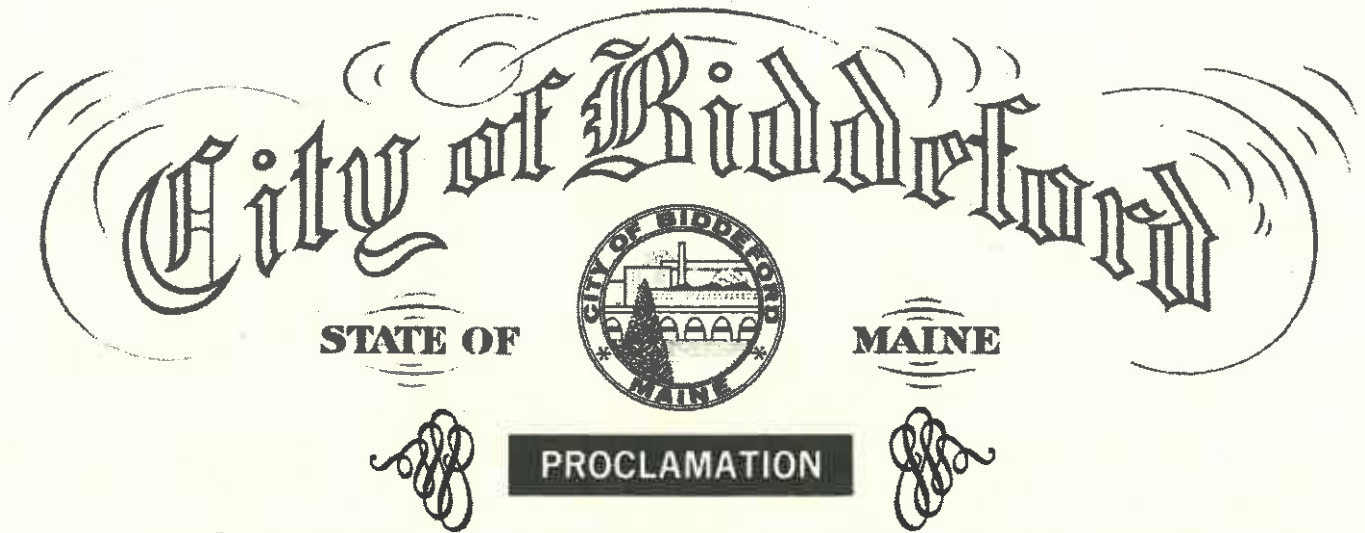


City of Biddeford
City Council
February 20, 2018 6:00 PM Council Chambers

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Proclamation:**
 - 4.a. Science Month (UNE)
[2-20-2018 Proc-Science Month \(UNE\)-pdf.pdf](#)
- 5. Consideration of Minutes:**
 - 5.a. February 6, 2018 Council Meeting Minutes
[2-06-2018 Council Meeting Minutes.docx](#)
- 6. Orders of the Day:**
 - 6.a. 2018.16) Amendment/Ch. 22, Businesses/Sec. 22-35-Ice cream truck/Add location restrictions
[2-20-2018 Ice Cream Truck-location amendments.doc](#)
 - 6.b. 2018.17) Amendment/Ch. 22, Businesses/Add New Section 22-17 et al. - Mobile Food Vendor
[2-20-2018 Biddeford Mobile Food Vendor Ordinance.doc](#)
- 7. Appointments:**
 - 7.a. Maine Service Centers Coalition Voting Delegate and Alternate
[2-20-2018 Appt-ME Service Center Coalition.pdf](#)
 - 7.b. Steven Burr...Historic Preservation Commission
[2-20-2018 Appt-Burr-Committee App.pdf](#)
[2-20-2018 Appt-Burr-Historic Pres Comm.docx](#)
- 8. City Manager Report**
- 9. Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit)**
- 10. Other Business**
- 11. Council President Addressing the Council**
- 12. Mayor Addressing the Council**
- 13. Executive Session**
 - 13.a. 1 MRSA 405(6)(D)... Labor Contracts
- 14. Adjourn**



Whereas Science generates knowledge that we as individuals and a society greatly benefit from; and

