Membership and Appointment of Voting Delegate Representative and Alternate

BE IT RESOLVED that the _____
(City/Town Council or Board of Selectmen)

hereby authorizes membership in the Maine Service Center Coalition and designates:

(name) (position in municipality)

to be the appointed REPRESENTATIVE for the Maine Service Centers Coalition and is therefore authorized to vote at the Maine Service Centers Coalition business meetings.

BE IT FURTHER RESOLVED that the designated ALTERNATE is:

(name) (position in municipality)

Dated

Attested To By:

Please return this Resolution as soon as possible to:

Maine Service Centers Coalition
c/o Melissa White, Asst. Director Training & Convention
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
E-mail: mwhite@memun.org

MAINE SERVICE CENTERS COALITION

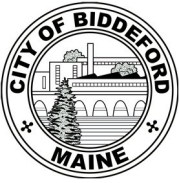
VOTING DELEGATES - 2024

Membership Information Sheet

MSCC REPRESENTATIVE	MSCC ALTERNATE
NAME:	NAME:
TITLE:	TITLE:
MUNICIPALITY:	MUNICIPALITY:
MAILING ADDRESS:	MAILING ADDRESS:
CITY/ST/ZIP:	CITY/ST/ZIP:
TOWN OFFICE PHONE:	TOWN OFFICE PHONE:
WORK PHONE:	WORK PHONE:
HOME PHONE:	HOME PHONE:
FAX PHONE:	FAX PHONE:
E-MAIL ADDRESS:	E-MAIL ADDRESS:

RETURN TO:

Maine Service Centers Coalition
c/o Melissa White, Asst. Director Training & Conventions
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
E-mail: mwhite@memun.org



City Council

Meeting Date: February 20, 2023

Meeting Time: 6:00 PM

Agenda Item No: 10.c.

Item Description: 2024.23) Approval/Stabilization Payment Biddeford Riverwalk Community 1, LLC

Submitted by: Brian S. Phinney, COO

Supporting Information/Documentation:

Biddeford Riverwalk Community 1, LLC Invoice #2024-1

Biddeford Stabilization Payment Calculation and Forecast

Key Terms:

"N/A"

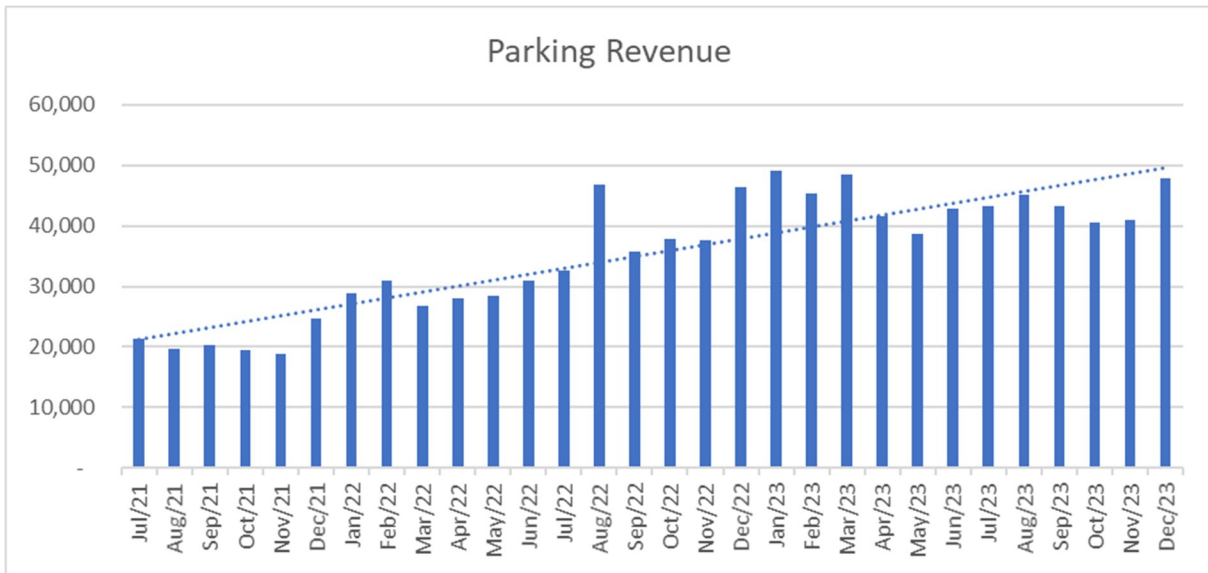
Executive Summary:

Council action on this item authorizes processing of garage Stabilization Payment #5 in accordance with the JDA. The Council may also direct the Downtown Committee to evaluate parking plan recommendations and review of parking rates.

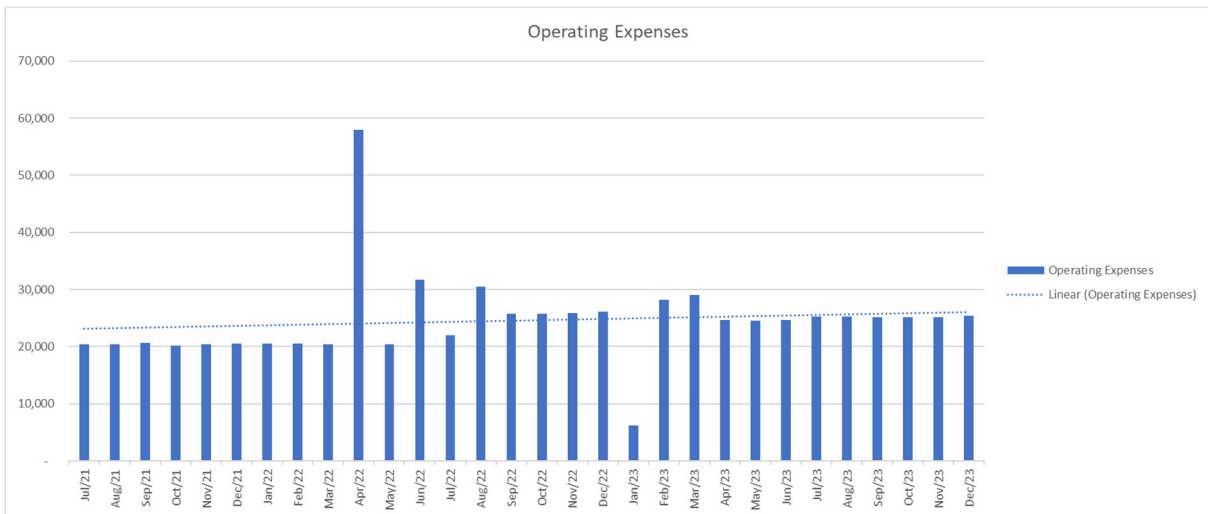
Detailed Review:

As per the Urban Core Transportation Joint Development Agreement by and Between the City of Biddeford and Biddeford Riverwalk Community 1, LLC (JDA), the City of Biddeford shall pay a semi-annual subsidy payment for project stabilization known as the "stabilization payment". The payment is applicable if the developer's NOI is below 90% of the projected NOI for the applicable period and only if the shortfall is a result of deviations in operation and maintenance costs and expenses and/parking system revenues, in which case the stabilization payment shall be equal to the difference between the project NOI and the actual NOI.

