

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

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/92924517961?pwd=ZEplNHh6TkszcWJEYWZxYmx6L0krUT09>

Webinar ID: 929 2451 7961

Passcode: 220316

Or One tap mobile :

+16469313860,,92924517961# US

+13017158592,,92924517961# US (Washington DC)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

International numbers available: <https://biddeford.zoom.us/j/92924517961>

Status:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Appointments:**
 - 4.a. 2024.12) - Approval/Confirmation of Council Appointment to Downtown Committee
[20240206 Norman Belanger Downtown Committee -Appointment ORDER](#)
 - 4.b. 2024.13) - Approval/Confirmation of Appointments to Citizen Committees
[2024020206 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](#)
 - 4.c. 2024.14) - Approval/Confirmation of Appointment of Chair of the Recycling and Waste Commission
[2024020206 Gregg Shapiro, Chair- ORDER](#)
- 5. Proclamation:**
 - 5.a. Proclamation Organ Donor Month

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](#)
7. **Liquor License Consideration**
 - 7.a. Approval/Liquor License Catface Cafe LLC
[Catface Cafe liquor license application](#)
8. **Public Input**
 - 8.a. May Street Traffic - Public Input
[20240205 May Street Traffic Analysis - April - Nov 2023 - Final](#)
9. **Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)**
10. **Presentation**
 - 10.a. Presentation by City Manager - TIFs & Credit Enhancements as a tool for economic development
[Tax Increment Financing \(TIF\) 101. - PRESENTATION](#)
11. **Consideration of Minutes:**
 - 11.a. Approval Council Minutes 1-16-24
[Council Minutes 1-16-24](#)
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](#)
 - 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](#)
 - 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 Wasterwater 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](#)

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](#)

- 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](#)

- 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](#)

- 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](#)

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

15. City Manager Report

16. Other Business

17. Council President Addressing the Council

18. Mayor Addressing the Council

19. Executive Session

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

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

20. Adjourn

City of Biddeford



2024.12 **IN BOARD OF CITY COUNCIL... February 6, 2024**
BE IT ORDERED, that I Martin Grohman, Mayor of the City of Biddeford, do hereby
appoint:

Councilor Norman Belanger
Ward 6

To the Downtown Committee for a term to expire December 2025.

Attest by: _____
Robin Patterson, City Clerk

City of Biddeford



2024.13 IN BOARD OF CITY COUNCIL... FEBRUARY 6, 2024
BE IT ORDERED, that I, Martin Grohman, Mayor of the City of Biddeford, do hereby appoint:

Edward F. Fullmer
Ward 1
Airport Commission-Expiring December 31, 2026

William Moriarty
Ward 2
Recycling and Waste Management Commission- Expiring December 31, 2026

Jake Pierson
Ward 6
Biddeford Police Advisory Committee- Expiring December 31, 2026

Jake Pierson
Ward 6
Recycling and Waste Management Commission- Expiring December 31, 2026

Quang Minh Le
Ward 4
Board of Assessment Review - Expiring December 31, 2028

Attest by: _____
Robin Patterson, City Clerk

Committee, Board, and Commission Application Form

Application

Name Edward F Fullmer

Ward 1

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? Airport Commission

If other, please list below. Field not completed.

Why are you interested in serving the City of Biddeford? As a pilot I am interested in making sure the airport is cared for and access is continued

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve. Major in the USAF. Leadership positions during that time in the Air Force. I continue to fly in the Fractional Ownership portion of general aviation. Previously owned a single engine aircraft, so I have the experience on what is needed for small aircraft owners.

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates). Field not completed.

EXTERNAL: This email originated from outside of the City of Biddeford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Committee, Board, and Commission Application Form

Application

Name	William Moriarty
------	------------------

Ward	2
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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?	Biddeford Fire Advisory Committee, Biddeford Housing Authority, Recycling and Waste Management Commission
--	---

If other, please list below.	<i>Field not completed.</i>
------------------------------	-----------------------------

Why are you interested in serving the City of Biddeford?	I enjoy living in Biddeford and want to lend a hand and support in any way I can.
--	---

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve.	I think Housing will be a big issue in the coming years and would like to help.
	I am a supporter of our Fire Dept.
	Recycling in Biddeford is important.

Please list any prior experience serving on any public Boards, Commissions or	Biddeford School Committee 4 yrs
	Capital Improvements 4 yrs
	Policy Committee 2yrs
	Superintendent Search Committee

Committees (and
approximate dates).

Contact Information

Street Address

Mailing Address (If
Different) *Field not completed.*

Phone Number(s)

Email Address

Email not displaying correctly? [View it in your browser.](#)

Committee, Board, and Commission Application Form

Application

Name	Jake Pierson
------	--------------

Ward	6
------	---

Need to find your Ward?

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

(Section Break)

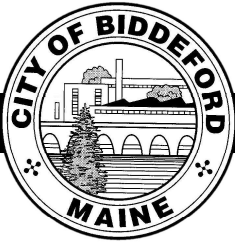
Which City Committee, Board or Commission do you request to be appointed to?	Biddeford Police Advisory Committee, Recycling and Waste Management Commission
--	--

If other, please list below.	<i>Field not completed.</i>
------------------------------	-----------------------------

Why are you interested in serving the City of Biddeford?	I have been a lifelong resident of Biddeford and believe strongly in giving back to your community.
--	---

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve.	Currently serve on the following boards Maine Landscape and Nursery Association AmericanHort Nursery Connector Group State of Maine Agricultural Water Management Board City of Biddeford Policy Committee
--	--

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates).	Currently serve on the Policy Committee for the City.
---	---



CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 01/17/2024

Name: Quang Minh Le

Street Address: _____
Biddeford, ME 04005

Mailing Address: _____
(if different) _____

Phone Number(s): _____

Email Address: _____

Ward: _____

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)

Even though I have not been a member of any Public Boards, I have experience with Board proceedings. As a current municipal Assessor, I have been through the Board of Assessment Review processes and am up-to-date on State statutes concerning valuation and taxes.

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

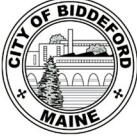
I am the current Assessor for the Town of Freeport and a former employee of the City of Biddeford as the Deputy Assessor.

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

As a resident of Biddeford and a current Assessor I would like to serve my community and assist with any disagreement of taxpayer's opinion of valuation and that of the Assessor's.

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

City of Biddeford



2024.14 **IN BOARD OF CITY COUNCIL... February 6, 2024**
BE IT ORDERED, that I, Martin Grohman, Mayor of the City of Biddeford, do hereby
appoint:

Gregg Shapiro
Ward 6

As Chair of the Recycling and Waste Management Commission for 2024.

Attest by: _____
Robin Patterson, City Clerk

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

PD 150 CME 6500
\$300

City of Biddeford
BUSINESS LICENSE APPLICATION

BUSINESS NAME: Cutlass Cafe LLC
Business Address: 17 Alfred St Biddeford ME Map Lot
Mailing Address: Same
Business Telephone Number: 207-907-0032
Email Address: Kirsta@jafflu-maine.com
OWNER/OPERATOR: Kirsta Cole + Tyler Van Scoy
Home Physical Address: 44 CST S Portland ME 04106
Home Mailing Address: Same
Home Telephone Number: 207-907-0032
Applicant(s) Date of Birth: 12/17/84 and 8/26/85
Kirsta Cole 1/2/24
Applicant's Signature Date

146
Baldwin
Unit 714
S. Portland
04106

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 live music
☐ Exhibitions (live performances)
☐ Circus/Carnival

☐ Playhouse/Play

- ☐ Indoor Skating Rink
☐ Bowling Lanes
☐ Theater/Movie House
(plus \$25.00 per screen)
☐ Billiard Room(s)

\$150.00 (annual)

- ☐ Public Firing Range
☐ Bottle Club

AUTOMOBILE REPAIR AND/OR GRAVEYARD:

- ☐ Automobile Repair Garage for maintenance
☐ Automobile Graveyard

\$75.00

\$200.00

PLACES/DEALERS IN PRODUCTS:

\$200.00

- ☐ Secondhand Dealers
☐ Dealers in gold jewelry, etc.
☐ Antique Dealer

- ☐ Flea Market (for 20 tables; \$5 per add'l table)
☐ Junk Dealer/Recycling

INSPECTION 1-18-24 all set.

sent to code S.
CSI

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

PD 158-
C# 0504

pd 300
ad fee
1/24/24

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:** _____

NOTICE OF PUBLIC HEARING

CITY OF BIDDEFORD

Regarding: Liquor License, Catface Café LLC

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 6, 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:

Catface Café, LLC

17 Alfred St, Biddeford, ME

Restaurant: Beer, Wine, Spirits

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

PD 150 CME 6500
\$300

City of Biddeford
BUSINESS LICENSE APPLICATION

BUSINESS NAME: Cutlass Cafe LLC
Business Address: 17 Alfred St Biddeford ME Map Lot
Mailing Address: Same
Business Telephone Number: 207-907-0032
Email Address: Kirsta@jafflu-maine.com
OWNER/OPERATOR: Kirsta Cole + Tyler Van Scoy
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Home Mailing Address: Same
Home Telephone Number: 207-907-0032
Applicant(s) Date of Birth: 12/17/84 and 8/26/85
Kirsta Cole 1/2/24
Applicant's Signature Date

146
Baldwin
Unit 714
S. Portland
04106

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- TYPES OF ENTERTAINMENT:**
- | | |
|---|--|
| ☒ Concert live music | ☐ Playhouse/Play |
| ☐ Exhibitions (live performances) | |
| ☐ Circus/Carnival | |
| ☐ Indoor Skating Rink | \$150.00 (annual) |
| ☐ Bowling Lanes | ☐ Public Firing Range |
| ☐ Theater/Movie House
(plus \$25.00 per screen) | ☐ Bottle Club |
| ☐ Billiard Room(s) | |

- AUTOMOBILE REPAIR AND/OR GRAVEYARD:**
- | | |
|---|-----------------|
| ☐ Automobile Repair Garage for maintenance | \$75.00 |
| ☐ Automobile Graveyard | \$200.00 |

- PLACES/DEALERS IN PRODUCTS:**
- | | |
|--|---|
| ☐ Secondhand Dealers | \$200.00 |
| ☐ Dealers in gold jewelry, etc. | ☐ Flea Market (for 20 tables; \$5 per add'l table) |
| ☐ Antique Dealer | ☐ Junk Dealer/Recycling |

INSPECTION 1-18-24 all set.
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For New Businesses and Businesses with Liquor Licenses: Please be sure to contact the Code Enforcement Office to schedule an inspection (207) 284-9236

PD 158-
C# 0504

pd 300
ad fee
1/24/24

PAWNBROKER: \$200.00

VENDOR ON A PUBLIC PLACE: \$50.00

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

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CITY COUNCIL APPROVAL DATE (if applicable): _____

CODE ENFORCEMENT APPROVAL: _____
(Occupancy Permit Issued)

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



BIDDEFORD POLICE DEPARTMENT

COURAGE HONOR INTEGRITY



Traffic Data Analysis

May Street, Biddeford, Maine

(April 1, 2023 - November 30, 2023)

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Analysis Overview

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Closing

Analysis Overview

Between April 1, 2023 and November 30, 2023, the Biddeford Police Department installed a TrafficLogix SafePace 650 digital radar feedback sign in the area of 103 May Street (on May Street at Colonial Drive). These feedback signs are designed to remind drivers to slow down in hopes of creating a safer environment for both pedestrians and motorists. The sign displayed the vehicle speed to driver's as they approached it traveling towards Alfred Street, which also collected a count and a speed of each vehicle as it passed by. Studies have shown that installing a radar feedback sign to drivers, reduces their overall speed and number of pedestrian fatalities.

May Street is a highly residential, straight, two-lane roadway separated by double yellow lines with fog lines and sidewalks on each side of the road. The entire length of May Street is posted at 25 mph in each direction. The radar sign was setup with a 5 mph threshold, meaning vehicles traveling at or under 30 mph are considered within the tolerable speed limit, while vehicles traveling above 30 mph are considered speed violations.