WHEREAS, In the month of March, the City of Bangor hosts the Maine Science Festival, a gathering that brought together over 30,000 festival goers in the first three years, with participants coming from Fort Kent to Kittery and outside of Maine; and

WHEREAS, Biddeford is home to the University of New England, home of Maine's only medical school, and national leaders in the areas of neuroscience and marine science, and who is a key partner and sponsor of the Maine Science Festival, who has been a committed presence at the Maine Science Festival from Day One, playing key roles in all aspects of the Maine Science Festival; and

WHEREAS, The Festival draws scientists and engineers from all over Maine to our region to explore, dissect and celebrate the remarkable science happening right here in Maine; and

WHEREAS, Throughout the Festival, workshops, forums, hands-on activities, exhibits, films, and talks empower children and adults to engage with science; and

WHEREAS, Due to the contributions of the Festival's sponsors and partners, almost all of the events are free to the public; and

WHEREAS, It is important to recognize the contributions of science to society, inspire people of all ages to pursue scientific study, and highlight the emerging fields in science that are critical to better understanding the world we live in.

Now, Therefore, the Biddeford City Council, and the citizens of Biddeford, do hereby proclaim March as **Science Month**, and encourage all our citizens to participate in the Maine Science Festival from March 15 to 18, 2018.

*In Witness Whereof, We, the undersigned have herewith
affixed our signatures this 20th day of Feb. 2018*

Carmen J. Morris
City Clerk



Mayor

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

The Council asked to be able to review the finalized RFP language before it is released. Chief Operating Officer, Brian Phinney assured the Council that they will see the RFP prior to it being released.

Vote: Unanimous.

Appointments:

IN BOARD OF CITY COUNCIL...FEBRUARY 6, 2018

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Marsha Reynolds
91 Newtown Road
Ward 1**

to the *Conservation Commission*, for a term to expire in December 2022.

Motion by Councilor McCurry, seconded by Councilor Ready to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 6, 2018

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Susan Swanton
110 Old Pool Road
Ward 1**

to the *Downtown Development Commission*, for a term to expire in December 2020.

Motion by Councilor Foley, seconded by Councilor Lessard to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 6, 2018

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

**William MacKeil
651 Pool Street
Ward 1**

to the *Harbor Commission*, for a term to expire in December 2020.

Motion by Councilor Swanton, seconded by Councilor Lessard to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 6, 2018

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

**Jeff Cabral
50 Adams Street, #5
Ward 5**

to the *Historic Preservation Commission*, for a term to expire in December 2020.

Motion by Councilor Foley, seconded by Councilor Ready to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 6, 2018
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

Sean Tarpey
110 Cleaves Street
Ward 2

to the *Planning Board* as an Associate Member, for a term to expire in December 2020.

Motion by Councilor Ready, seconded by Councilor Lessard to confirm the appointment.
Vote: Unanimous.

City Manager Report:

City Manager, James Bennett was not present.

Public Addressing the Council..(3 minute limit per speaker; 30 minute total time limit):
There were no public comments.

Other Business:

Councilor Ready: asked City Clerk, Carmen Morris to address the opt-out option of the newly approved *Delivery of Unsolicited Material* Ordinance. Carmen explained that residents and property owners may opt out of receiving unsolicited printed and written materials by either going to the City Clerk's Office and completing an Opt-Out Form; or by going on the City's website, www.biddefordmaine.org, and completing the super form online. She went on to say that she will be submitting the Opt-Out list to the local newspapers once a month.

Councilor St. Cyr: extended a sincere thank you to the students and staff at St. James School whose fundraising efforts raised money for the repair of the City Hall clock tower.

Council President Addressing the Council: congratulated Jeff Demers on his appointment as the City's Public Works Director. Since Jeff was still at the meeting, Councilor McCurry suggested that the parking ban for the next day's storm start earlier in order to keep Main Street clear of parked cars and make it easier for plowing efforts.

Councilor McCurry had the pleasure of attending a Naturalization ceremony last week, which was held at the Biddeford Middle School. He offered congratulations to those who were naturalized and are now U.S. citizens.