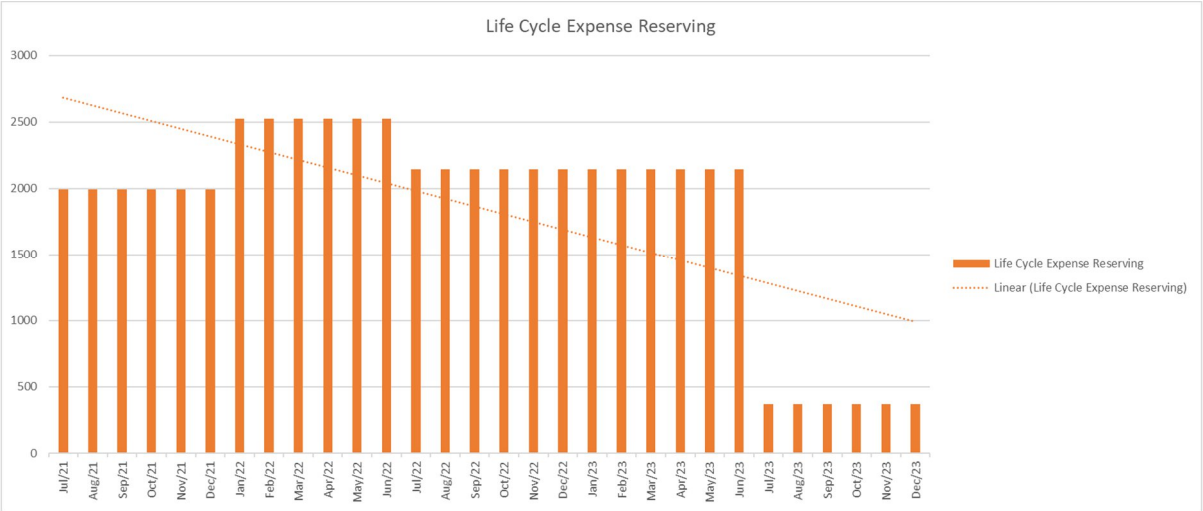
The actual vs forecast projections since the garage became active is provided as an attachment. Please note that the forecast columns are based on the latest schedule information for development of the 3 Lincoln Street property. If the schedule changes the forecast will need to be updated. Parking revenue is trending in a positive direction although redevelopment of the 3 Lincoln Street property is still the largest anticipated catalyst for significant revenue increases. Based on this most recent 6-month period an increase in parking revenue of \$30,657/month would have brought the stabilization payment to zero.



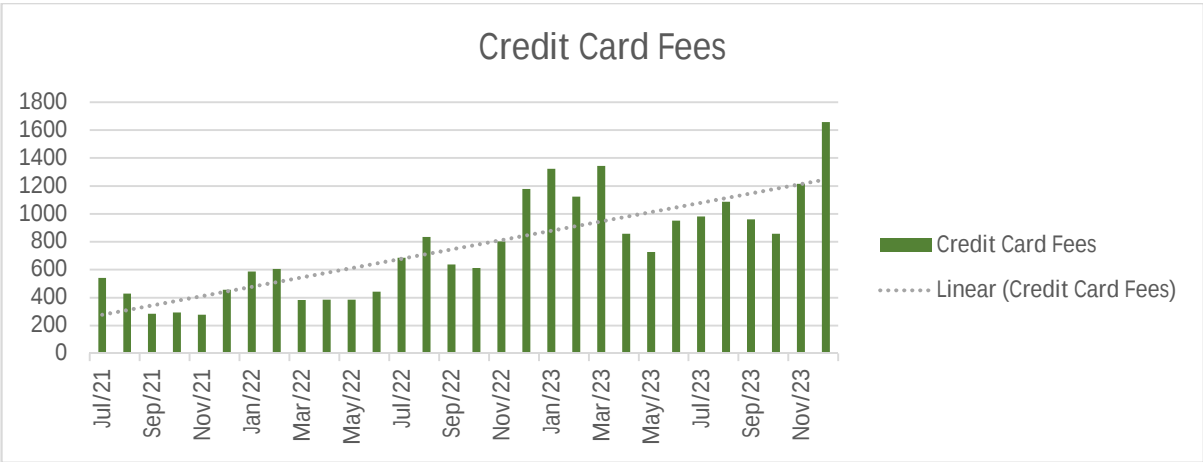
On the expense side, operating expenses are tracking as projected. The large increase in expenses for April of '22 and the large reduction in expenses in January of '23 are the result of a true-up of expenses resulting in a credit for January '23.



Lifecycle costs are down due to lower than expected snow plowing costs and long-term maintenance reserving.



Credit card fees are trending upward.



Although not specifically part of the stabilization payment approval, as part of ongoing discussions, Premium Parking has made several recommendations to improve the overall parking plan. The JDA also contemplated rate increases for 2023 and 2024 as follows:

Year	Hrly	Daytime	24/7	Night/Weekend	Snow Ban
Current	2.00	50.00	65.00	35.00	5.00
2023	2.00	57.00	72.00	39.90	5.00
2024	2.50	59.00	74.00	41.00	5.00

The 2023 rate increase was not adopted due in part to the Pearl Street Reconstruction Project impacting the area around the garage, post COVID inflation, and the undeveloped 3 Lincoln Street lots. Also of interest as it relates to the parking situation is the planned work on Alfred and Main Streets. These projects will impact on-street parking and traffic congestion this spring/summer. The Council may want to request that the Downtown Committee review Premium Parking's recommendations and the JDA price schedule at the Committee's next regularly scheduled meeting with opportunity for public input as part of a larger planning effort to address parking needs in the downtown over the next construction season and beyond.

Funding Source:

Tax Increment Finance Fund (TIF)

Staff Recommendation:

Staff recommends payment of the invoice in accordance with the terms of the *Biddeford Urban Core Transportation Joint Development Agreement by and between the City of Biddeford and Biddeford Riverwalk Community 1, LLC*.

City of Biddeford



2024.23 IN BOARD OF CITY COUNCIL..... FEBRUARY 20, 2024
BE IT ORDERED, that the City Manager shall direct the processing and payment of Stabilization Payment #5 to Biddeford Riverwalk Community 1, LLC in the amount of \$183,940.

Note: This payment covers the period July 1, 2023 through December 31, 2023.

Attest by: _____

Actuals & Forecasts	Dec-2021	Jun-2022	Dec-2022	Jun-2023	Dec-2023	Jun-2024	Dec-2024	Jun-2025	Dec-2025	Dec-2023	
	Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Variance
Parking Revenues	124,102	174,209	236,904	265,900	260,976	399,376	439,401	776,208	834,055	297,808	(36,832)
<i>Breakdown</i>											
15 Pearl Street	66,111	112,205	169,611	175,555	172,714	220,216	246,642	276,239	309,388	196,622	(23,908)
Surface Lots	57,991	62,004	67,293	90,345	88,262	113,329	126,928	142,160	159,219	101,186	(12,924)
<i>Actively targeted businesses</i>						16,831	16,831	16,831	16,831		
<i>Rate Increases</i>						49,000	49,000	49,000	49,000		
<i>Block 2 of the Mill District Completed</i>								291,979	299,618		
Support Payments	336,583	336,583	361,583	361,583	386,583	386,583	411,583	411,583	436,583	386,583	0
Total Revenues	460,685	510,792	598,487	627,483	647,559	785,959	850,984	1,187,791	1,270,638	684,391	(36,832)
Premium Parking O&M Fee	(122,578)	(122,957)	(132,794)	(132,794)	(133,533)	(136,114)	(139,517)	(139,517)	(143,004)	(136,114)	2,581
Snow Removal	0	(48,775)	(26,339)	(26,339)	(17,868)	(26,997)	(27,672)	(27,672)	(28,364)	(26,997)	9,129
Life Cycle Expense Reserving	(11,976)	(15,144)	(16,356)	(16,356)	(2,214)	(16,765)	(17,184)	(17,184)	(17,613)	(16,765)	14,551
Credit Card Fees	(2,282)	(2,784)	(3,007)	(3,007)	(6,755)	(3,082)	(3,159)	(3,159)	(3,238)	(3,082)	(3,673)
Total Operating Expenses	(136,836)	(189,661)	(178,495)	(178,495)	(160,370)	(182,957)	(187,531)	(187,531)	(192,219)	(182,957)	22,587
NOI	323,849	321,132	419,992	448,988	487,189	603,001	663,453	1,000,260	1,078,419	501,434	(14,245)
JDA NOI Profile	453,873	453,873	642,277	642,277	671,129	671,129	734,463	734,463	763,130	671,129	0
Stabilization Payments	130,024	132,741	197,271	191,246	183,940	68,127	0	0	0	169,695	14,245
Revenue Share	0	0	0	0	0	0	0	239,217	283,759	0	0
Total Cost to City of Biddeford	466,607	469,324	558,854	552,829	570,523	454,710	411,583	172,366	152,824	556,278	14,245