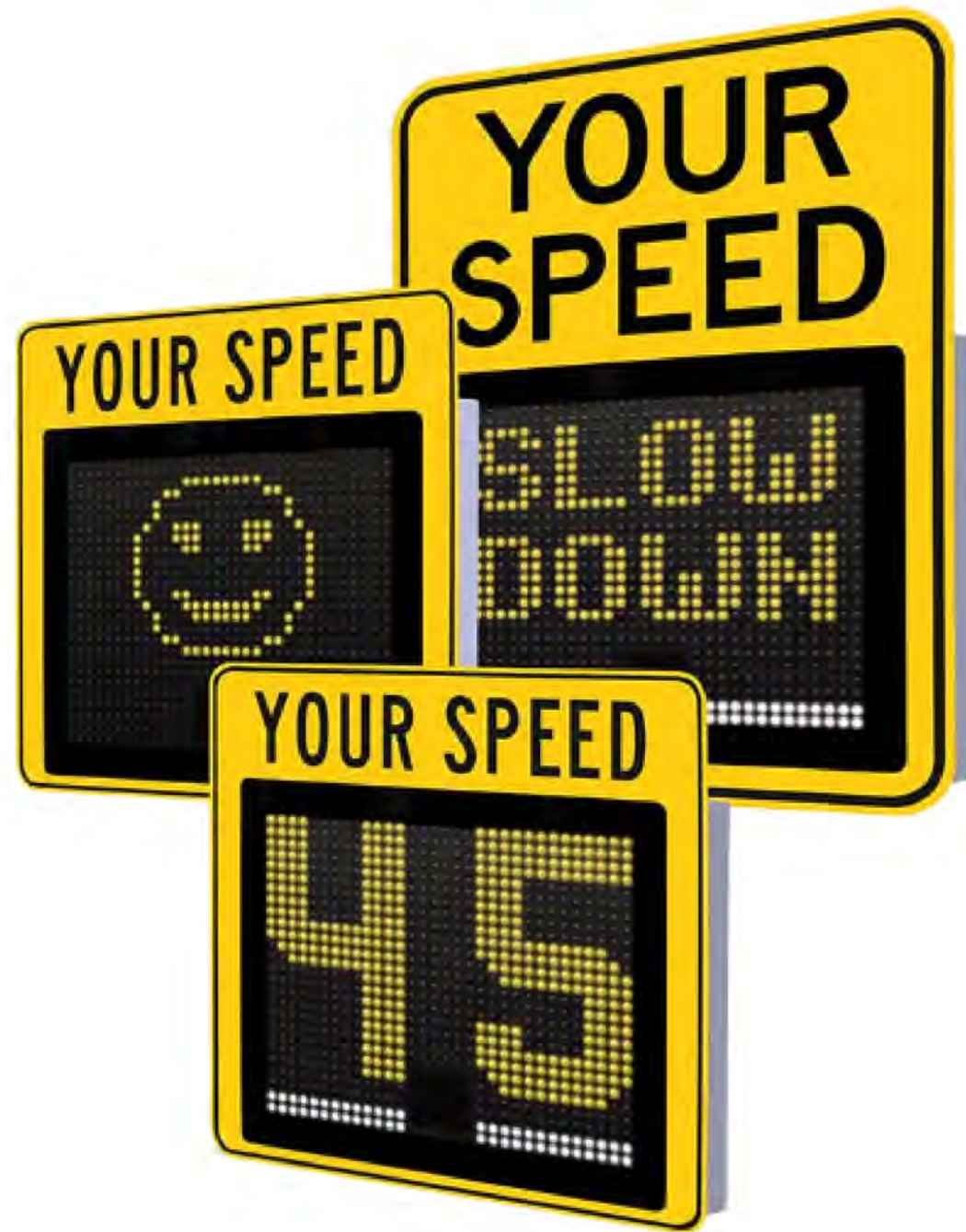
SafePace Sign



Traffic Island



Analysis Overview ☰ (CONT.)



Due to the timeframe in which this radar sign was installed, it coincidentally allowed us to collect speed data before and after the traffic islands were added to May Street. Vehicles traveling on May Street towards Alfred Street were maneuvering around one of those islands about 100' prior to reaching the sign; however, the radar's detection range was far greater than that 100', displaying vehicle speeds well before the start of the traffic island.

According to the Biddeford Public Works department, the majority of the construction occurred during September, with the curbs and roadway markings being painted during the first week of October. Due to the majority of the construction being done in September, the month of September was excluded from this analysis.

In order to get an overall picture of the speeds in that area of May Street, the analysis is grouped by month and displays the overall vehicle count through that area monthly, as well as each month's speed compliance, with further grouped speed brackets for non-compliant drivers (e.g. 31 - 35 mph, 36 - 40 mph, etc.).

Data Analyzed



565,896 vehicles analyzed



**431,750 (76%)
within speed limit**



**134,146 (24%)
speed violations**

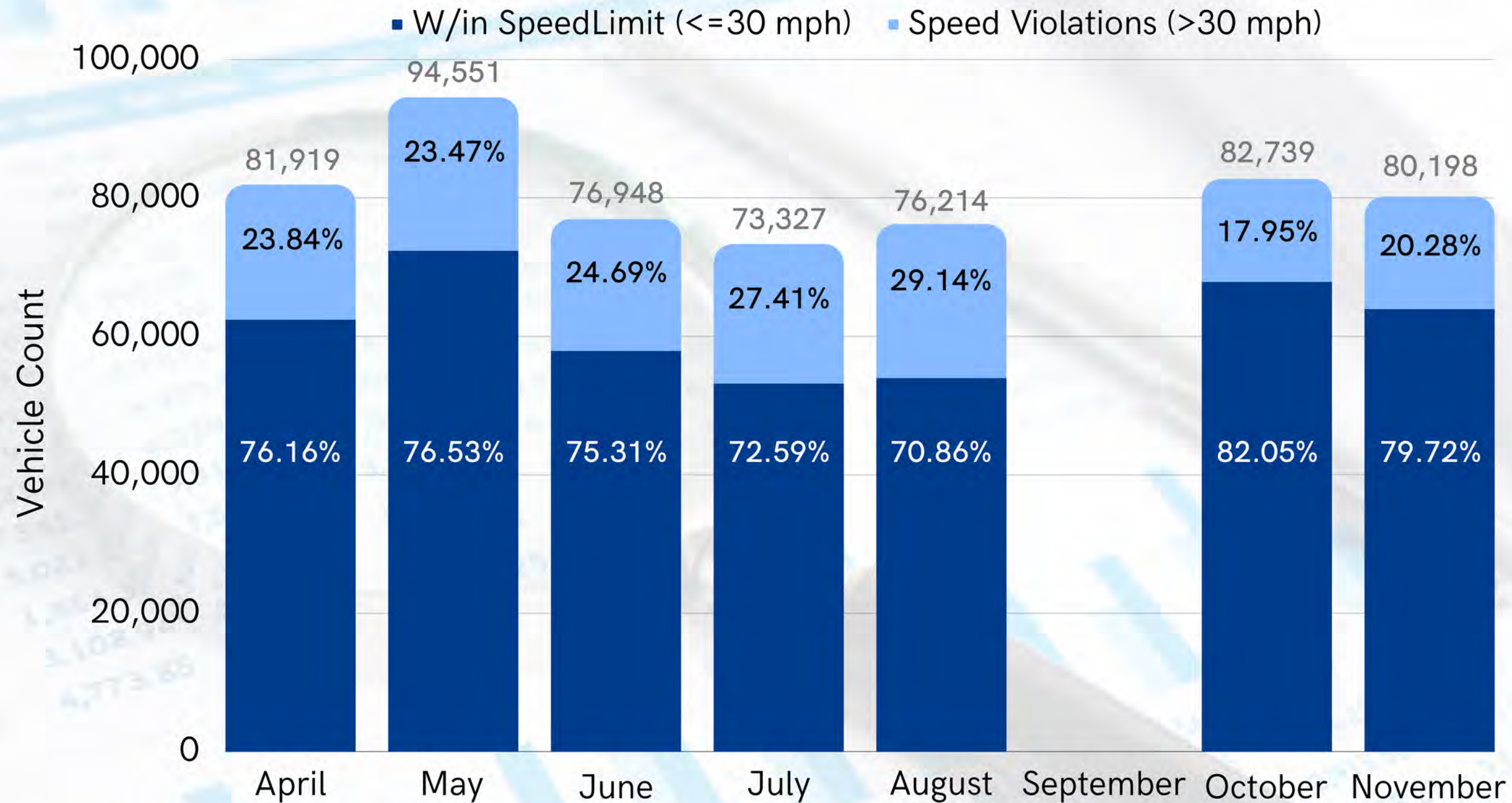


**Average speed was
27 mph**

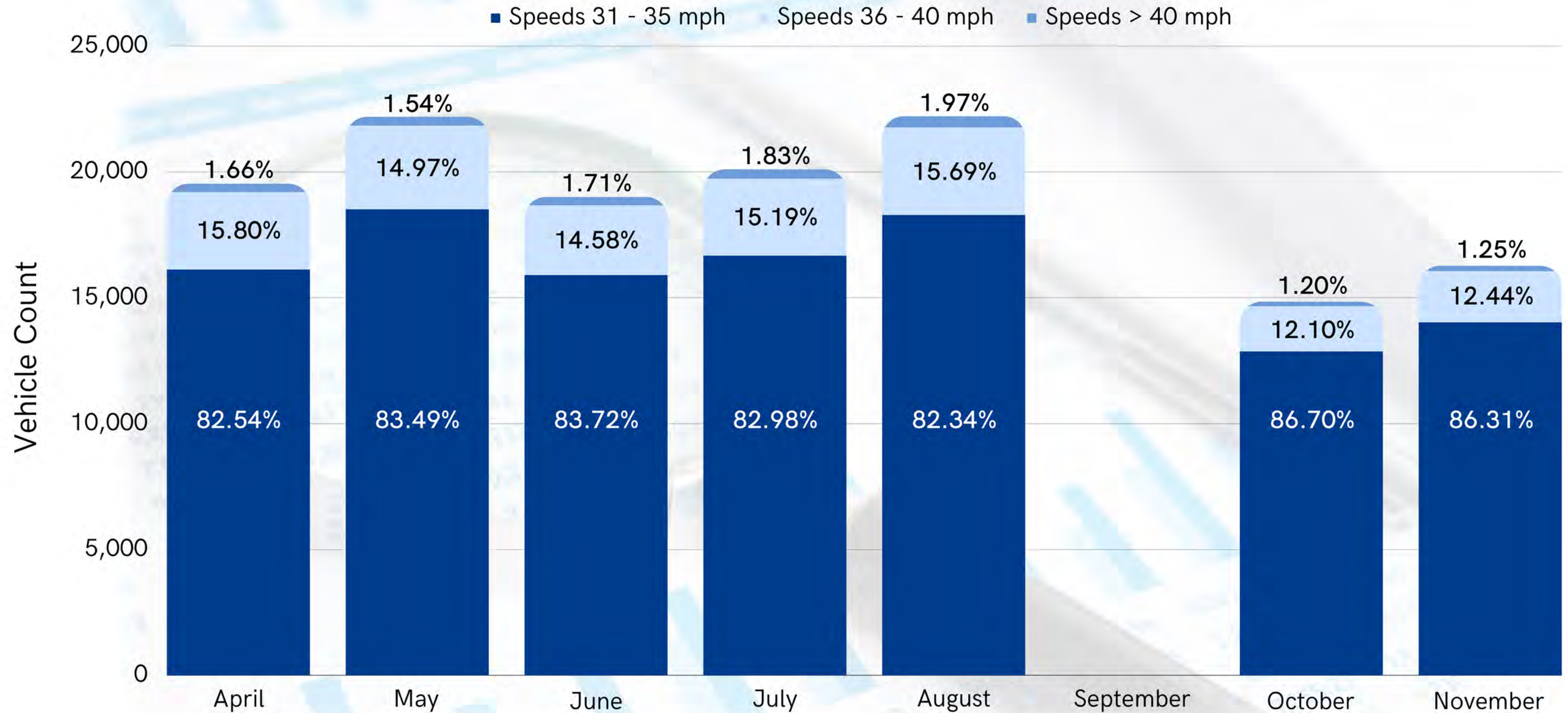


**Fastest speed was
87 mph**

Speed Compliance



Speed Violations



Data Recap ☰

In reviewing the collected data, April and May remained about the same with approximately 76% percent of drivers complying with the speed limit, and about 24% in violation of the speed limit. However, speed compliance in June, July and August decreased about 4.5% from June (about 75% compliance) to August (about 71% compliance), which also showed far fewer vehicles traveling on May Street than in April and May.

After the traffic islands were installed in September, there was a significant increase in speed compliance from August to October by about 11%, which also showed about 6,500 more vehicles traveling on May Street in October than in August.

Speed compliance decreased from October to November by about 2%, but even with this decrease, there was still about 9% more compliance in November than in August.

In addition to increased speed compliance after the traffic islands were added, speeds also decreased about 3% to 4% in October compared to April through August, while decreasing about 2% to 3% in November compared to April through August.

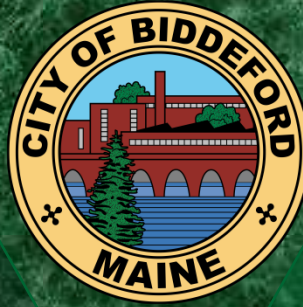


BIDDEFORD POLICE DEPARTMENT

COURAGE HONOR INTEGRITY



Leave sooner, drive slower, live longer!



Tax Increment Financing: TIF 101

August 16, 2016



Why TIF Anything?