Councilor McCurry thanked Mayor Casavant, Councilor Foley and all who donated their time and efforts to this year's WinterFest.

Mayor Addressing the Council: Mayor Casavant introduced Katarie, who is an Intern from Quebec City who is currently working with the City to bring more awareness to the Franco ethnic heritage. The Mayor encouraged folks to reach out to the City and share their stories and even their French artifacts with Katarie.

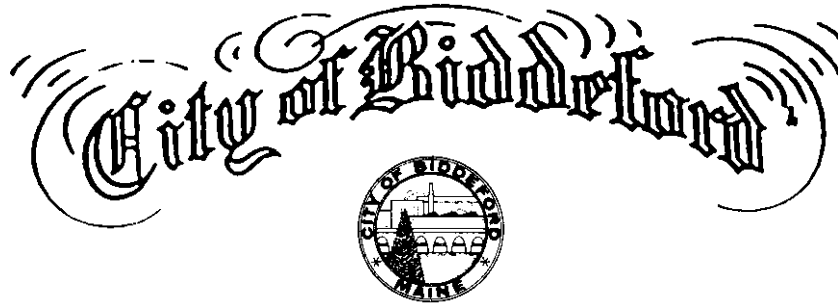
Mayor Casavant reported that this past weekend's WinterFest was a great success. He thanked Councilor Foley for her tireless efforts during the course of the event. He also thanked all the many volunteers who contributed to the success of the 2018 WinterFest.

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

Vote: Unanimous.

Time: 6:26 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



2018.16 IN BOARD OF CITY COUNCIL...FEBRUARY 20, 2018

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 22, Businesses, **Section 22-35 Ice cream truck**, is amended by adding or deleting to read as follows:

Sec. 22-35 Ice cream truck

(a) Purpose. The purpose of this section is to regulate the number of ice cream trucks licensed within the City of Biddeford, and to limit the areas within the City where these trucks may operate, and in consideration for the public's safety.

(b) License required. A person, business or corporation may not operate an ice cream truck subject to these provisions without first having obtained a license from the City of Biddeford.

(c) Application. A person, business or corporation applying for a license under this provision shall complete forms provided by the City Clerk's office and provide the following information:

(1) The name, address and telephone number of the company, as well as the name, address and phone number of the ice cream truck operator(s).

(2) A photocopy of the valid ice cream truck registration(s) that will be operating with the City.

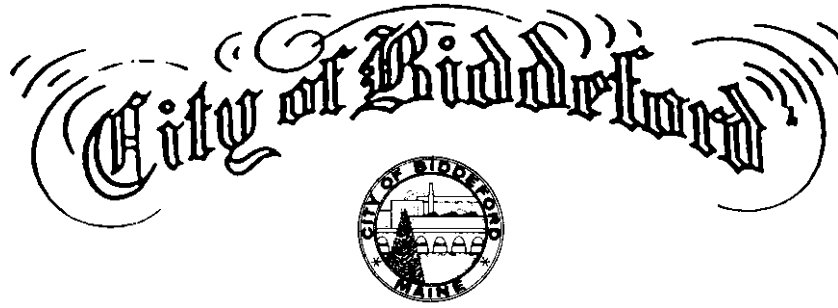
(3) A certificate or other evidence of liability insurance covering all ice cream trucks and drivers.

(d) Prohibitions.

(1) Each licensee may not operate more than one truck engaged in the sale of ice cream products within the City at any one time.

(2) No ice cream truck may engage in the sale of products on any of the City's streets that have been identified as a major route of travel for vehicular traffic. These streets include, but are not limited to:

- a. Elm Street.
- b. Alfred Street.
- c. Pool Street.