Biddeford Riverwalk Community 1 LLC

INVOICE

To: City of Biddeford

P.O. Box 586

Biddeford, ME 04005

Invoice Date:

10 January 2024

Invoice Number:

2024-1

Payment due upon receipt

Description

Stabilization Payment July 1, 2023 - December 31, 2023

183,940.00

Bank:

UMB Bank, National Association

183,940.00

Reference:

HCottle/Biddeford Revenue Account 154120.8

Currency:

USD

Account Name:

CT-Utah

Account Number:

98 0000 6823

SWIFT:

UMKCUS44

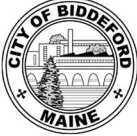
Routing Code:

101 000 695

Biddeford Riverwalk Community 1 LLC

Telephone 1-667-217-5457

City of Biddeford



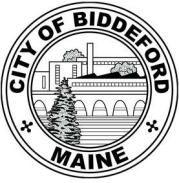
2024.24 IN BOARD OF CITY COUNCIL...FEBRUARY 20, 2024

BE IT ORDERED, that I Martin Grohman do hereby create an Ad Hoc Veterans Committee consisting of 6 citizen members and one City Councilor. The Veterans Committee is tasked with working to ensure that Veterans in the community receive the support, recognition, and resources they deserve for their service. The Committee will work with existing Veterans organizations to promote collaboration and to foster a Veteran-friendly environment within the City of Biddeford. The committee will focus on four topic areas including supporting local Veterans, community outreach and education, advocacy for Veterans services and Veterans recognition and events.

I do hereby appoint the following to the Ad Hoc Veteran's Committee:

Councilor Bobby Mills
Ward 4
Veterans Committee - Council Representative

Attest by: _____
Robin Patterson, City Clerk



City Council

Meeting Date: February 20, 2024

Meeting Time: 6:00pm

Agenda Item No: 10.e

Item Description: Approval/Authorize Joint Development Agreement for Marble Block Project

Submitted by: George Gervais, Director Economic Development & Planning

Supporting Information/Documentation:

- Joint Development Agreement between MARBLE BLOCK DEVELOPMENT, LLC and CITY OF BIDDEFORD.
- Conceptual schematic plans for redevelopment of the Marble Block property.
- Conceptual Façade design for redevelopment of the Marble Block property.

Key Terms:

Marble Block Development, LLC (MBD)

Tax Increment Financing (TIF)

Executive Summary:

The proposed Joint Development Agreement (JDA) supports the redevelopment of the property located at 129 Main Street known as the “Marble Block building” for commercial and potential residential rental units.

Detailed Review:

The proposed Joint Development Agreement (JDA) supports the redevelopment of the property located at 129 Main Street, Biddeford, ME (aka “Marble Block building”) for commercial activity on the first level, and for either commercial activity or residential units on the upper levels. The first floor level will be redeveloped for use as a restaurant and a bowling alley to be completed no later than June of 2025. The upper levels will either become arts & cultural related commercial space, or will be developed as residential rental units.

Developer commitments include:

- A \$25,000 financial contribution into the City’s Affordable Housing Trust Fund as detailed in the Joint Development Agreement.
- Additional contributions to the Affordable Housing Trust Fund in the event the upper levels are developed as housing units, and fewer than 8 rental units are constructed, and none of the units fall under the definition of Affordable Housing Units or

Workforce Housing Units, then MBD would contribute additional funds under the following schedule:

- 7 rental units: \$18,750
 - 6 rental units: \$12,500
 - 5 rental units: \$6,250
- First floor and façade projects to commence in calendar year 2024 with completion by June 30, 2025.
 - Upper level project(s) to be completed by March 1, 2029.

City commitments include:

- Application for the property to be developed within a TIF District properly approved by the Maine DECD, and once approved:
 - The establishment of a 30 year Credit Enhancement Agreement with an average of 72% reimbursement to MBD that will include a cap on the sum of reimbursements over the life of the Credit Enhancement Agreement.
 - In the event that the option of paying a partial fee-in-lieu is utilized, as outlined in section 40.4(C)(6) of the Land Development Regulations, Article VI - Performance Standards, Section 40 - Inclusionary Zoning, the City agrees to acknowledge any contributions made by MBD to the Affordable Housing Trust Fund under this agreement as contributions towards fulfilling this option.
 - Failure to Complete Development: In the event MBD shall fail to meet any of the obligations as part of this agreement, it is agreed that the terms of the Credit Enhancement Agreement shall terminate as of the date of a missed obligation by MBD.

Funding Source:

Private financing will support the redevelopment construction without any city funds other than the new redevelopment project property tax sharing terms included in the Credit Enhancement Agreement referenced in the provided Joint Development Agreement.

Staff Recommendation:

City staff recommends that City Council approve the Joint Development Agreement.

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with waves. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. There are small stars on either side of the word "MAINE".

2024.25

IN BOARD OF CITY COUNCIL... February 20, 2024

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute a Joint Development Agreement between the City of Biddeford and Marble Block Development, LLC ("MBD") substantially in the form presented.

Attest by: _____

JOINT DEVELOPMENT AGREEMENT

This Joint Development Agreement (“Agreement”) dated _____, 2024 is executed by MARBLE BLOCK DEVELOPMENT, LLC, a Maine limited liability company (“MBD”) and the CITY OF BIDDEFORD, MAINE (the “City”) (each a “Party” and, collectively, the “Parties”).

RECITALS

WHEREAS, MBD will be assigned a certain parcel of land, currently owned by Holden Real Estate Enterprises, LLC, at 129 Main Street in Biddeford, Maine, being approximately 0.25 acres, within the MSRD-1: Main Street Revitalization District Zone-1 (Tax Map Reference: Map 38, Lot 386) (the “Property”);

WHEREAS, MBD seeks to develop the first level for use as a restaurant and bowling facility complex as shown on Exhibit A attached hereto (the “Project”); MBD intends to develop the upper levels for future commercial and/or residential use.

WHEREAS, MBD ensures completion of the first level redevelopment project for commercial use by June 30th, 2025.

WHEREAS, MBD and the City desire to enter into certain agreements for redevelopment of the Property and in connection with the City’s approval of a Credit Enhancement Agreement as part of a Tax Increment Financing District and Development Program.

NOW, THEREFORE, in consideration of the promises and mutual agreements contained herein and other consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the Parties agree as follows:

ARTICLE I **COMMITMENTS**

1. MBD’s Project Commitments:

MBD, its successor and assigns, hereby agree to provide the following in connection with development of the Project in consideration for the approval of a Tax Increment Financing District and Development Program and an associated Credit Enhancement Agreement by the Biddeford City Council:

- a) MBD, its successors and assigns, shall pay a total of \$25,000.00 into the City’s Affordable Housing Trust Fund over a ten-year period commencing simultaneously with the commencement date of an approved Credit Enhancement Agreement as

described in the agreement. This affordable housing trust fund payment shall be paid to the City proportionally each year on the anniversary date of the commencement of the Credit Enhancement Agreement;

- b) Additionally, MBD acknowledges Code of Ordinances, Part III: Land Development Regulations, Article VI - Performance Standards, Section 40 - Inclusionary Zoning, and agrees that in the event the upper levels are developed as housing units, and fewer than 8 rental units are constructed, and none of the units fall under the definition of Affordable Housing Units or Workforce Housing Units, then MBD would contribute additional funds under the following schedule:
 - a. 7 rental units: \$18,750
 - b. 6 rental units: \$12,500
 - c. 5 rental units: \$6,250
- c) MBD, its successors and assigns, commits to commence in the calendar year 2024 and complete by June 30, 2025, the redevelopment project on the first level as provided by exhibit (A); and
- d) MBD, its successors and assigns, commits to complete the redevelopment of the upper-level development project(s) by March 1, 2029.