Two reasons

- To prevent loss of revenues due to tax shifts

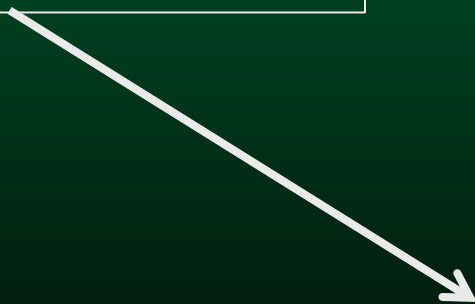
or

- To encourage development that would not happen 'but for' the TIF

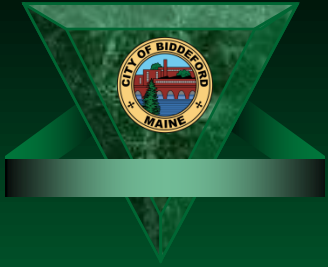


What Is Incremental?

*Original parcel(s) of land
identified for the TIF*



Original Value (Frozen)



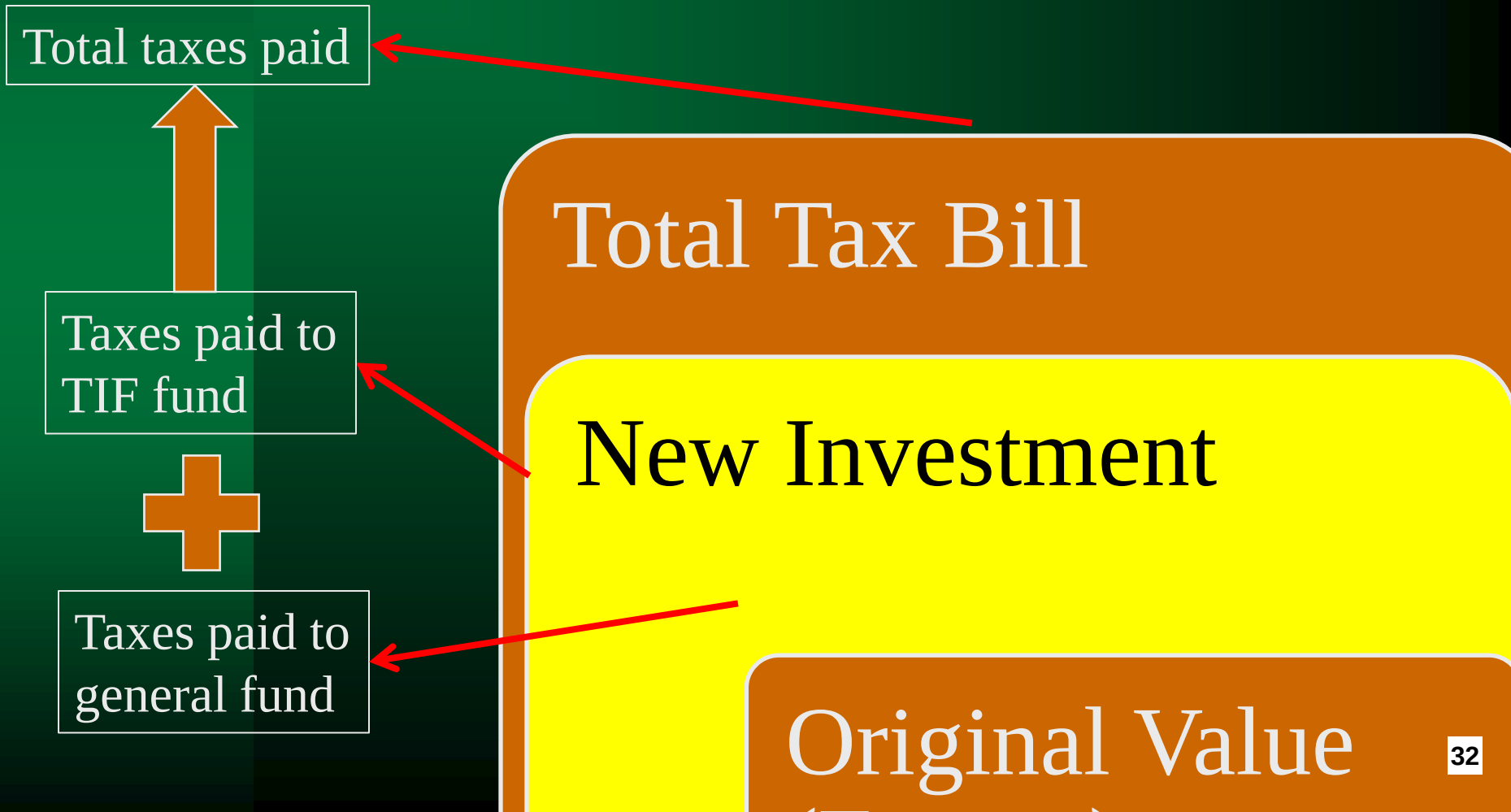
What Is Incremental?

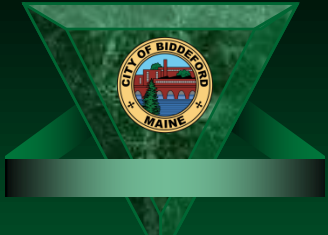
New Investment

Original Value (Frozen)



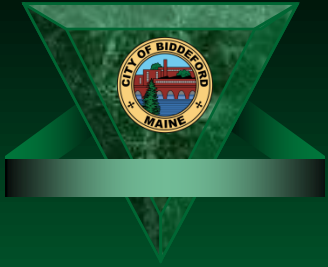
What Is Incremental?





Incremental Example





What Is '*Tax Shift*'?

- ✓ Under state law, the new valuation created in a TIF district does not count towards state value

State does not count

Original Value



Loss Due to Tax Shift

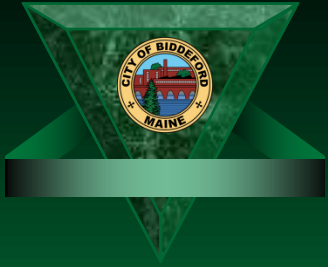
- Expenses & Revenues Impacted by Valuation
 - State aid to education (revenue)
 - Revenue sharing (revenue)
 - York County tax (expense)

- Note: Impacts are 2 to 3 years after local change



Impact of Tax Shifts

- ✓ In 2014 (Mission Hill Housing TIF)
 - 49% of new tax revenues lost because of tax shifts
 - 87% of impact is in education funding
- ✓ In 2015 (Laconia House TIF)
 - 48% of new tax revenues lost because of tax shifts
 - 87% of impact in education funding



Non-TIF Shelter Funds



\$52.00 kept locally

\$48.00 shared with other
communities via the 3 formulas



County Tax Example

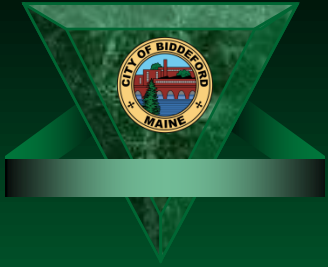
- ✓ 29 communities pay county tax based on state valuation of community
 - Biddeford paid 7.85% in FY15 (\$1,250,633)
 - Biddeford paid 7.65% in FY16 (\$1,228,998)
- ✓ City state value vs. total county state value
 - If higher, pay more*
 - If lower, pay less*
 - If same, pay same*

*assumes amount raised by taxes is same



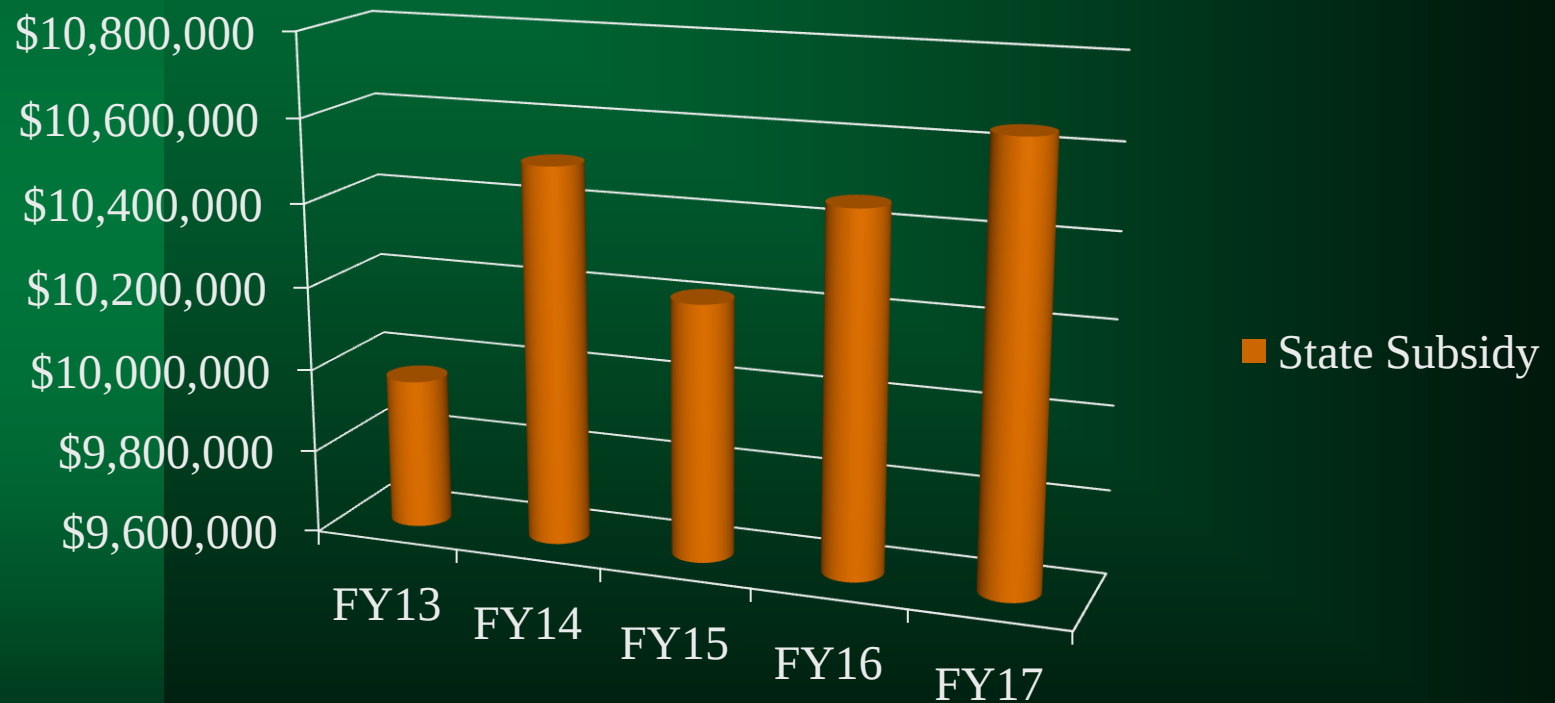
Revenue Sharing

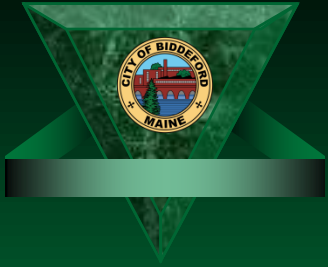
- ✓ Based on
 - Full value tax rate
 - Population
- ✓ Biddeford high receiver
 - 6th largest by population (2010 census)
 - Urban center
- ✓ \$1,300,000 in FY17



Educational Impact

State Subsidy





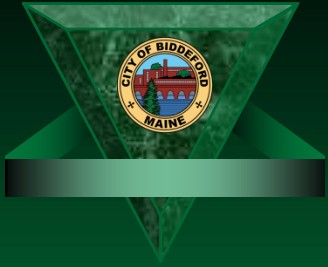
End Results of TIF Funds



OR

Credit Enhancement
(payment to developer)

Into City TIF account
(used for specific purpose)



One Way to Measure TIF Value

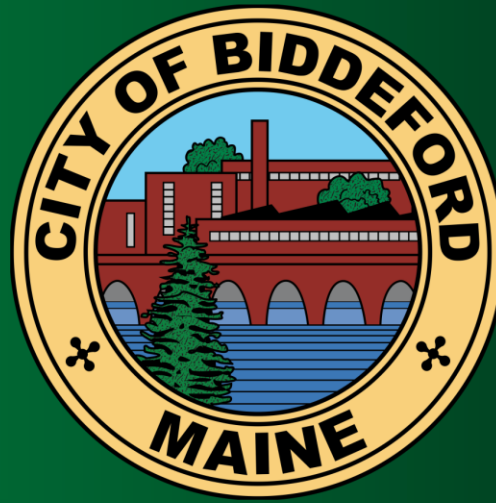
- ✓ Credit Enhancement
 - $\leq 48\%$ city is whole
 - $\geq 48\%$ city is given away some real tax revenues
- ✓ Into City TIF Fund
 - When used, increases the real tax revenues





Summary

- ✓ TIF's are valuable tool to City leaders
- ✓ When used to prevent tax shift losses
 - 100% TIF, doubles the economic value to citizens (prevents 48% of funds going to other communities)
- ✓ When used as credit enhancement
 - Encourages development that probably would not occur without it
 - If the sharing is at 48% or less, city is economically better



BIDDEFORD
Leading The Way

City of Biddeford
City Council
January 16, 2024 6:00 pm

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 - none

Proclamation

Proclamation Dr. Martin Luther King Jr.