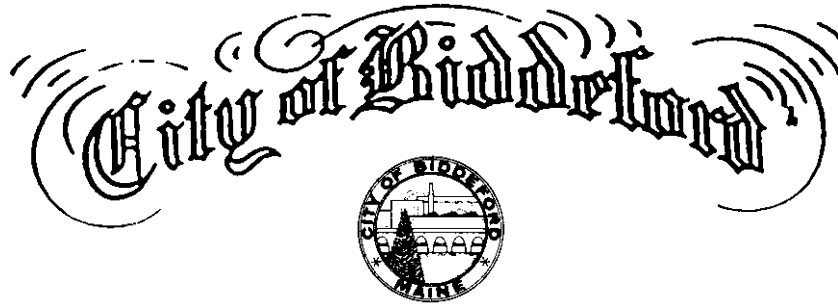


(3) When an ice cream truck is stopped and left standing or parked, a person may not operate a sound system in or on the ice cream truck on a public way at a volume that is audible at a distance of greater than 25 feet.

(4) The operator of an ice cream truck may not occupy any parking space within a No Parking Zone, Permit Parking Only Zone, Fire Lane, or park in any other place that impedes or interferes with the normal movement of vehicular or pedestrian traffic.

(5) Vending must be from the right side of the vehicle only. No vending is permitted from the side of the vehicle that is exposed to oncoming traffic.

(e) Penalty. A person or company who violates any provision of this section will be subject to the penalties set forth under Chapter 1, Section 1-12 of this Code; and in addition thereto, such violation may be cause for the suspension or revocation of the vendor's license to operate within the City of Biddeford.



Application. Every mobile food vendor shall apply for a permit on a form promulgated by the city. Each vending unit requires a separate permit. Applications for permits meeting the requirements for mobile vendors shall be processed within ten (10) business days.

Mobile Food Vendor Application Form. A complete application shall require the following information from the applicant to be considered:

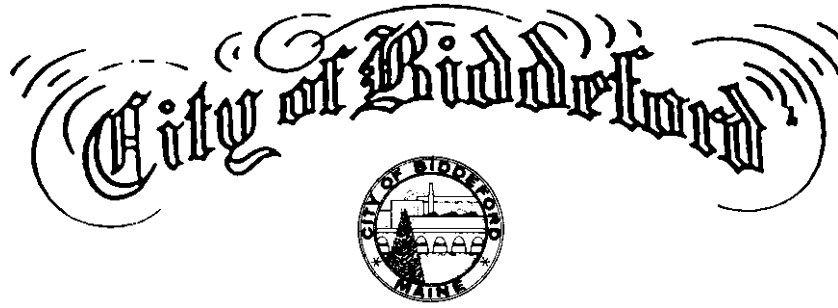
- a. Name of applicant; as well as physical street address; mailing address; telephone number(s); and email address
- b. Legal name of business or entity.
- c. Signed permission form or provide notarized affidavit from the private property owner granting permission for unit placement.
- d. Name, phone number and driver's license number of business owner and all employees operating within the mobile food vendor unit.
- e. Proposed itinerary with route, vending locations and times.
- f. Contact name and phone number for mobile food vending unit while in route.
- g. Description of product being sold.
- h. Site plan where the Mobile food vending unit will be located on the property.
- i. Valid and current vehicle/trailer registration of mobile food unit.

Sec. 22-20. Permit Regulations.

The application fee for a mobile food vendor permit shall be \$200.00. Each mobile food vendor unit shall be permitted separately.

Mobile food vendor permits shall expire on December 31st of each year.

Upon renewal the applicant shall pay the renewal \$200.00 fee, and update any changes in the permitting documentation upon permit renewal. The applicant must submit the application and the renewal fee within 30 days before expiration of the permit or must reapply as a new applicant.



The City Manager is authorized to make reasonable rules and regulations, not inconsistent with this Section, governing the design, construction and location of pushcarts or food trucks.

Display of Permit. Every permit, including those from the city, shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor's truck or concession trailer.

Sec. 22-21. Permit Denial.

A permit may be denied where:

- (1) The required information is incomplete or incorrect or shows that a person is not otherwise entitled to conduct business as a mobile food vendor.
- (2) The opportunity to issue a permit has been denied due to previous violations as described in this section.