2. City Commitments:

Upon establishing that the property to be developed is within a TIF District properly approved by the Commissioner of the Maine Department of Economic and Community Development, the City hereby agrees to the following commitments to or for the benefit of MDB, its successors or assigns:

- a) The establishment of a 30 year Credit Enhancement Agreement with an average of 72% reimbursement to MBD that will provide as follows:
 - a. Years 1-10: 90% to MBD, 10% to the City
 - b. Years 11-20: 75% to MBD, 25% to the City
 - c. Years 21-30: 50% each to MBD and the City
 - d. All reimbursements will cease at the end of the term or upon the sum of all reimbursements reaching \$919,769.00, whichever occurs first.
- b) In the event that the option of paying a partial fee-in-lieu is utilized, as outlined in section 40.4(C)(6) of the Land Development Regulations, Article VI - Performance Standards, Section 40 - Inclusionary Zoning, the City agrees to acknowledge any contributions made by MBD to the Affordable Housing Trust Fund under this agreement as contributions towards fulfilling this option.

- c) Failure to Complete Development: In the event MBD shall fail to meet any of the obligations as part of this agreement, it is agreed that the terms of the Credit Enhancement Agreement shall terminate as of the date of a missed obligation by MBD.

ARTICLE II **LIMIT OF LIABILITY**

Notwithstanding any other provision of this Agreement, in no event shall the Parties or any of their affiliates, by reason of any of their respective acts or omissions relating to this Agreement be liable whether in contract, tort, misrepresentation, warranty, negligence, strict liability, or otherwise for any special, indirect, or consequential damages arising out of or in connection with this Agreement, or the performance, non-performance or breach thereof.

ARTICLE III **MISCELLANEOUS**

1. Representations and Warranties:

Each Party represents and warrants to the other that:

- (a) It is duly qualified to do business and is in good standing in the State of Maine;
and
- (b) It has full power and authority to execute, deliver and perform its obligations under this Agreement;
- (c) The execution, delivery and performance of this Agreement has been duly and validly authorized by all necessary action by such Party; and
- (d) The execution and delivery of this Agreement by such Party and the performance of the terms, covenants and conditions contained herein will not violate the organizational documents of such Party, or any order of a court or arbitrator, and will not conflict with and will not constitute a material breach of, or default under, the provisions of any material contract by which either Party is bound.
- (e) The City is a municipal entity duly organized under the laws of the State of Maine, and all fiscal provincial and municipal affairs are within the sole discretion of the Mayor and City Council, notwithstanding any other provision in this agreement.

2. Right to Require Performance:

The failure of any Party at any time to require performance by the other Party of any provisions hereof shall in no way affect the right of such Party thereafter to enforce the same.

Nor shall waiver by either Party of any breach of any provisions hereof be taken or held to be a waiver of any succeeding breach of such provisions or as a waiver of any provision itself.

3. Governing Law:

This Agreement is and shall constitute a contract under and is to be construed in accordance with the laws of the State of Maine. Any dispute resulting in legal action and not resolved by arbitration, mediation, or such other method as may be mutually agreed to by the Parties shall be adjudicated within the jurisdiction of the State of Maine.

4. Relationship of Parties:

(a) This Agreement is not intended to supersede the authority granted by law to any regulatory board or agency of the City. Therefore, nothing in this Agreement shall be construed or implied to require the City's planning, zoning or other regulatory boards or agencies (however designated) to approve the plans for any aspect of the actions required under this Agreement.

(b) The Parties acknowledge that the obligations set further herein may be further described in other agreements and or deeds as agreed to by the Parties. The City and Marble Block Development, LLC, its successors and assigns, agree to cooperate in good faith with regard to each and every aspect required for the completion of all obligations contemplated by this Agreement.

(c) This Agreement shall not be interpreted or construed to independently create an association, joint venture, or partnership between the Parties or to impose any partnership obligation or liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent of representative of, or to otherwise bind, the other Party.

5. Breach by Marble Block Development, LLC:

(a) The City shall provide notice to MBD, its successors or assigns, of a breach in writing, identifying the nature of the alleged breach and requested remedy. A breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.

(b) If a breach is not cured as set forth above, the City may bring an action, in law or in equity, to enforce this Agreement or for damages, or both.

6. Breach by City:

(a) Marble Block Development, LLC, its successors or assigns, shall provide notice to the City of a breach in writing, identifying the nature of the alleged breach and requested

remedy. A breach shall be cured if remedied within thirty (30) days of receipt of the notice, or such other time as mutually agreed.

- (b) If a breach is not cured as set forth above, Marble Block Development, LLC, its successors or assigns, may bring an action, in law or in equity, to enforce this Agreement or for damages, or both.

7. Integration:

This Agreement, along with any exhibits, appendices, addenda, schedules, and amendments hereto, encompasses the entire agreement of the Parties, and supersedes all previous understandings and agreements between the Parties, whether oral or written regarding the matters addressed in this Agreement. The Parties hereby acknowledge and represent, by affixing their hands and seals hereto, that the Parties have not relied on any representation, assertion, guarantee, warranty, collateral contract or other assurance, except those set out in this Agreement, made by or on behalf of any other Party or any other person or entity whatsoever, prior to the execution of this Agreement. The Parties hereby waive all rights and remedies, at law or in equity, arising or which may arise as the result of a Party's reliance on such representation, assertion, guarantee, warranty, collateral contract or other assurance, provided that nothing herein contained shall be construed as a restriction or limitation of the Party's right to remedies associated with the gross negligence, willful misconduct or fraud of any person or party taking place prior to, or contemporaneously with, the execution of this Agreement.

8. No Oral Modifications:

This Agreement may not be changed or terminated orally. This Agreement and all the covenants, terms and provisions contained herein shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

9. Notice:

All notices required to be given to City or Marble Block Development, LLC under this Agreement shall be in writing and deemed given upon the earlier of actual receipt by personal delivery or two (2) days after being mailed by U.S. Express, registered or certified mail, return receipt requested, or a reputable overnight courier as follows:

City: City of Biddeford
c/o James A. Bennett, (or the then current) City Manager
P.O. Box 586
205 Main Street
Biddeford, Maine 04005

With a copy to: Harry B Center II, Esq. (or the then current) City Solicitor
Woodman Edmands Attorneys At Law.
234 Main Street
Biddeford, ME 04005

MBD: MARBLE BLOCK DEVELOPMENT, LLC
84 Industrial Park Rd
Saco, Maine 04072

With a copy to: TBD

10. Severability:

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the Parties, who agree that the Agreement shall be reformed to replace such stricken provisions or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provisions.

11. Survival:

All express representations, warranties, indemnifications or limitations of liability made in or given in this Agreement shall survive the expiration or the termination of this Agreement for any reason.

12. Mediation/Arbitration:

The Parties hereto agree that prior to filing litigation they will consider alternative dispute resolution techniques such as mediation and arbitration to resolve all claims, counterclaims, disputes and other matters in question between the Parties arising out of this Agreement.