[20240116 Dr. Martin Luther King Jr. -PROCLAMATION.pdf](#)

Mayor read the proclamation

4. Recognition:

4.a. Recognition in Memory of Roger Cantara

5. Appointments:

5.a. 2024.08 Confirmation of City Manager's Nomination for Director of Community and Economic Development Director

[20240116 George Gervais - Appointment](#)

[20240116 Gervais Resume](#)

[20240116 Gervais Employment Agreement.2024](#)

Motion: Councilor Emhiser

Second: Councilor Mills

Vote: Unanimous

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

2 citizens spoke

7. Consideration of Minutes:

7.a. Approval of Minutes 1-4-24

[City Council Minutes 1-4-24](#)

Motion Councilor Mills
Second Councilor Schlaver
Vote Unanimous in favor.
Motion passed.

8. Second Reading:

- 8.a. 2024.02 Approval/Amend Code of Ordinances Part II: Code of Ordinances, Article IV - Boards, Committees, Commissions
[010424 DEI Committee Ordinance Memo](#)
[010424 DEI Committee Ordinance Order 2nd](#)
[011722 Language Approved for Creation of Diversity Inclusion Equity Committee](#)

Motion: Councilor Schlaver
Second: Councilor Whiting

5 members of the public spoke in favor of the DEI Committee

Councilor Ortiz spoke in favor of the Ordinance. Several Councilor members voiced support for the committee. Councilor Belanger stated that the committee work is very important. Councilor LaFountain encouraged people to apply for the committee openings.

Vote: Unanimous in favor.
Motion passed.

9. Orders of the Day:

- 9.a. Approval/Re-zone portions of the City's R-2 and R-1 A lots to MSRD -2
[Policy Brief Rezoning to MSRD2 1-16-24](#)
[City Council Order Rezoning from R1 and R1A to MSRD2 1-16-24](#)
[Zoning Map Amendment R2 to MSRD2 12-06-23 PB MEMO](#)
[Bennett Policy Memo to CC 6-20-23 IZ incentive](#)
[Policy Brief Rezoning to MSRD2 9-20-23](#)
[PPH First Reading](#)
[Rezoning Map Proposal 9-20-2023](#)

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

- 9.b. Approval/Amend Ordinances, Part II: Code of Ordinances - Subdivisions Article 1, Section 66-21 Soil Evaluations
[City Council Order 2024.10 Subdivisions Septic Inspections 1-16-2024](#)
[Policy Brief Septic Inspections 1-16-24](#)
[Ordinance Amendment SEPTIC and SLUDGE 1-16-23](#)
[Brent Lawson email regarding septic inspections](#)
[Ordinance Amendment SEPTIC INSPECTIONS 1-16-24](#)

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

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

Motion of Amendment by Councilor Whiting to amend section 66-21 paragraph A change “his” to “their” to comply with the gender-neutral policy.
Second: Councilor Embiser
Vote: Unanimous in favor.
Motion passed.

- 9.c. Approval/Amend Ordinance Part III: Code of Ordinances, Article VI - Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.
[City Council Order 2024.11Subsurface wastewater disposal and sludge spreading 1-16-2024](#)
[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](#)
[Septic and Sludge Ordinance Amendment 12-20-23 PB MEMO](#)

Motion: Councilor Belanger
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

1 person from the public spoke concerning the definition of the word “sludge”.

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

A citizen expressed concerns with the speed of traffic on Granite Street.

4 citizens expressed concerns about the unhoused, the lack of resources, and asked to move them away from the railroad tracks.

11. City Manager Report

City Manager Jim Bennett gave an update on the recent storms and the impact on the community. The City is blessed with a talented workforce. The preplanning, teamwork and efforts of those in Dispatch, Public Works, Police, Fire/EMS and Code Enforcement Director Roby Fecteau saved the City from more damage. He does not have an exact number yet but it could be between 1.5 to 2.5 million dollars of public infrastructure damage. They expect this to qualify for Federal Disaster funding, the FEMA rules have specific procedures to qualify for the funds. Some areas will take time to repair to make sure they follow the correct procedures for the funding.

CEO Fecteau is in contact with DEP regarding dunes and seawall repairs. He will be scheduling neighborhood informational sessions and information will be posted on our website and the Biddeford Beat.

Councilor Emhiser, Ward 1, thanked the City staff for the unbelievable efforts to the community before, during and after the storms.

12. Other Business

None

13. Council President Addressing the Council

Council President did not address the Council at this time.

14. Mayor Addressing the Council

Mayor Grohman had several updates. He thanked everyone for their work on the storms. There is interest from several major construction companies to bid on the school construction. School State subsidy information will be coming out at the end of the month and Superintendent Ray will be here on March 19th.

Congratulations to Danielle Emerson, 2 time Maine Gatorade Volleyball Player of the Year. The mayor will be visiting local radio station 93.1 tomorrow to have a conversation with the hosts and answer questions. They will be invited to Winterfest.

15. Executive Session

Motion to go into Executive session by Councilor Belanger at 7:55 PM

Second: Councilor Lessard

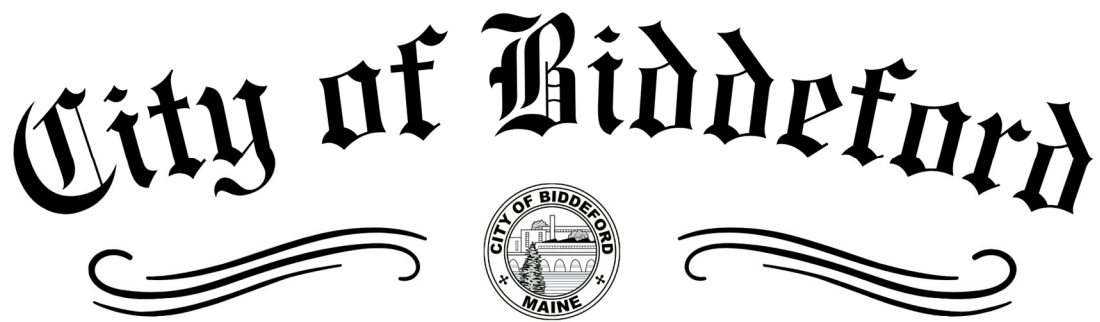
Vote: Unanimous in favor.

15.a. Executive Session 405 6 (c) Economic Development matters

15.b. Executive Session 405 6 (c) Real Estate matters

15.c. Executive Session 405 6 (d) Labor Negotiations

16. Adjourn



2023.09 IN BOARD OF CITY COUNCIL on January 16, 2024

BE IT ORDERED, that the City Council hereby approves a Zoning Map Amendment to portions of the R2 and R1A zones, as illustrated on the proposed and attached Zoning map, to MSRD2 so that they may also benefit from the affordable housing incentives.

January 16, 2024

Motion: Councilor LaFountain

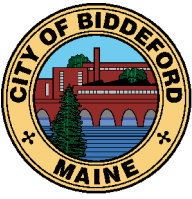
Second: Councilor Mills

Vote: Unanimous in favor.

February 6, 2024

Attest by: _____
Robin Patterson, City Clerk

City of Biddeford, Maine



The Office of
City Manager

James A. Bennett

Email: jbennett@biddefordmaine.org

MEMORANDUM

TO:	Policy Committee
FROM:	James A. Bennett, City Manager
DATE:	February 1, 2024
RE:	Incentives to Create More Dedicated Affordable Housing Units

Below you will find recommendations that staff is supporting in order to create additional incentives for property owners to voluntarily create additional dedicated affordable housing units within the community. The following is the list of those recommendations. They are not listed in any particular order.

Major changes to every community in housing policy via the state preempting a community's local control. During the last legislative session, a sweeping land use changes were enacted in what is being referred to as 'LD2003'. Modifications to the law occurred in this session, which included the delaying of the implementation dates. For Biddeford (and other communities that do not have a Town Meeting form of government), compliance has been delayed by six months (January 1, 2024).

Final rule making by the State is not expected for least another four months. Staff has prepared these recommendations based on the assumptions of what we reasonably believe the rules will be. The most significant of those assumptions are the hurdles that a project must meet in order to be in compliance.

There are two major categories of incentives within LD2003. Relaxation of parking standards as well as the creation of additional units on a property are allowable, if the project achieves the standards established for new affordable housing units. That standard requires that 51% of all of the new units must be affordable. The State's definition of affordability is the units must rent for no more than 80% of the AMI (average median household income) for a thirty year period.

Staff has concerns that the threshold put forth by the state will be economically challenging for most projects, unless the areas have extremely high AMI. In developing the incentives, much like the balance of IZ conversation, our attempted was to offer levels that we believe are obtainable. Further restricted that our incentives cannot be more restrictive than that of the state, we are offering the following:

1. Allowing a City incentive of 30% of the new units if the units are held at 70% of the AMI for a thirty year period. The City incentives would be similar to the state's.
 - a. Lowering the parking standards to one per every two units created;
 - b. Lowering the living space per unit to 500 square feet of gross space (excluding basement);
2. These incentives would be allowed in the current MSRD 1, MRSD 2, MRSD 3, B1, GD1 and OR zones in the City.

205 Main Street

Biddeford, ME 04005

Phone: 207.284.9313

Fax 207.571.0678

*The City of Biddeford is an equal opportunity provider. To file a complaint, write to
Diana Depaolo, Human Resource Director, 205 Main Street Biddeford, ME 04005, or call (207) 286-0593.*

3. Allow a portion of the R2 and R1A zones to also benefit from the affordable housing incentives. The simplest way would be to convert these areas to MRSD2. The areas are in the downtown and currently adjacent to the current MRSD2 zone. A map is included.
4. Create a process where the expansion of affordable housing units under this provision would go through an accelerated process. That process would be to grant authority of approval at the Staff Review Committee (SRC) level instead of the Planning Board level. No other changes to the project would be allowed, otherwise the project would need to go through the normal Planning Board process. As part of this change, a conversation with the Planning Board should occur to discuss if a member of the Planning Board be added to the SRC process.

Staff is suggesting that we take these steps as the initial consideration for the incentives. Further, evaluation on the impacts should be considered before expanding into areas outside of the immediate downtown area. Also, any consideration of changes to lot coverage, setbacks, lot frontage requirements should be considered outside of the affordable housing incentives based on Council feedback.

As always, staff is prepared to assist the Committee in working through these challenging discussions.



Policy Committee

Meeting Date: January 16, 2024
Meeting Time: 6:00 PM

Agenda Item No: Item # 2024.09
Item Description: Zoning Map Amendment – Additional Housing Units

Submitted by: Roby Fecteau, Director of Code Enforcement
David C.M. Galbraith, City Planner

Supporting Information/Documentation:

Attached is a map of the proposed rezoning area from R2 and R1A zones to MSRD2.

Key Terms:

N/A

Executive Summary:

Staff is recommending a Zoning Map Amendment to portions of the R2 and R1A zones, as illustrated on the proposed Zoning map amendment, to MSRD2 so that they may also benefit from the affordable housing incentives

Detailed Review:

This item was first discussed at the City's Policy Committee on June 22, 2023, who brought the item to the full City Council who forwarded the rezoning amendment to the Planning Board for their review and recommendation. As you are aware, the City has been reviewing our land use policies / zoning to create additional housing opportunities within the downtown. The easiest way to accomplish this goal, is to convert a portion of the R2 and R1A zones, as illustrated on the proposed Zoning map amendment, to MSRD2 so that they may also benefit from the affordable housing incentives. The proposed rezoning areas are within the downtown and currently adjacent to the MSRD2 zone. The proposed map amendment is one of a series of land use amendments (text / map) toward compliance with "LD 2003" and more importantly, providing less restrictive zoning to allow for additional housing opportunities.

Funding Source:

N/A

Staff Recommendation:

This item was discussed at three Planning Board meetings including two (2) public hearings which were held on December 6th and December 20th, 2023. At the conclusion of the meetings the Planning Board voted to send a recommendation to the City Council to amend the official zoning map as proposed.



Policy Committee

Meeting Date: September 25, 2023

Meeting Time: 6:00 PM

Agenda Item No:

Item Description: Zoning Map Amendment – Additional Housing Units

Submitted by: Roby Fecteau, Director of Code Enforcement
David C.M. Galbraith, City Planner

Supporting Information/Documentation:

Attached is a map of the proposed rezoning area from R2 and R1A zones to MSRD2.