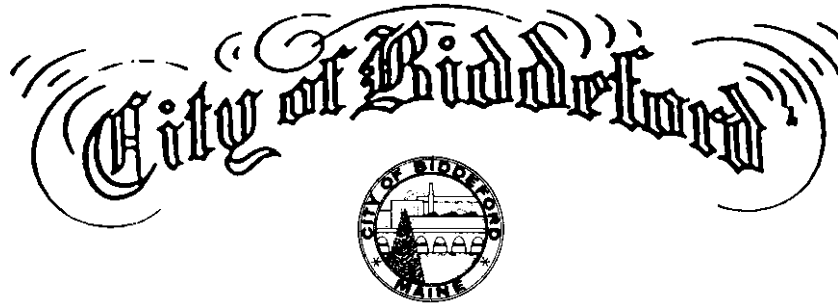
Sec. 22-21.a. Prohibited Conduct.

1. Distance Regulations:

- a. No mobile food vendor shall conduct business within any single-family residential or agricultural zoning district unless otherwise approved in writing by the Code Enforcement Officer.
- b. A mobile food vendor may not be located within 100 feet of the primary entrance of an open and operating fixed-location food service or eating establishment except during city sponsored or other community events.
- c. A mobile food vendor shall not be located within 40 feet from another mobile food vendor except during city sponsored or other community events.

2. A mobile food vendor shall not conduct sales at a stationary location:

- a. For a duration exceeding sixty (60) minutes on any public street or public streets adjacent to public parks and recreational facilities, next to fire lanes and no-parking designated areas. Mobile vendors parking on public streets may not move to a new location without prior approval from the City.
- b. In congested areas where the operation impedes vehicular or pedestrian traffic.
- c. Between the hours of 1:00 a.m. and 6:00 a.m.



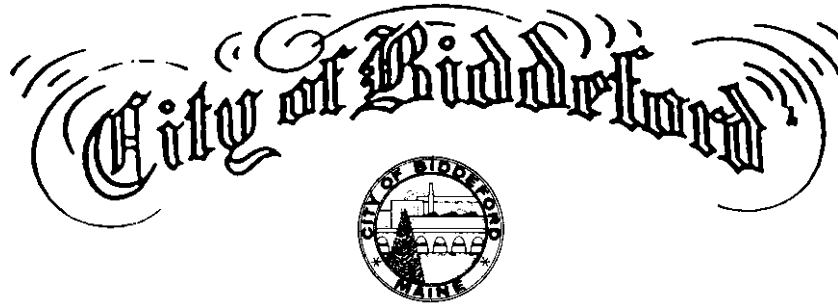
3. *Offenses and regulations*

- a. It shall be unlawful for any individual as the agent or employee of another regulated under this section to sell edible goods in the city unless it's principal or employer has received a permit under this section.
- b. A permit issued under this section is not transferable.
- c. It shall be unlawful for an individual to sell edible goods while displaying a valid permit issued by the city in the name of another individual, organization, or entity.
- d. It shall be unlawful for any individual directly or through an agent or employee to sell goods within the corporate limits of the city after the expiration of the permit issued by the city under this section.
- e. It shall be unlawful for an individual directly or through an agent or employee to misrepresent on the permit affidavit any acts that are regulated under this section.
- f. It shall be unlawful for any individual directly or through his agents or employees to represent that the issuance of a permit by the city constitutes the city's endorsement or approval of the product for sale.

Sec. 22-21.b. Mobile Food Vendor Requirements.

The following regulations shall apply to mobile food vendors:

- a. Each unit shall be equipped with a portable trash receptacle, and shall be responsible for proper disposal of solid waste and waste water in the sanitation facility legally accessed by the food service establishment. All disturbed areas must be cleaned following each stop to a minimum 20 feet of the sales location.
- b. Mobile food vendor may not have a drive through.
- c. Continuous music or repetitive sounds shall not project from the mobile unit.
- d. A five-foot clear space shall be maintained around the mobile food vending unit.



- e. All mobile units shall have a gray water holding tank.
- f. The mobile unit will be subject to inspection upon permit application through the code enforcement, health department and the fire department, and may be subject to random inspection and upon reissuance of the permit.
- g. No sales are allowed within public park facilities while park concession units are operating. Mobile units operating in public parks and on streets adjacent to public parks or recreational facilities requires approval by the City's Recreation Director.