[Signature Page Follows; Remainder Intentionally Left Blank]

IN WITNESS WHEREOF, MBD and the City have set their hands and seals as of the day, month and year first above written.

MARBLE BLOCK DEVELOPMENT, LLC

Witness

By: _____
Bryan Holden.
Its Duly Authorized:

CITY OF BIDDEFORD

Witness

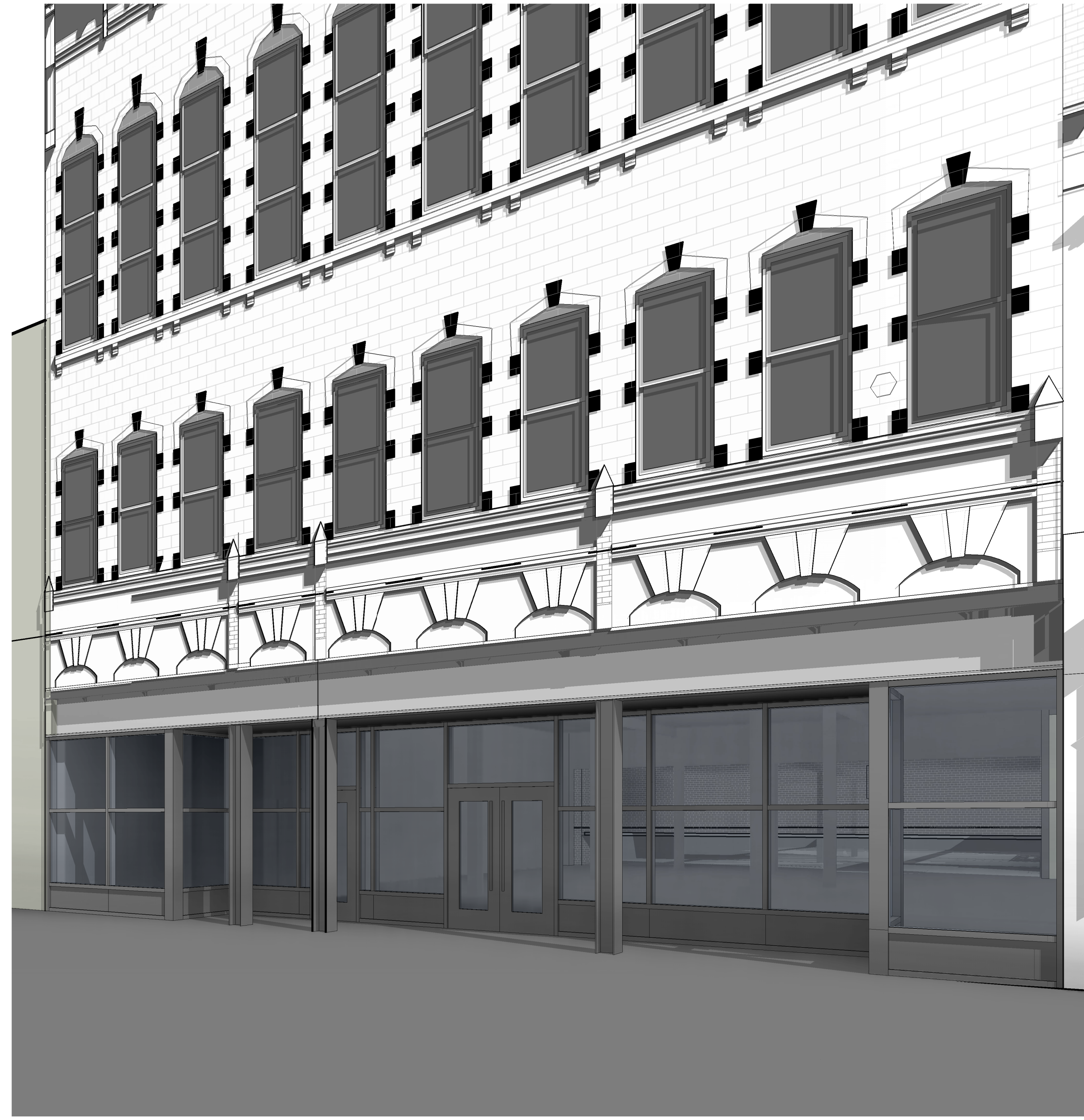
By: _____
James A. Bennett
Its Duly Authorized: City Manager

Attachment: Exhibit A: Site Plan



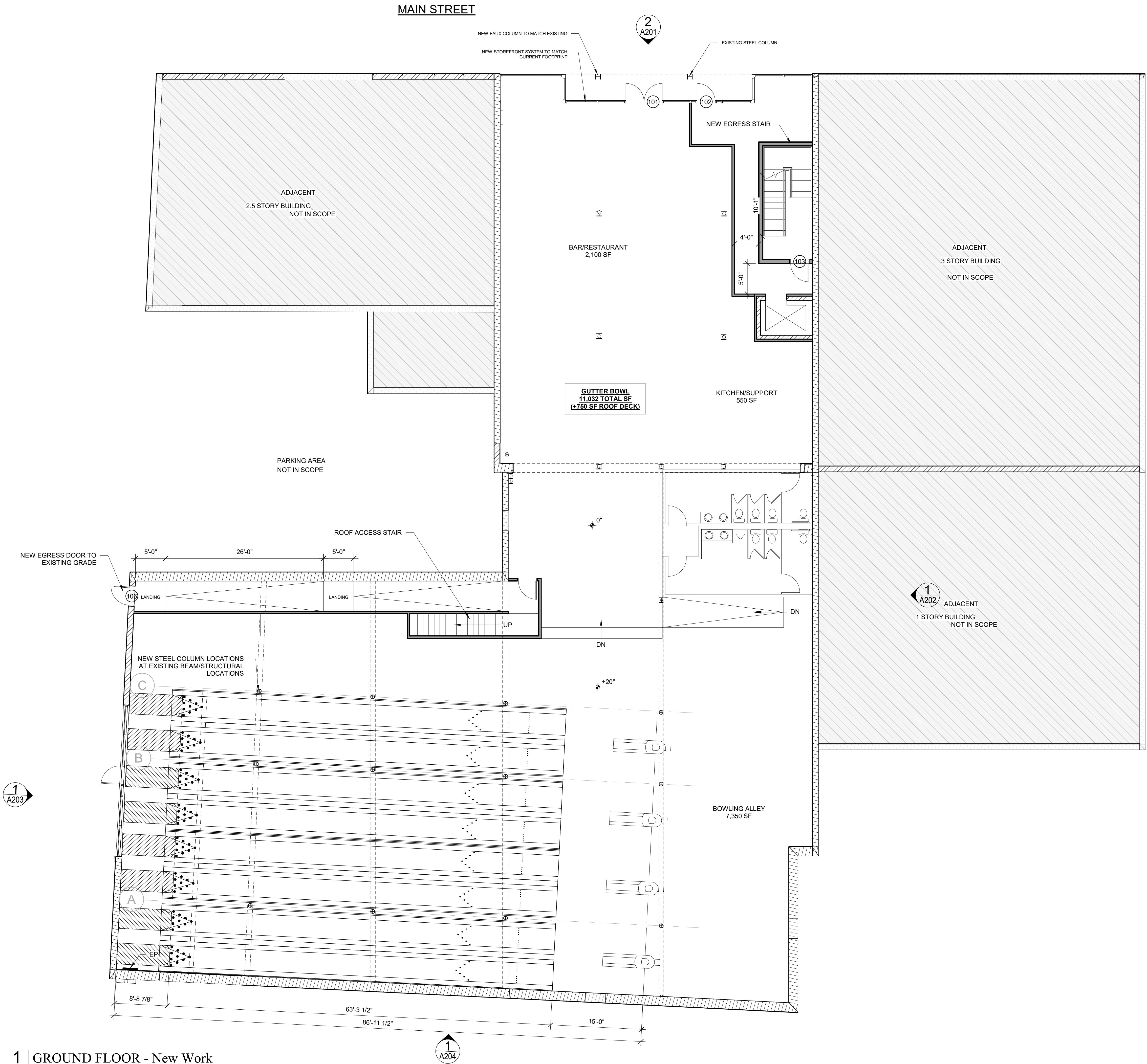
- OPAQUE GLAZING IN FROM OF ELEVATOR
- NEW FAUX COLUMN TO MATCH EXISTING
- ENTRY DOOR TO LOBBY TO UPPER FLOORS
- NEW FAUX COLUMN TO MATCH EXISTING
- SOLID BOX PANEL AT BASE
- ENTRY DOOR TO FIRST FLOOR TENANT