Key Terms:

N/A

Executive Summary:

Staff is recommending a Zoning Map Amendment to portions of the R2 and R1A zones, as illustrated on the proposed Zoning map amendment, to MSRD2 so that they may also benefit from the affordable housing incentives

Detailed Review:

As previously discussed at the Policy Committee (June 22, 2023) the City has been reviewing our land use policies / zoning to create additional housing opportunities within the downtown. The easiest way to accomplish this goal, is to convert a portion of the R2 and R1A zones, as illustrated on the proposed Zoning map amendment, to MSRD2 so that they may also benefit from the affordable housing incentives. The proposed rezoning areas are within the downtown and currently adjacent to the MSRD2 zone. The proposed map amendment is one of a series of land use amendments (text / map) toward compliance with "LD 2003".

Funding Source:

N/A

Staff Recommendation:

Staff is proposing that the Policy Committee forward this rezoning request to the City Council for their input and a recommendation to forward the proposed map amendment to the Planning Board for discussion and a formal Council recommendation towards adoption.

PUBLIC NOTICES

bank check at the time of the public sale made payable to Brock & Scott, PLLC, which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of Federal National Mortgage Association is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved. Additional terms will be announced at the public sale. Federal National Mortgage Association by its attorneys, Brock & Scott, PLLC Jamie L. Tartre, Esq. 30 Danforth Street Suite 104 Portland, ME 04101

Public Notice

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered July 31, 2023, in the action entitled PennyMac Loan Services, LLC v. Lori Thayer Jennings, by the Maine District Court, Division of Biddeford, Docket No. SPRDC-RE-2022-56, wherein the Court adjudged the foreclosure of a mortgage granted by Lori Thayer Jennings, mortgagor, to Academy Mortgage Corporation and dated May 29, 2020 and recorded in the York County Registry of Deeds in Book 18259 at Page 180, should the period of redemption have expired without redemption of the property by the mortgagor, a public sale of the property described in the mortgage will be conducted on **December 21, 2023 commencing at 10:00 AM at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101.** The property is located at 361 Blackberry Hill Road, Berwick, ME 03901, in York County, reference as described in said mortgage. The sale will be by public auction. All bidders for the property

Public Notice

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered January 9, 2023 and further affected by an Order dated October 30, 2023 extending the period to commence publication of the notice of sale by an additional 90 days therefrom in the action entitled **HSBC Bank USA, National Association as Trustee for Deutsche Alt-B Securitiles, Mortgage Loan Trust, Series**

2006-AB2 v. Michael D. Combes, et al., by the Cumberland County Superior Court, Docket No. PORSC-RE-20-43, wherein the Court adjudged the foreclosure of a mortgage granted by Michael D. Combes to Mortgage Electronic Registration Systems, Inc., as nominee for Dream House Mortgage Corporation, its successors and assigns dated January 10, 2006 and recorded in the Cumberland County Registry of Deeds in Book 23607, Page 214, the period of redemption having

expired, a public sale of the property described in the mortgage will be conducted on **Tuesday, December 19, 2023, commencing at 10:00 AM, 707 Sable Oaks Dr., Suite 250, South Portland, ME 04106 on the front steps of the building in front of the flag pole.** The property is located at 6 Apple Blossom Lane, Windham, Maine. The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 by certified or bank check at the time of the public

sale made payable to Korde & Associates, P.C., which deposit is non-refundable as to the highest bidder. The balance of the purchase price shall be paid within thirty (30) days of the public sale. In the event a representative of the mortgagee is not present at the time and place stated in this notice, no sale shall be deemed to have occurred and all rights to reschedule a subsequent sale are reserved. Additional terms will be announced at the public sale.

Korde & Associates, P.C., 707 Sable Oaks Dr., Suite 250, South Portland, Maine 04106, (207) 775-6223. Updates may be found at: <http://www.logs.com/me-sales-report.html>. 23-001439

Public Notice

York County Biddeford Planning Board Public Hearing Notice

Date of Public Hearing: December 6, 2023 Time: 6:00 PM Location: Biddeford City Hall, Council

Chambers and Remote Access Meeting (1 MRSA § 403-B) On behalf of the City Clerk and the Biddeford Planning Board provides notice that they will hold a Public Hearing and take comments for the City of Biddeford on December 6, 2023. Topics being discussed: FIRST READING of a Possible Rezoning of some of the R-2 & R1A lots to MSRD-2 FIRST READING of a proposal to amend Part III, Article VI, Section 5B, B1, 2 & 3 Subsurface Wastewater Disposal & Sludge Spreading, FIRST AND ONLY

READING to amend the Planning Board Rules of Procedure & Code of Ethics. Information on how to view and/or participate in the meeting will be available after November 28, 2023 at <https://www.biddefordmaine.org/2478/Video-Agendas-Minutes> by selecting the Agenda or Agenda Packet. For detailed information about the above items please e-mail nan.whitten@biddefordmaine.org, or go to www.biddefordmaine.org/planning.

LEGAL NOTICE

LEGAL NOTICE

LEGAL NOTICE

NOTICE OF STATE RULEMAKING

Public Input for Rules

Notices are published each Wednesday to alert the public regarding state agency rulemaking. You may obtain a copy of any rule by notifying the agency contact person. You may also comment on the rule, and/or attend the public hearing. If no hearing is scheduled, you may request one - the agency may then schedule a hearing, and must do so if 5 or more persons request it. If you are disabled or need special services to attend a hearing, please notify the agency contact person at least 7 days prior to it. Petitions: you can petition an agency to adopt, amend, or repeal any rule; the agency must provide you with petition forms, and must respond to your petition within 60 days. The agency must enter rulemaking if the petition is signed by 150 or more registered voters, and may begin rulemaking if there are fewer. You can also petition the Legislature to review a rule; the Executive Director of the Legislative Council (115 State House Station, Augusta, ME 04333, phone (207) 287-1615) will provide you with the necessary petition forms. The appropriate legislative committee will review a rule upon receipt of a petition from 100 or more registered voters, or from "...any person who may be directly, substantially and adversely affected by the application of a rule..." (Title 5 §11112). World Wide Web: Copies of the weekly notices and the full texts of adopted rule chapters may be found on the internet at: <http://www.maine.gov/sos/cec/rules>. There is also a list of rulemaking liaisons (<http://www.maine.gov/sos/cec/rules/liaisons.html>), who are single points of contact for each agency.

PROPOSALS

AGENCY: 94-411 - Maine Public

able for adoption after January 31, 2024.

PUBLIC HEARING: December 14, 2023, 9:05 a.m., Maine Public Employees Retirement System, 139 Capitol Street, Augusta, Maine COMMENT DEADLINE: December 26, 2023

EMAIL FOR PUBLIC TO SUBMIT COMMENTS: rulemaking@mainepers.org

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT STATEMENT: Kathy J. Morin, Director, Actuarial and Legislative Affairs, Maine Public Employees Retirement System, P.O. Box 349, Augusta, ME 04332-0349. Telephone: 1-800-451-9800 or (207) 512-3190. Email: Kathy.Morin@mainepers.org FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None

AGENCY: 12-170 - Department of Labor, **Bureau of Labor Standards** CHAPTER NUMBER AND TITLE: **Ch. 9, Rules Governing Administrative Civil Money Penalties** TYPE OF RULE: Major Substantive PROPOSED RULE NUMBER: **2023-P241**

BRIEF SUMMARY: The Bureau of Labor Standards is proposing amendments to this Rule to simplify and increase the effectiveness of the administrative civil money penalties, to modify the appeal process to remove the possible perception of bias, and to ensure that Bureau resources are allocated in a more effective and accountable manner.

PUBLIC HEARING: Monday, December 11, 2023 at 10:00am, at the Maine Department of Labor, Frances Perkins Confer-

PUBLIC NOTICE

PUBLIC NOTICE

PUBLIC NOTICE

YORK COUNTY PROBATE COURT

NOTICE TO CREDITORS 18-C M.R.S. §3-801(1)

The following Personal Representatives have been appointed in the Estates noted. The first publication date of this notice is November 15, 2023. If you are a creditor of an Estate listed below, you must present your claim within four months of the first publication date of this Notice to Creditors or be forever barred.

You may present your claim by filing a written statement of your claim on a proper form with the Register of Probate of this Court or by delivering or mailing to the Personal Representative listed below at the address published by the Personal Representative's name a written statement of the claim indicating the basis therefore, the name and address of the claimant and the amount claimed or in such other manner as the law may provide. See 18-C.M.R.S. §3-804.

SHERLON L. WESTLEIGH, late of Alfred, deceased. October 18, 2023, Charles L. Nickerson of PO Box 232, Sanford, ME 04073, appointed Personal Representative, without bond.

GOODWIN FLOYD HANNAFORD, late of Hollis, deceased. October 18, 2023, Anne Hannaford of 71 Bear Hill Road, Hollis Center, ME 04042, appointed Personal Representative, without bond.

KATHRYN MARIE LILL, late of York, deceased. October 18, 2023, Carrie F. Hall of 13 Pinecrest Lane, Ashland, MA 01721, appointed Personal Representative, without bond.

CAROLYN J. GALLANT, late of Saco, deceased. October 18, 2023, Fred C. Gallant of 200 McKenney Road, Saco, ME 04072, appointed Personal Representative, without bond.

HELENA M. HACKNEY, late of Kittery Point, deceased. October 18, 2023, Thomas C. Hackney of PO Box 83, Kittery Point, ME 03905, appointed Personal Representative, without bond.

LAWRENCE A. WING, late of York, deceased. October 18, 2023, Gerald Parrotta of 13 Ocean Circuit Drive, Cape Neddick, ME 03902, appointed Personal Representative, without bond.

CONRAD E. EMARD JR., late of Alfred, deceased. October 20, 2023, Michael K. Emard of 248 Gebung Road, Alfred, ME 04002, appointed Personal Representative, without bond.

JOHN G. REARDON, JR., late of Limington, deceased. October 24, 2023, Cynthia A. Reardon of 159 Millturn Road, Limington, ME 04049, appointed Personal Representative, without bond.

KATE G. BRODEUR, late of Eliot, deceased. October 24, 2023, David Brodeur of 283 Beech Road, Eliot, ME 03903, appointed Personal Representative, without bond.

ANITA J. RICKS, late of North Parsonsfield, deceased. October 24, 2023, Christina Costantino of 237 N Prospect Street, Phillipsburg, NJ 08865, appointed Personal Representative, without bond.

M. NANCY H. DAISEY, late of Kittery, deceased. October 24, 2023, Robert L. Daisey of 33 Norton Road, Kittery, ME 03904, appointed Personal Representative, without bond.

REUBEN K. INNISS, late of Arundel, deceased. October 25, 2023, Sarah N. Inniss of 359 Limerick Road, Arundel, ME 04046 and Laura J. Robinson of 296 Hight Road, Dayton, ME 04005, appointed Personal Representatives, without bond.

ALBERT WAYNE ASHBY, late of Sarasota, Florida, deceased. October 25, 2023, Barbara Irene Cook-Ashby of 19 Hampton Glen Drive, Kennebunk, ME 04043, appointed Personal Representative, without bond.

JUSTIN EUGENE DALEY, late of Sanford, deceased. October 25, 2023, Carol M. Daley of 9 Beulah Street, Sanford, ME 04073, appointed Personal Representative, without bond.

THOMAS C. CRYAN SR., late of York, deceased. October 25, 2023, Kim E. Peck of 4 Wilderness Way, York, ME 03909 and Judith Ahrikenchikh of 90 Beech Ridge Road, York, ME 03909, appointed Co-Personal Representatives, without bond.

MARLENE J. HOWARD, late of Hollis, deceased. October 19, 2023, Kurt W. Howard of 531 Sawyer Street, South Portland, ME 04106, appointed Personal Representative, without bond.

FRANK H. TOTMAN JR., late of Kittery Point, deceased. October 27, 2023, Thomas A. Totman of 7 Louis Street, Holliston, MA 01746, appointed Personal Representative, without bond.

LUCILLE ANN CUNNINGHAM, late of Lebanon, deceased. October 27, 2023, Stacy H. Cunningham of 152 Buttercup Lane, Sanbornville, NH

appointed Personal Representative, without bond.

KIMBERLEY LAVIN, late of Biddeford, deceased. November 1, 2023, Thomas Lavin of 15 Cheshire Meadows Lane, Kennebunk, ME 04043, appointed Personal Representative, without bond.

PAULA A. LETOURNEAU, late of Buxton, deceased. October 31, 2023, Paul R. Dionne of 465 Main Street, Suite 102, Lewiston, ME 04240-6738, appointed Personal Representative, without bond.

ESTHER E. LANE, late of Kittery, deceased. November 1, 2023, Carmen R. Butterfield of 445 N Kelly Street, Hobart, IN 45342, appointed Personal Representative, without bond.