MAINE SERVICE CENTERS COALITION

60 Community Drive • Augusta, Maine 04330 • (207) 623-8428

William Bridgeo, Chair
City of Augusta
(207) 626-2300

December 20, 2017

Catherine Conlow, Vice Chair
City of Bangor
(207) 992-4204

Mr James A Bennett ICMA-CM, City Manager
City of Biddeford
PO Box 586
Biddeford, ME 04005-0586

Scott Morelli, Secretary
City of South Portland
(207) 767-3201

Christine Landes, Treasurer
Town of Bethel
(207) 824-2669

Dear Jim:

The 2018 Maine Legislative Session is about to begin. We are asking that you renew your dues support of the Maine Service Centers Coalition. The need for your participation in the Maine Service Centers Coalition's advocacy efforts has never been greater. We thank you for your membership this past year and appreciate your support and work with us on the many policy initiatives and positions we advocated on your behalf. Your efforts in outreach to local legislators, working with your local municipal groups and in many cases lobbying with us at the State House were critical to success in defeating or mitigating so many of the attacks directed at municipal revenue streams.

This second session of the Legislature again begins with Maine's most onerous fiscal problems not only unsolved but, in many cases not even prudently addressed. While we were successful last year in helping prevent or mitigate some of the most harmful attacks on municipal revenue the cuts that were included in the biennial budget left most of Maine's taxpayers faced with property tax increases that show no sign of abating.

Several significant issues were carried over unresolved from the 2017 session. They include County Jail issues now in the third year deadlocked over a variety of conflicting measures to address stability and adequate funding. Also of particular interest to most municipalities is LD 1629 that proposes wholesale changes to the statutes relating to elderly tax lien foreclosures. The carryover bills also include those dealing with municipal road maintenance responsibility, municipal control of pesticides and opioid use.

Legislative Leaders voted to allow only 93 new bills for the upcoming session but several of those propose changes to motor vehicle excise and sales taxes, additional funding for state correctional facilities and programs, and several bills dealing with expensive program changes in Health & Human Services.

And speaking of expenses, the recent November election resulted in the passage of the citizen initiative that authorizes the expansion of Medicaid. The expansion would cover an additional eighty thousand Maine citizens earning less than \$17,000 per year. The program would draw down \$525 million in federal funds but carries a hefty price tag as Maine's share is estimated to be somewhere between \$55 million (the Legislature's fiscal office) or the \$63 million estimated by Health & Human Services. The Governor has already drawn lines in the sand refusing to consider several possible methods of covering that cost including any tax increases or use of rainy day funds.

(over)

The bottom line is that this "short session" has a potential to negatively impact the General Fund Budget to a significant degree and MSCC will carefully monitor the upcoming budget discussions to prevent any further raids on municipal revenue. We also remain committed to our long term goals of restoring Revenue Sharing and other municipal revenue sources. We will continue to work with a group of organizations to restore full funding to municipalities. Our strategy includes holding every Maine legislator accountable for every vote that impacts municipal revenue and impairs our ability to provide long overdue property tax relief to our citizens. However, as always we will need your help.

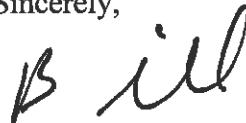
Given the ongoing fiscal problems, the Maine Service Centers Coalition leadership and staff will continue to need your help, support and input. For this Legislative Session, we are again relying upon Richard Trahey and his firm of Maine Governmental Relations for professional lobbying staff support. I believe that this relationship with Richard has benefited the Coalition greatly in providing us access to policy makers, sound policy advice and effective advocacy services.

We are enclosing the MSCC Membership Dues invoice for 2018 and hope you will respond favorably. Membership dues are set at twelve cents per capita based on your community's population (established by the 2000 U. S. Census) with a minimum dues payment of \$500 per community. Also enclosed please find an informational form that we ask you to update and return to us. Please be sure to note to whom we should rely upon as the principal REPRESENTATIVE and ALTERNATE for your community.