1 NORTH ELEVATION
1/4" = 1'-0"



2 3D View 1

Date: DECEMBER 4		Scale: 1/4" = 1'-0"	Revisions:		Project: Project Name	Architect:  48 Union Wharf Portland, Maine 04101 (207) 772-6022 ARCHETYPE@ARCHETYPEPEPA.COM	Consultant:	Prepared For:	
								Owner	
A2.01		Building Elevations		Address City, State					



1 | GROUND FLOOR - New Work
1/8" = 1'-0"

NEW WALL - STUD & GYP. BD.	
NEW CMU WALL	
NEW MASONRY INFILL	
EXISTING CMU WALL	
EXISTING STUD WALL	
EXISTING MASONRY WALL	
DEMO AND REMOVE	

Date:
7 AUG 2023

Scale:
As indicated

Revisions:

Project:
MARBLE BLOCK

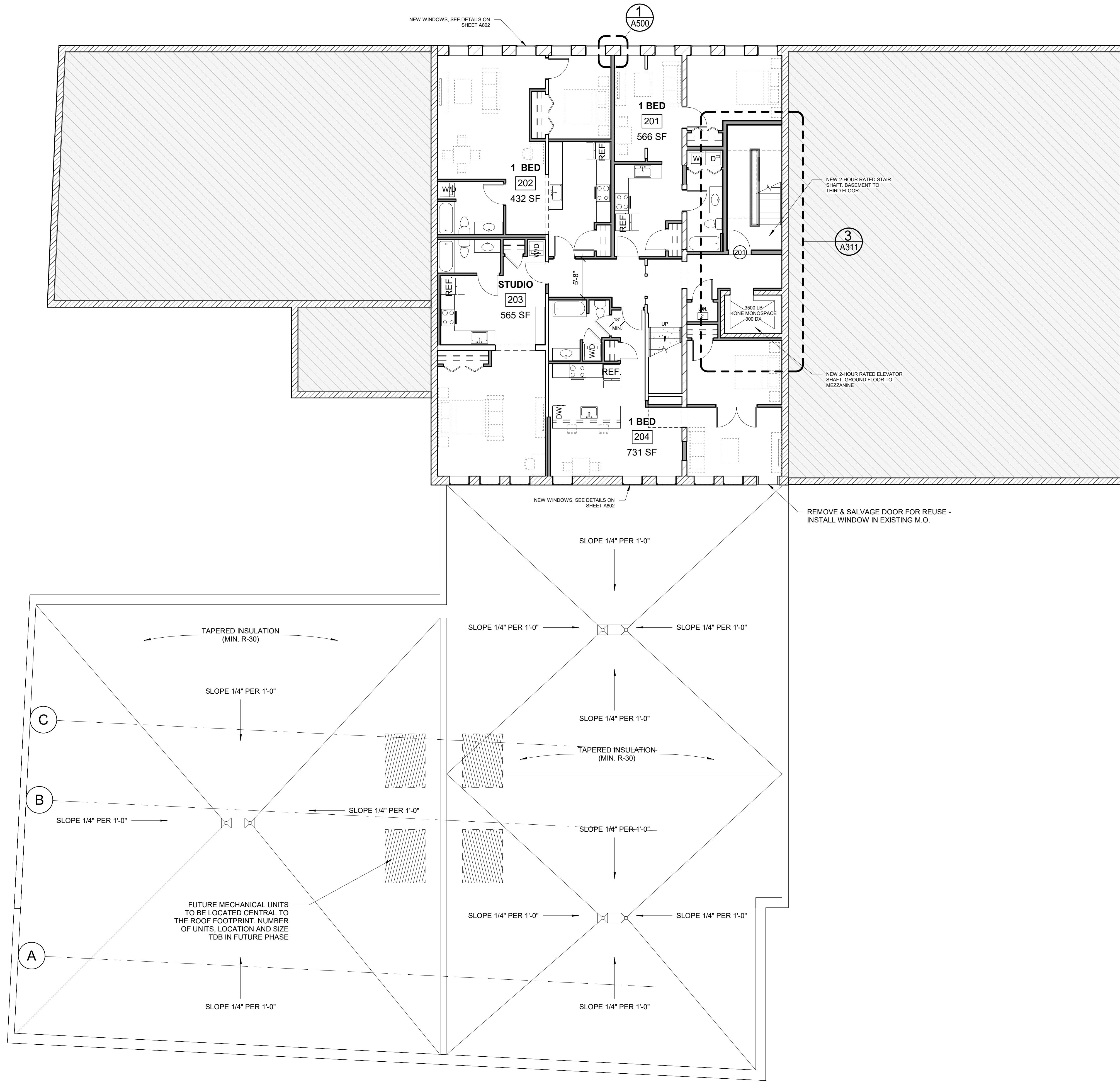
Architect:
ARCHETYPE
ARCHITECTS
48 Union Wharf Portland, Maine 04101
207.772.6022 archetype@archetypepa.com

Consultant:

Prepared For:

A101

NEW 1ST FLOOR PLAN

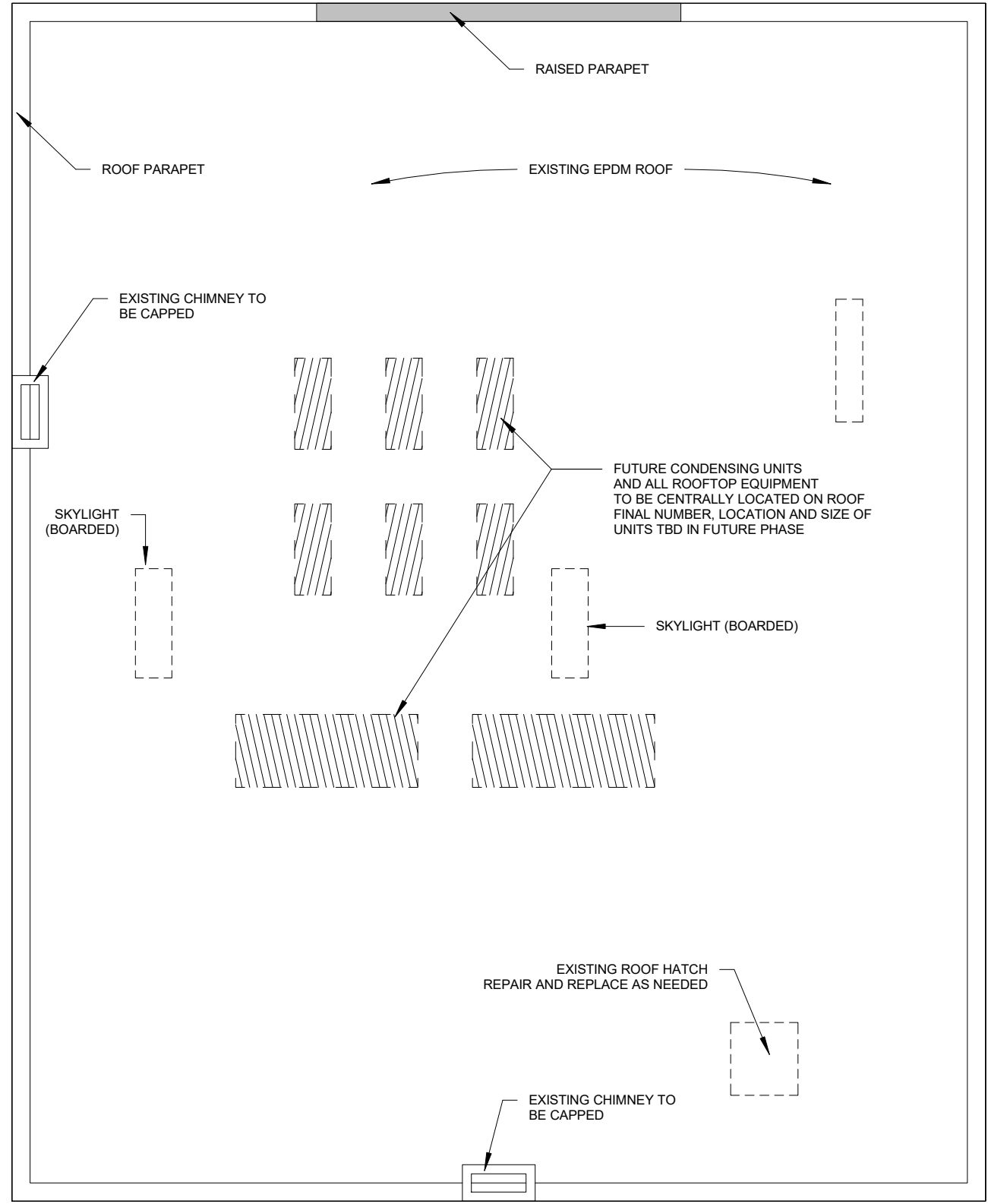


NEW WALL - STUD & GYP. BD.	
NEW CMU WALL	
NEW MASONRY INFILL	
EXISTING CMU WALL	
EXISTING STUD WALL	
EXISTING MASONRY WALL	
DEMO AND REMOVE	

Prepared For:		Consultant:	
Architect:		Project:	
ARCHETYPE ARCHITECTS 48 Union Wharf Portland, Maine 04101 207.772.6022 archetype@archetypepa.com		MARBLE BLOCK 129 Main Street Biddeford, Maine	
Date:		Scale:	
7 AUG 2023		As indicated	
NEW 2ND FLOOR PLAN		Revisions:	
A102			

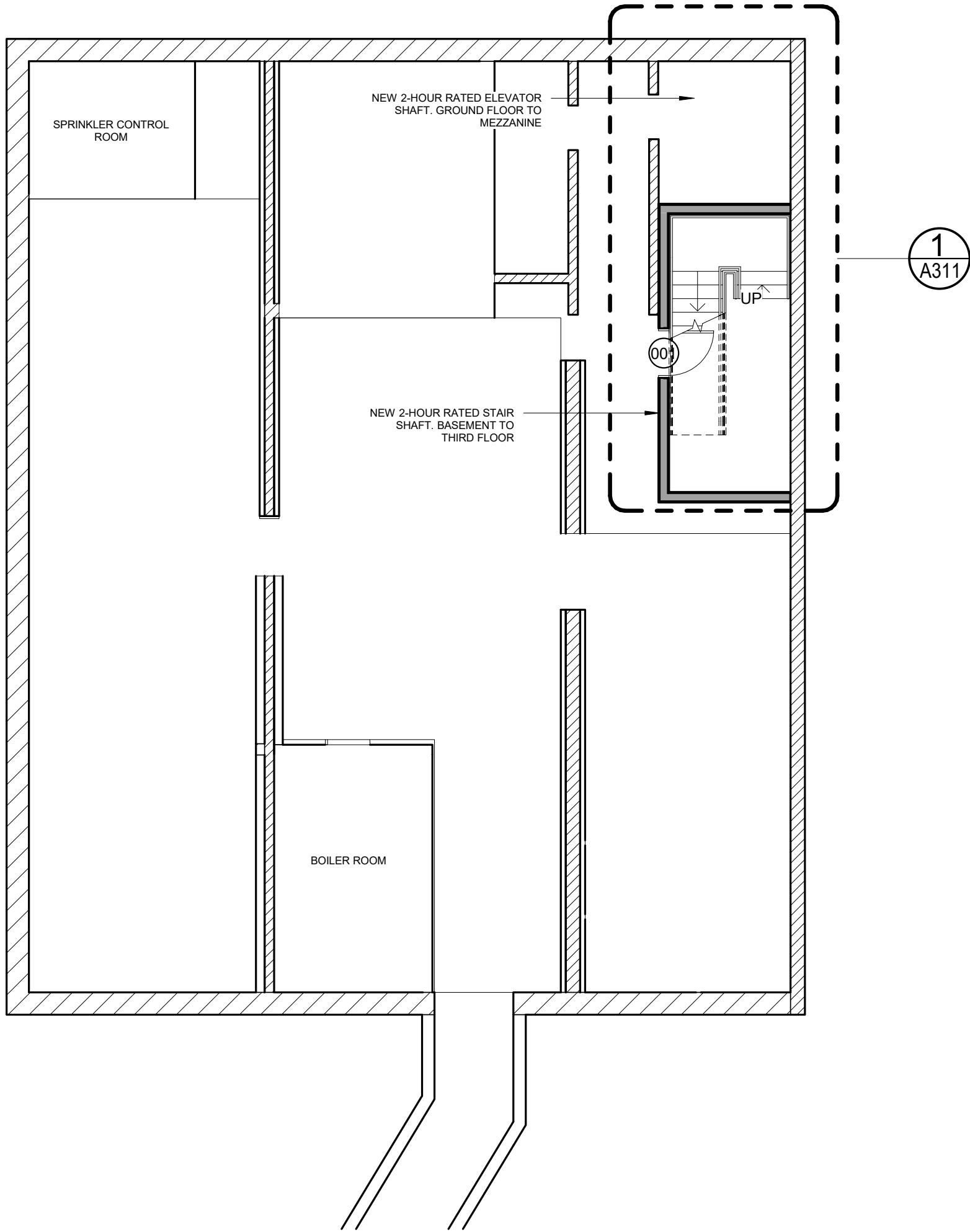
3 | ROOF - New Work

1/8" = 1'-0"