SARA E. SINCLAIR, late of Kennebunkport, deceased. November 1, 2023, Thomas J. Sinclair of PO Box 377, Kennebunkport, ME 04046, appointed Personal Representative, without bond.

ELAINE J. BECK, late of Acton, deceased. November 1, 2023, Peter Beck of 52 Covewood Drive, Acton, ME 04001, appointed Personal Representative, without bond.

ALINE D. PERRY, late of South Berwick, deceased. November 1, 2023, Christina M. VanHorn of 12 William Road, South Berwick, ME 03908, appointed Personal Representative, without bond.

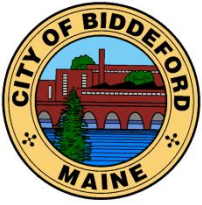
MICHAEL F. JANCOVIC, late of York, deceased. November 2, 2023, Jennifer A. Jancovic of 19 Dean Road, York, ME 03909, appointed Personal Representative, without bond.

BLAINE DANIEL CLAY, late of Buxton, deceased. November 2, 2023, Cynthia Ann Russell of PO Box 474, Mapleton, ME 04757, appointed Personal Representative, without bond.

KEVIN WESLEY GRAFFAM, late of Waterboro, deceased. November 3, 2023, Victoria A. Graffam of 86 Crystal Springs Way, Somersworth, NH 03878, appointed Personal Representative, without bond.

VERONCIA J. SINGLE, late of Lyman, deceased. November 3, 2023, Erik Thorrell of 30 Kendall Pond Road #81, Derry, NH 03038 and Tracey Dunnington of 1 Sprinkler Way, Wareham, MA 02571, appointed Co-Personal Representatives, without bond.

PATRICIA A. MOUNTAIN, late of Berwick, deceased. November 6, 2023, Yvette M. Brown of 27 Oxbow Lane, Barrington, NH 03825, appointed



CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115

Planning Board – Staff Report

David.Galbraith@biddefordmaine.org

TO: Chair Patoine and Members of the Biddeford Planning Board

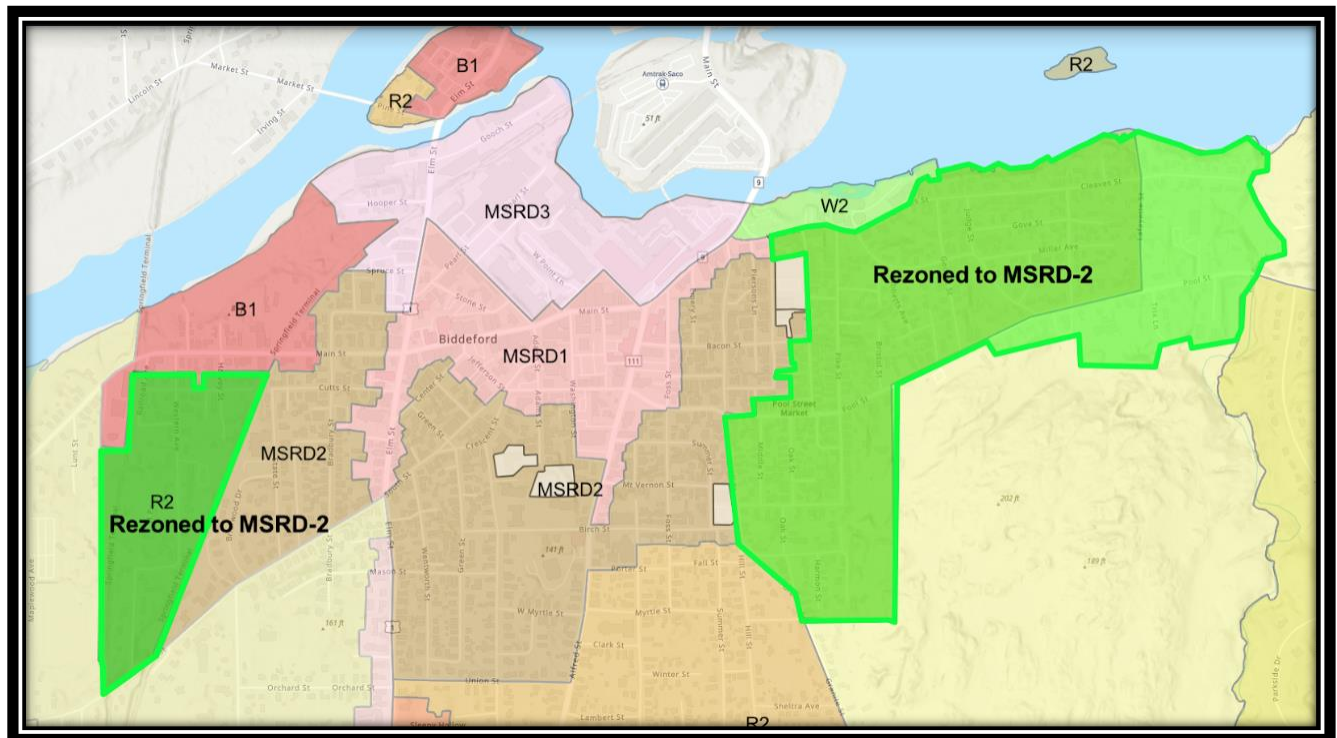
FROM: David C.M. Galbraith, Deputy Director / City Planner

DATE: December 12, 2023

RE: **Zoning Map Amendment: Rezoning Portions of the City's R-2 Zoning and R-1-A Zoning Districts to MSRD-2.**

MEETING DATE: December 20, 2023

1. Overview: This item was last discussed with the Planning Board at the December 6, 2023 regular Planning Board meeting. Staff is recommending a Zoning Map Amendment to portions of the R2 and R1A zones, as illustrated on the proposed Zoning map (below and attached) to MSRD2 so that they may also benefit from the affordable housing incentives.



Proposed Rezoning Areas from R-2 and R-1-A to MSRD-2 (highlighted in green)

Detailed Review:

This matter was originally discussed at the Policy Committee (June 22, 2023) who were evaluating our land use policies / zoning to create additional housing opportunities within the downtown. The easiest way to accomplish this goal, is to convert a portion of the R-2 and R-1-A zones, as illustrated on the proposed

Planner's Business: Zoning Map Amendment: Rezoning Portions of the City's R2 Zoning and R1A Districts to MSRD2.

Planning Board Date: December 20, 2023

Zoning map amendment, to MSRD-2 so that they may also benefit from the affordable housing incentives. The proposed rezoning areas are within the downtown and currently adjacent to the MRSD2 zone. The primary difference between the proposed map amendments is one of a series of land use amendments (text / map) toward compliance with "LD 2003".

Establishment of Zones – Table B – Dimensional Standards

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Heights+	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W.	Side	Rear	Stories	Feet
SR-1	15,000 C	20,000 C	20,000 C	40,000 C	100	100	200	40	25	10	10	3	35
CR	See Table C below				150	150	150	40	25	25	25	3	35
R-1-A	10,000 B	20,000	10,000	20,000	100	100	100	40	25	10	10	3	35
R-1-B	5,000 B	20,000	5,000	20,000	50	50	50	25	10	5	5	3	35
R-2	4,500 B	N/A	N/A	N/A	45	N/A	N/A	25	15	5	5	3	35
R-3, single-family	10,000	20,000	20,000	40,000	100	120	200	40	25	10	10	3	35
R-3, duplex	7,500 B	30,000	N/A	N/A	120	120	120	40	25	15	15	3	35
R-3, multifamily	15,000 1st 2 units, then 6,000/unit D	N/A	N/A	N/A	150	N/A	N/A	40	40	25	25	3	35
R-3, all other	10,000	N/A	N/A	N/A	100	120	200	40	25	10	10	3	35

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Heights+	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W.	Side	Rear	Stories	Feet
MSRD-1	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet; Max. 60 feet	
MSRD-2	2,000 B	N/A	N/A	N/A	50	N/A	N/A	15 R	15 R	10	10	3	35
MSRD-3	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet	

The primary difference between R2 and R1A zones when compared to the MSRD2 zoning district is the minimum square footage requirements per unit, as illustrated above. The proposed map amendment is one of a series of land use amendments (text / map) toward compliance with "LD 2003".

Staff Recommendation:

Staff is supportive of the proposed rezoning but is seeking input from the Planning Board prior to forwarding a formal recommendation for adoption of this amendment to the City Council.

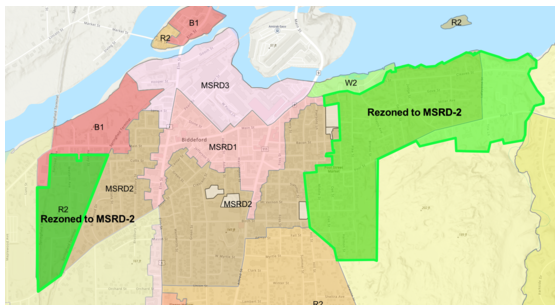
SAMPLE MOTION #1: An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations.

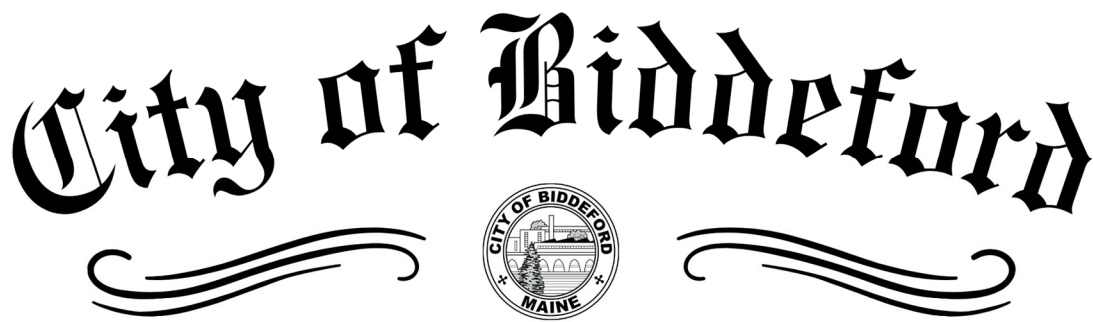
Planner's Business: Zoning Map Amendment: Rezoning Portions of the City's R2 Zoning and R1A Districts to MSRD2.

Planning Board Date: December 20, 2023

- A. Motion to Approve: I motion to APPROVE the proposed Map Amendments to Rezoning Areas from R-2 and R-1-A to MSRD-2, as proposed and illustrated.
- B. Motion to Deny I motion to DENY the proposed Map Amendments to Rezoning Areas from R-2 and R-1-A to MSRD-2, as proposed and illustrated for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.
- C. Motion to Table: I motion to TABLE the proposed Map Amendments to Rezoning Areas from R-2 and R-1-A to MSRD-2, as proposed and illustrated for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.

ATTACHMENTS: Proposed Map Amendment Area





2023.10 IN BOARD OF CITY COUNCIL on January 16, 2024

BE IT ORDERED, that the Biddeford City Council approve a Zoning Text Amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations to the following. Text additions are shown in blue underline and text deletions shown in ~~red strikethrough~~.

Sec. 66-21 Soils evaluations.

[Ord. of 6-20-1995]

- (a)** Soil tests shall be taken according to the State Plumbing Code, and ~~the evaluator shall be accompanied by~~ the City Plumbing Inspector or his designated agent in accordance with City ordinances shall inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
- (b)** The City ~~Planning~~ Plumbing Inspector shall ~~be present and witness the excavation of each test pit. A certification with his signature shall be presented by the subdivider at time of preliminary plan application.~~ inspect the top of the disposal device and septic components.
- (c)** A completed HHE 200 Form for each lot shall be submitted with the final application. This requirement shall also hold in cases where a common or communal system is proposed.

January 16, 2024

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

Motion of Amendment by Councilor Whiting to amend section 66-21 paragraph A change "his" to "their" to comply with the gender-neutral policy.
Second: Councilor Emhiser

Vote: Unanimous in favor.
Motion passed.

February 6, 2024

Attest by:_____



Policy Committee

Meeting Date: January 16, 2024
Meeting Time: 6:00 PM

Agenda Item No: Item # 2024.10
Item Description: Zoning Map Amendment – Additional Housing Units

Submitted by: David C.M. Galbraith, Acting Planning Director / City Planner

Supporting Information/Documentation:

Zoning Text Amendment to the City Code of Ordinances, Part II: Code of Ordinances / Subdivisions
– Article I, Section 66-21 Soil Evaluations:

1. Staff report to the Planning Board
2. Proposed Ordinance Amendment Language.

Key Terms:

N/A

Executive Summary:

The City's Subdivision Ordinance, Article I, Section 66-21 includes inspection procedures for septic systems which do not align with how the Code Office conducts inspections. The proposed Ordinance amendment is to bring the Ordinance into compliance with how inspections are actually being performed.