In addition, please feel free to contact me directly at the Augusta City Hall (207.626.2300) or by e-mail at william.bridgeo@augustamaine.gov

Once again, thank you for your municipality's past support. Together we can make 2018 a productive year for the Maine Service Centers Coalition.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Bridgeo".

Bill Bridgeo, Chairperson
Maine Service Centers Coalition
Augusta, Maine

Enclosures (3)

MAINE SERVICE CENTER COALITION

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 for 2018 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 Theresa Chavarie, Manager, Member Relations
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
E-mail: tchavarie@memun.org

MAINE SERVICE CENTERS COALITION

VOTING DELEGATES - 2018

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 Theresa Chavarie, Manager of Member Relations
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330
FAX: (207) 626-3358
E-MAIL: tchavarie@memun.org

CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: Jan 15, 2016

Name: STEVEN BURR

Street Address: 53 POOL ST APT 201

Bidd. ME 04005

Mailing Address:
(if different) _____

Phone Number(s): 207-391-2773

Email Address: maineguy_04043@yahoo.com

Please indicate whether you would like your contact information posted on the City's website:

☒ YES

☐ NO

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

- ☐ Ad Hoc Comprehensive Plan Comm.
- ☐ Biddeford Housing Authority
- ☐ Board of Assessment Review
- ☐ Cable T. V. Committee
- ☐ Capital Projects/Operations Committee
- ☐ Conservation Commission
- ☐ Downtown Development Commission
- ☐ Economic Improvement Committee
- ☐ Environmental Board
- ☐ Fire Advisory Committee

- ☐ Harbor Commission
- ☒ Historical Preservation Commission
- ☐ Planning Board
- ☐ Police Advisory Committee
- ☐ Policy Committee
- ☐ Project Canopy
- ☐ Recreation Commission
- ☐ Saco River Corridor Commission
- ☐ Shellfish Conservation Committee
- ☐ Solid Waste Management Commission
- ☐ Wastewater Management Commission
- ☐ Zoning Board of Appeals
- ☐ Other _____

CITY OF BIDDEFORD
Committee Application

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

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

25 Years Working To Preserve local landmarks
Internship Strawberry Banke Portsmouth, NH
" " Thomas Jefferson's Retreat "Poplar Forest" Lynchburg, VA
" " Union Historical Soc. Cataloging photographs
" " Brick Store Museum
I've worked cataloging & researching historic structures 30 years

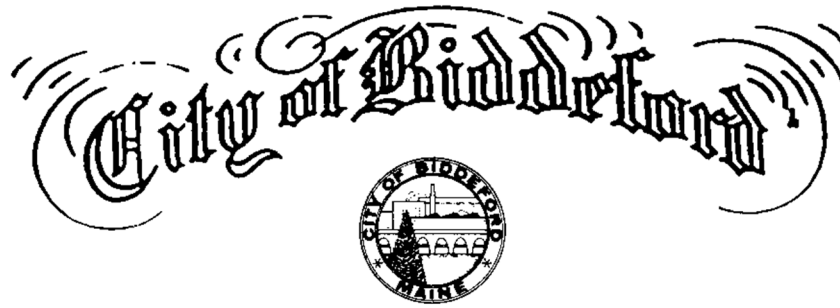
Please provide a brief statement describing your interest in serving the City of Biddeford.

I see a lot of potential in Downtown Biddeford as well as all of Biddeford to save and promote local landmarks. Other towns in York County & Cumberland have "filled up" and I see Biddeford as the next prime development spot. Other towns waited too long to enact laws and protect important sites & landmarks. Biddeford can do that now before more buildings are lost. Now is the time to decide ~~to decide~~ what Biddeford wants for the future and set those ideas into action.

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

I have a BA in History from UNE, Portland ME
and a minor in English

I've written & researched 3 books on local history including "Lost Landmarks of York County"
over the last 30 years I've worked to help save buildings in York County esp. in Biddeford & Saco.



IN BOARD OF CITY COUNCIL...FEBRUARY 20, 2018
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby
appoint:

Steven Burr
53 Pool Street, Apt. 201
Ward 2

to the *Historic Preservation Commission*, for a term to expire in December 2020.