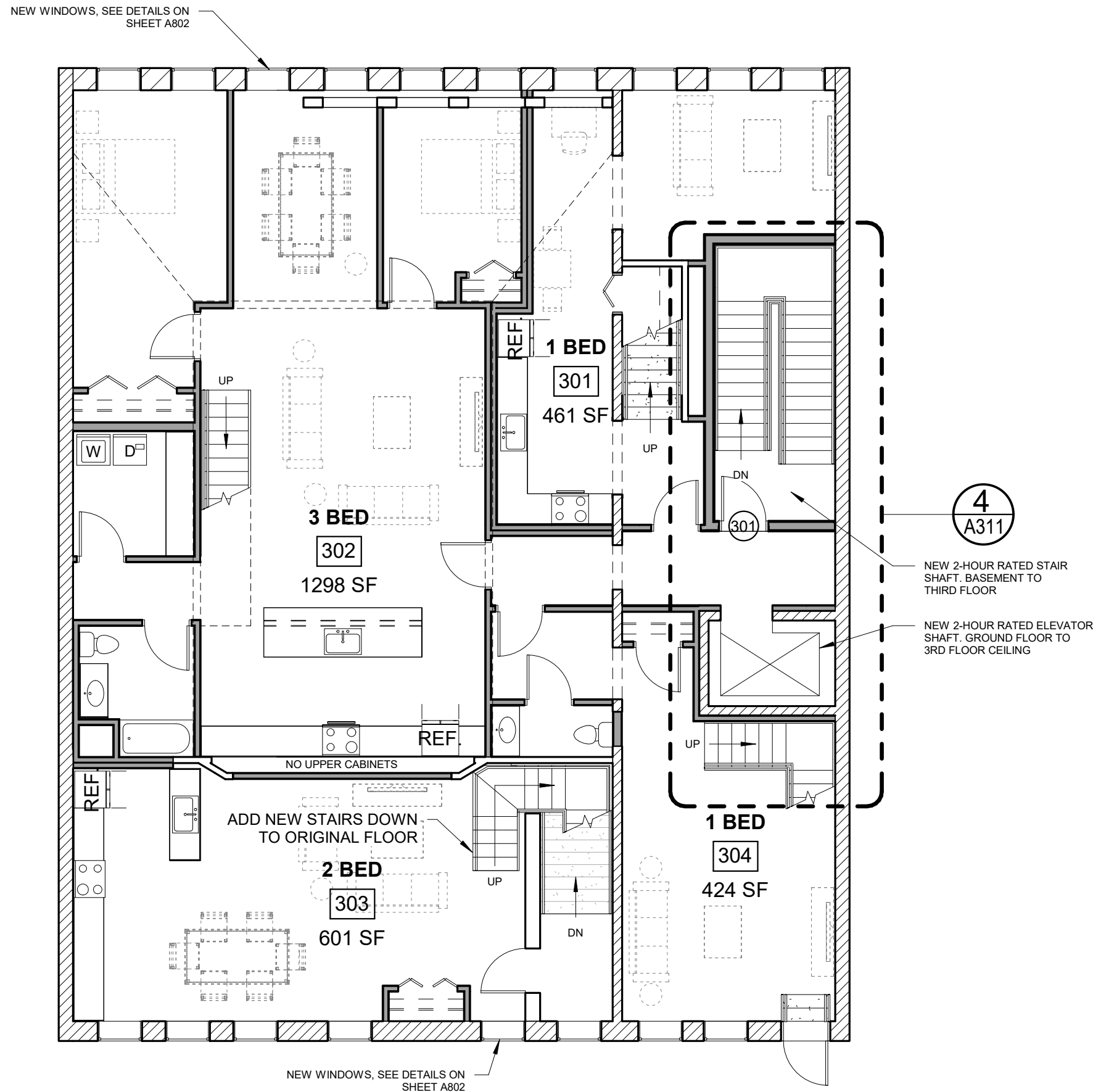
4 | BASEMENT - New Work

1/8" = 1'-0"



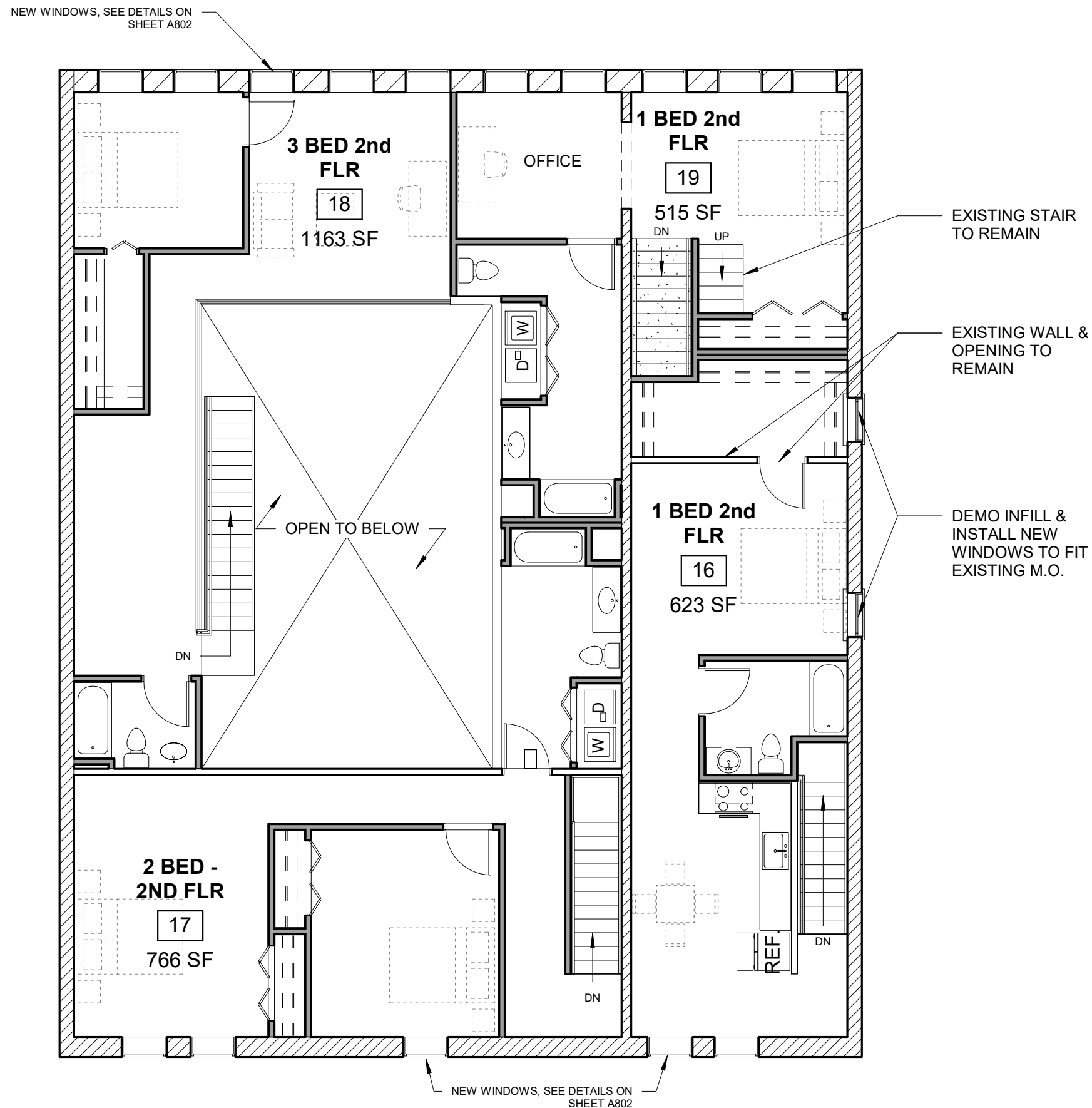
1 | NEW 3RD FLOOR PLAN

1/8" = 1'-0"



2 | NEW 4TH FLOOR PLAN

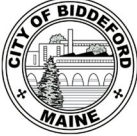
1/8" = 1'-0"



NEW WALL - STUD & GYP. BD.	
NEW CMU WALL	
NEW MASONRY INFILL	
EXISTING CMU WALL	
EXISTING STUD WALL	
EXISTING MASONRY WALL	
DEMO AND REMOVE	

Prepared For:		Consultant:	
Architect:		ARCHETYPE ARCHITECTS 48 Union Wharf Portland, Maine 04101 207.772.6022 archetype@archetypepa.com	
Project:		MARBLE BLOCK 129 Main Street Biddeford, Maine	
Revisions:		NEW BASEMENT, 3RD FLOOR & ROOF PLANS	
Date:	Scale:	A103	
7 AUG 2023	As indicated		

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with water in the foreground. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge of the seal, and "MAINE" is at the bottom.

2024.26

IN BOARD OF CITY COUNCIL... FEBRUARY 13, 2024

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute the proposed Fire Union Contract, substantially in the form presented.

Attest by: _____
Robin Patterson