Detailed Review:

The zoning text amendment is being proposed to bring the City's Code of Ordinances into alignment with our actual septic inspection procedures. The City's existing Ordinance is antiquated and the Ordinance procedures haven't been followed in approximately 20 years. City Staff have been conducting inspections as recommended by the State's Plumbing Inspector and the amendment is being proposed to bring the Ordinance in alignment with actual day to day practice. Staff has reviewed this amendment with the State and they are supportive of the amendment and how Staff continues to conduct inspections.

Funding Source:

N/A

Staff Recommendation:

This item was discussed at three Planning Board meetings including two (2) public hearings which were held on December 6th and December 20th, 2023. At the conclusion of the meetings the Planning Board voted to send a recommendation to the City Council to amend Section 66-21 as proposed and written.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board Workshop: November 8, 2023

EXISTING Ordinance Language:

Sec. 66-21 Soils evaluations.

[Ord. of 6-20-1995]

- (a)** Soil tests shall be taken according to the State Plumbing Code, and ~~the evaluator shall be accompanied by~~ the City Plumbing Inspector or his designated agent in accordance with City ordinances shall inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
- (b)** The City ~~Planning~~ Plumbing Inspector shall ~~be present and witness the excavation of each test pit. A certification with his signature shall be presented by the subdivider at time of preliminary plan application.~~ inspect the top of the disposal device and septic components.
- (c)** A completed HHE 200 Form for each lot shall be submitted with the final application. This requirement shall also hold in cases where a common or communal system is proposed.

EXISTING Ordinance Language:

Section 58 Subsurface wastewater disposal and sludge spreading.

[Ord. of 3-5-1991(2)]

I. Subsurface wastewater disposal systems.

- A.** All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (rules).

 - 1.** The minimum setback for new subsurface sewage disposal systems shall be no less than 100 horizontal feet from the normal high-water line of a perennial water body, such as a lake, pond or year-round stream, and wells or other drinking water supplies.
 - 2.** Replacement systems shall meet the standards for the replacement systems as contained in the rules.
- B.** Any lot proposed shall have a separate soils test and HHE-200 form prepared by a licensed site evaluator. Disposal system locations shall be indicated on plats presented to the Building Inspector or Planning Board.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board Workshop: November 8, 2023

1. The certified plumbing inspector (LPI) of the City of Biddeford shall ~~be present when test pits are being dug to ensure that the pit meets all standards and that the pit is filled after digging to avoid a potential safety hazard~~ inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
2. Further, the LPI shall ~~be notified prior to placement of any tanks or leach field. He shall be present to verify installation~~ inspect the top of the disposal device and septic components.
3. In the case that the LPI is not available, the Building Inspector may ~~observe~~ inspect.

C. Not exclusive of Subsection B above, common or shared disposal systems may be allowed by the Planning Board upon presentation of detailed plans approved by the Maine Department of Health and Human Services, Division of Health Engineering, and documents detailing plans and agreements for system maintenance.

~~II. Sewage and industrial sludge spreading (including land spreading of contaminated soils as defined by Maine Department of Environmental Protection).~~

~~A. The City of Biddeford recognizes the advantages that the spreading of selected sludges has for agricultural lands. The City also realizes that this spreading can pose problems for abutting property owners. The City of Biddeford therefore requires that any proposal for the spreading of sewage or industrial sludge, or contaminated soils be reviewed by the Planning Board prior to permitting by the Maine Department of Environmental Protection (DEP). This review will allow for public input and allow concerns to be presented to the applicant and the DEP prior to any action by the State Department.~~

~~B. Any proposed spreading or storage of sewage or industrial sludge, or contaminated soil, shall submit an application to the City planning office. The Planning Board shall schedule a site review of the application within 30 days of receipt of the application.~~

~~C. Ten copies of the application shall be submitted. Such application shall include:~~

~~1. A narrative description of proposed spreading operation to include:~~

~~a. The application submitted to DEP.~~

~~D. The City Planner shall provide copies of the DEP application to the City Engineer and the City's environmental specialist for review and comment. These comments shall be submitted to the Planning Board and shall be made part of the permanent record for the application.~~

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board Workshop: November 8, 2023

~~E. The Board may conduct a public hearing concerning the application. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the meeting.~~

~~F. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the board's decision concerning the application. In the case of a negative/disapproval of the application, a copy of the findings of fact and supporting materials shall be forwarded along with the decision.~~

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

EXISTING Ordinance Language:

Sec. 66-21 Soils evaluations.

[Ord. of 6-20-1995]

- (a)** Soil tests shall be taken according to the State Plumbing Code, and ~~the evaluator shall be accompanied by~~ the City Plumbing Inspector or his designated agent in accordance with City ordinances shall inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
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Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

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2. Further, the LPI shall ~~be notified prior to placement of any tanks or leach field. He shall be present to verify installation~~ inspect the top of the disposal device and septic components.
3. In the case that the LPI is not available, the Building Inspector may ~~observe~~ inspect.

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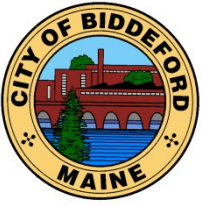
~~D. The City Planner shall provide copies of the DEP application to the City Engineer and the City's environmental specialist for review and comment. These comments shall be submitted to the Planning Board and shall be made part of the permanent record for the application.~~

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

~~E. The Board may conduct a public hearing concerning the application. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the meeting.~~

~~F. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the board's decision concerning the application. In the case of a negative/disapproval of the application, a copy of the findings of fact and supporting materials shall be forwarded along with the decision.~~



CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@biddefordmaine.org

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Acting Planning Director / City Planner

DATE: November 28, 2023

RE: **Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.**

MEETING DATE: December 6, 2023

1. Overview:

There are two (2) related Ordinance Amendments before the Planning Board related to subsurface wastewater disposal systems, namely:

- A. An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, and;
- B. An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

These Amendments were last discussed at a special Planning Board "Workshop" on November 8, 2023 as a "Workshop Item" and the Board was supportive of the proposed text amendments. In addition to the proposed amendments, the Board recommended removing all references to sludge spreading to prohibit such use within the City as it is no longer a desired practice.

Attached are proposed amendments to Section 66-21 Soil Evaluations and amendments to Section 58 Subsurface wastewater disposal and sludge spreading. Text deletions are illustrated in ~~Red strike thru~~ and text additions are shown in Blue Underline.

It should be noted that as these amendments are located within two different sections of the Code of Ordinances, two separate actions are required. As such, below are recommended motions to approve, deny or table these items.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board Hearing Date: December 6, 2023, 1st Hearing

SAMPLE MOTION #1: An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations.

- A. Motion to Approve: I motion to APPROVE the proposed Amendments to Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, as proposed and written.
- B. Motion to Deny I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.
- C. Motion to Table: I motion to TABLE the proposed Amendments to the City's Code of Ordinances, An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.

SAMPLE MOTION #2: An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

A. Motion to Approve: I motion to APPROVE the proposed amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading as written and proposed.

B. Motion to Deny: I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:

- 1) _____.
- 2) _____.

C. Motion to Table: I motion to TABLE the proposed An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:

- 1) _____.
- 2) _____.

Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of these amendments to the City Council to bring the Ordinance into compliance with our current operating procedures and to eliminate sludge spreading / disposal from the City Code of Ordinances.

ATTACHMENT: Attachment # 1: Proposed Text Amendments to Section 66-21 Soil Evaluations, and an amendment to Section 58 Subsurface wastewater disposal and sludge spreading.

Galbraith, David

From: Fecteau, Roby
Sent: Monday, September 25, 2023 12:20 PM
To: Galbraith, David
Subject: FW: Questions

From: Lawson, Brent <Brent.Lawson@maine.gov>
Sent: Wednesday, January 25, 2023 8:00 AM
To: Fecteau, Roby <Roby.Fecteau@Biddefordmaine.org>
Subject: Re: Questions

EXTERNAL: This email originated from outside of the City of Biddeford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As far as the septic as long as it's not engineered we don't have to see them. I assume each lot has a tank going into one field. Each lot will have to be permitted.

The second question is I agree.

Brent

Get [Outlook for iOS](#)

From: Fecteau, Roby <Roby.Fecteau@Biddefordmaine.org>
Sent: Wednesday, January 25, 2023 7:35:03 AM
To: Lawson, Brent <Brent.Lawson@maine.gov>
Subject: FW: Questions

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Brent

Thanks for your response to yesterday's question. Here is the email I sent

Thanks
Roby

From: Fecteau, Roby
Sent: Monday, December 12, 2022 9:01 AM
To: 'brent.lawson@maine.gov' <brent.lawson@maine.gov>
Subject: Questions

Good morning Brent.

I have a couple of questions that I hope you can assist with.

As you know, we have a proposed Mobile/ Manufactured Housing park that is being proposed in Biddeford. There will be approximately 200 homes. The owner of the park has submitted all the soil profile tests and test pit locations as part of the planning board packages. The homes will have a non-engineered septic system that will serve 2 to 3 homes at the

most. All land will remain with the park owner and they will be responsible for the septic maintenance and to fix any malfunctions.

Under the current proposal would this need your office approval?

My second question has to do with test pits. Biddeford has a requirement that dates back to the 70's and 90's that requires test pits to be inspected by the LPI. These rules were written a long time ago and seem redundant with the current requirements and inspection processes.

Prior to the current rules, septic inspections would include 3 inspections: 1st soil elevation prior to building the bed. 2nd top of disposal device and septic components. 3rd back fill and final grading.

Current rules are different. 1st original ground scarification prior to fill that would establish the elevation where the bed would start to be built on. 2nd top of disposal device and septic components

Would the department agree that the current rules and inspection process is better than checking individual test pits? A lot has changed with technology and rules since the 70's and 90's.

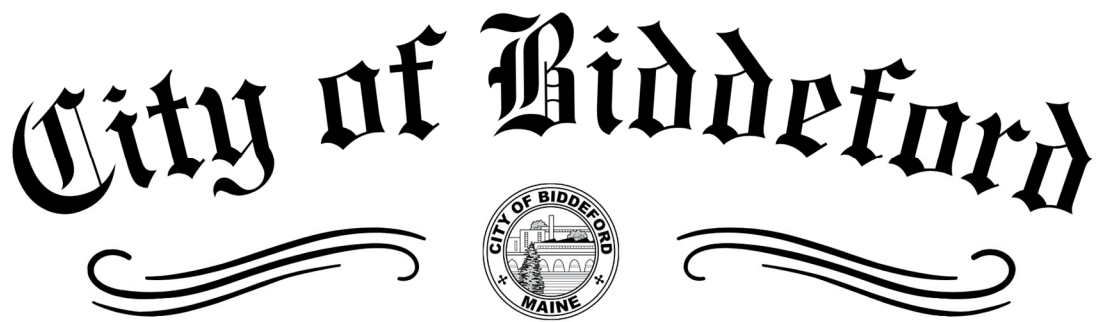
Thanks in advance and Happy Holidays Brent.

Roby Fecteau
Director of Code Enforcement &
Emergency Management
City of Biddeford
205 Main St. Suite 104
207-284-9236
robby.fecteau@biddefordmaine.org

Monday & Tuesday – 7:00 a.m. to 5:00 p.m.
Wednesday & Thursday – 8:00 a.m. to 4:00 p.m.
Closed on Fridays

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2023.11 IN BOARD OF CITY COUNCIL on January 16, 2024

BE IT ORDERED, that the Biddeford City Council approve a Zoning Text Amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading to the following. Text additions are shown in blue underline and text deletions shown in ~~red-strikethrough~~.

Section 58 Subsurface wastewater disposal and sludge spreading.

[Ord. of 3-5-1991(2)]

I. Subsurface wastewater disposal systems.

A. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (rules).

1. The minimum setback for new subsurface sewage disposal systems shall be no less than 100 horizontal feet from the normal high-water line of a perennial water body, such as a lake, pond or year-round stream, and wells or other drinking water supplies.
2. Replacement systems shall meet the standards for the replacement systems as contained in the rules.

B. Any lot proposed shall have a separate soils test and HHE-200 form prepared by a licensed site evaluator. Disposal system locations shall be indicated on plats presented to the Building Inspector or Planning Board.

1. The certified plumbing inspector (LPI) of the City of Biddeford shall ~~be present when test pits are being dug to ensure that the pit meets all standards and that the pit is filled after digging to avoid a potential safety hazard~~ inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
2. Further, the LPI shall ~~be notified prior to placement of any tanks or leach field. He shall be present to verify installation~~ inspect the top of the disposal device and septic components.
3. In the case that the LPI is not available, the Building Inspector may ~~observe~~ inspect.

C. Not exclusive of Subsection B above, common or shared disposal systems may be allowed by the Planning Board upon presentation of detailed plans approved by the Maine Department of Health and Human Services, Division of Health Engineering, and documents detailing plans and agreements for system maintenance.

II. ~~Sewage and industrial sludge spreading (including land spreading of contaminated soils as defined by Maine Department of Environmental Protection).~~

~~A. The City of Biddeford recognizes the advantages that the spreading of selected sludges has for agricultural lands. The City also realizes that this spreading can pose problems for abutting property owners. The City of Biddeford therefore requires that any proposal for the spreading of sewage or industrial sludge, or contaminated soils be reviewed by the Planning Board prior to permitting by the Maine Department of Environmental Protection (DEP). This review will allow for public input and allow concerns to be presented to the applicant and the DEP prior to any action by the State Department.~~

~~B. Any proposed spreading or storage of sewage or industrial sludge, or contaminated soil, shall submit an application to the City planning office. The Planning Board shall schedule a site review of the application within 30 days of receipt of the application.~~

~~C. Ten copies of the application shall be submitted. Such application shall include:~~

~~1. A narrative description of proposed spreading operation to include:~~

~~a. The application submitted to DEP.~~

~~D. The City Planner shall provide copies of the DEP application to the City Engineer and the City's environmental specialist for review and comment. These comments shall be submitted to the Planning Board and shall be made part of the permanent record for the application.~~

~~E. The Board may conduct a public hearing concerning the application. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the meeting.~~

~~F. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the board's decision concerning the application. In the case of a negative/disapproval of the application, a copy of the findings of fact and supporting materials shall be forwarded along with the decision.~~

January 16, 2024

Motion: Councilor Belanger
Second: Councilor Lessard

Vote: Unanimous in favor.
Motion passed.

February 6, 2024

Attest by:_____

From: McGough, John <John.McGough@legislature.maine.gov>
Sent: Friday, December 8, 2023 3:37 PM
To: Vail, Deanne <deanne.vail@biddefordmaine.org>
Cc: dacray@msn.com
Subject: Inquiry regarding the spreading of sludge

EXTERNAL: This email originated from outside of the City of Biddeford email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.
Deanne,

At your request, I reached out to the Maine Department of Environmental Protection (MEDEP) regarding if the City of Biddeford may restrict the spreading of sludge within city limits. As the issue is commonly related to the PFAS concern, the Maine Legislature recently enacted legislation regarding the application of sludge.

Specifically, the land application of sludge was banned via **38 MRS Section 1306(7): Title 38, §1306: Prohibition ([maine.gov](https://www.maine.gov))**. There should be no land application of sludge in the State of Maine, as of August, 2022, when the law became effective.

Essentially, Maine DEP is not quite sure what a municipal ordinance would accomplish in this situation. However, it is still possible that compost or manure that isn't sludge derived is being land applied. Both of those items are approved for use on land and are typically governed by the Maine Department of Agriculture, Conservation and Forestry, rather than the Maine DEP.

If you have additional questions or need more information, please let me know.

Thanks,
John McGough

John G. McGough, Senior Legislative Aide
House Republican Office
Maine House of Representatives
2 State House Station
Augusta, Maine 04333
Office: (207) 287-1440

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 20, 2023 – Second Reading

EXISTING Ordinance Language:

Sec. 66-21 Soils evaluations.

[Ord. of 6-20-1995]

- (a)** Soil tests shall be taken according to the State Plumbing Code, and ~~the evaluator shall be accompanied by~~ the City Plumbing Inspector or his designated agent in accordance with City ordinances shall inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
- (b)** The City ~~Planning~~ Plumbing Inspector shall ~~be present and witness the excavation of each test pit. A certification with his signature shall be presented by the subdivider at time of preliminary plan application.~~ inspect the top of the disposal device and septic components.
- (c)** A completed HHE 200 Form for each lot shall be submitted with the final application. This requirement shall also hold in cases where a common or communal system is proposed.

EXISTING Ordinance Language:

Section 58 Subsurface wastewater disposal ~~and sludge spreading.~~

[Ord. of 3-5-1991(2)]

I. Subsurface wastewater disposal systems.

- A.** All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (rules).

 - 1.** The minimum setback for new subsurface sewage disposal systems shall be no less than 100 horizontal feet from the normal high-water line of a perennial water body, such as a lake, pond or year-round stream, and wells or other drinking water supplies.
 - 2.** Replacement systems shall meet the standards for the replacement systems as contained in the rules.
- B.** Any lot proposed shall have a separate soils test and HHE-200 form prepared by a licensed site evaluator. Disposal system locations shall be indicated on plats presented to the Building Inspector or Planning Board.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 20, 2023 – Second Reading

1. The certified plumbing inspector (LPI) of the City of Biddeford shall ~~be present when test pits are being dug to ensure that the pit meets all standards and that the pit is filled after digging to avoid a potential safety hazard~~ inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
2. Further, the LPI shall ~~be notified prior to placement of any tanks or leach field. He shall be present to verify installation~~ inspect the top of the disposal device and septic components.
3. In the case that the LPI is not available, the Building Inspector may ~~observe~~ inspect.

C. Not exclusive of Subsection B above, common or shared disposal systems may be allowed by the Planning Board upon presentation of detailed plans approved by the Maine Department of Health and Human Services, Division of Health Engineering, and documents detailing plans and agreements for system maintenance.

~~II. Sewage and industrial sludge spreading (including land spreading of contaminated soils as defined by Maine Department of Environmental Protection).~~

~~A. The City of Biddeford recognizes the advantages that the spreading of selected sludges has for agricultural lands. The City also realizes that this spreading can pose problems for abutting property owners. The City of Biddeford therefore requires that any proposal for the spreading of sewage or industrial sludge, or contaminated soils be reviewed by the Planning Board prior to permitting by the Maine Department of Environmental Protection (DEP). This review will allow for public input and allow concerns to be presented to the applicant and the DEP prior to any action by the State Department.~~

~~B. Any proposed spreading or storage of sewage or industrial sludge, or contaminated soil, shall submit an application to the City planning office. The Planning Board shall schedule a site review of the application within 30 days of receipt of the application.~~

~~C. Ten copies of the application shall be submitted. Such application shall include:~~

~~1. A narrative description of proposed spreading operation to include:~~

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~~D. The City Planner shall provide copies of the DEP application to the City Engineer and the City's environmental specialist for review and comment. These comments shall be submitted to the Planning Board and shall be made part of the permanent record for the application.~~

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Planning Board: Public Hearing December 20, 2023 – Second Reading

~~E. The Board may conduct a public hearing concerning the application. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the meeting.~~

~~F. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the board's decision concerning the application. In the case of a negative/disapproval of the application, a copy of the findings of fact and supporting materials shall be forwarded along with the decision.~~

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

EXISTING Ordinance Language:

Sec. 66-21 Soils evaluations.

[Ord. of 6-20-1995]

- (a)** Soil tests shall be taken according to the State Plumbing Code, and ~~the evaluator shall be accompanied by~~ the City Plumbing Inspector or his designated agent in accordance with City ordinances shall inspect the original ground scarification prior to the fill that will establish the elevation where the septic bed will be built upon.
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Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

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Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board: Public Hearing December 6, 2023

~~E. The Board may conduct a public hearing concerning the application. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the meeting.~~

~~F. The Bureau of Remediation and Solid Waste Management, Division of Solid Waste Management, shall be notified of the board's decision concerning the application. In the case of a negative/disapproval of the application, a copy of the findings of fact and supporting materials shall be forwarded along with the decision.~~



Policy Committee

Meeting Date: January 16, 2024
Meeting Time: 6:00 PM

Agenda Item No: Item # 2024.11
Item Description: Zoning Map Amendment – Additional Housing Units

Submitted by: David C.M. Galbraith, Acting Planning Director / City Planner

Supporting Information/Documentation:

Zoning Text Amendment to the City Code of Ordinances, Part III: Code of Ordinances / Article VI – Performance Standards, Section 58 Subsurface Wastewater disposal and sludge spreading

1. Staff report to the Planning Board
2. Proposed Ordinance Amendment Language.

Key Terms:

N/A

Executive Summary:

The City's Code of Ordinances Article VI – Performance Standards, Section 58 - Subsurface Wastewater disposal and sludge spreading includes inspection procedures for septic systems which do not align with how the Code Office conducts inspections. This Ordinance also includes standards for spreading "sewage and industrial sludge (including land spreading of contaminated soils)" which is also an outdated ordinance as it does not conform to existing State regulations. The proposed Ordinance amendments would bring the Ordinance into alignment with State regulations and our existing inspection procedures.

Detailed Review:

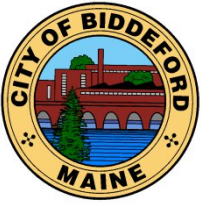
The zoning text amendment is being proposed to bring the City's Code of Ordinances into alignment with our actual septic inspection procedures. The amendments are also being proposed to remove the practice of sludge spreading within the City, as allowing forever chemicals to be spread / deposited over lands within the community is a bad environmental policy. The City's existing Ordinance is antiquated and the Ordinance procedures haven't been followed in approximately 20 years. City Staff have been conducting inspections as recommended by the State's Plumbing Inspector and the amendment is being proposed to bring the Ordinance in alignment with actual day to day practice. Staff has reviewed this amendment with the State and they are supportive of the amendment and how Staff continues to conduct inspections.

Funding Source:

N/A

Staff Recommendation:

This item was discussed at three Planning Board meetings including two (2) public hearings which were held on December 6th and December 20th, 2023. At the conclusion of the meetings the Planning Board voted to send a recommendation to the City Council to amend Section 58 - Subsurface Wastewater disposal and sludge spreading, as proposed and written.



CITY OF BIDDEFORD

Planning and Development Department

David C.M. Galbraith
Deputy Director/City Planner
205 Main Street
P.O. Box 586
Biddeford, ME 04005
(207) 284-9115
David.Galbraith@biddefordmaine.org

Planning Board – Staff Report

TO: Chair Patoine and Members of the Biddeford Planning Board

FROM: David C.M. Galbraith, Acting Planning Director / City Planner

DATE: November 28, 2023

RE: **Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.**

MEETING DATE: December 6, 2023

1. Overview:

There are two (2) related Ordinance Amendments before the Planning Board related to subsurface wastewater disposal systems, namely:

- A. An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, and;
- B. An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

These Amendments were last discussed at a special Planning Board "Workshop" on November 8, 2023 as a "Workshop Item" and the Board was supportive of the proposed text amendments. In addition to the proposed amendments, the Board recommended removing all references to sludge spreading to prohibit such use within the City as it is no longer a desired practice.

Attached are proposed amendments to Section 66-21 Soil Evaluations and amendments to Section 58 Subsurface wastewater disposal and sludge spreading. Text deletions are illustrated in ~~Red strike thru~~ and text additions are shown in Blue Underline.

It should be noted that as these amendments are located within two different sections of the Code of Ordinances, two separate actions are required. As such, below are recommended motions to approve, deny or table these items.

Ordinance Review: City Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations and City Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

Planning Board Hearing Date: December 6, 2023, 1st Hearing

SAMPLE MOTION #1: An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations.

- A. Motion to Approve: I motion to APPROVE the proposed Amendments to Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations, as proposed and written.
- B. Motion to Deny I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.
- C. Motion to Table: I motion to TABLE the proposed Amendments to the City's Code of Ordinances, An amendment to the City's Code of Ordinances, Part II: Code of Ordinances / Subdivisions – Article I, Section 66-21 Soil Evaluations for the following reasons:
- 1) _____.
 - 2) _____.
 - 3) _____.

SAMPLE MOTION #2: An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading.

A. Motion to Approve: I motion to APPROVE the proposed amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading as written and proposed.

B. Motion to Deny: I motion to DENY the proposed Amendments to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:

- 1) _____.
- 2) _____.

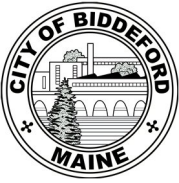
C. Motion to Table: I motion to TABLE the proposed An amendment to the City's Code of Ordinances, Part III: Code of Ordinances, Article VI – Performance Standards Section 58 Subsurface wastewater disposal and sludge spreading, for the following reasons:

- 1) _____.
- 2) _____.

Staff Recommendation:

Staff requests that the Planning Board forward a positive recommendation for adoption of these amendments to the City Council to bring the Ordinance into compliance with our current operating procedures and to eliminate sludge spreading / disposal from the City Code of Ordinances.

ATTACHMENT: Attachment # 1: Proposed Text Amendments to Section 66-21 Soil Evaluations, and an amendment to Section 58 Subsurface wastewater disposal and sludge spreading.



City Council

Meeting Date: February 6, 2024

Meeting Time: 6:00 PM

Agenda Item No: 13.a

Item Description: Order 2024.15 HUD CDBG Rehab Bid Award—22 Jefferson St

Submitted by: Gail Wilkerson, HUD Housing Rehab Programs Director

Supporting Information/Documentation: *Bid Tabulation & Bidder Proposal Sheets--22 Jefferson St*

Key Terms:

N/A

Executive Summary:

The Housing Rehab Division recommends awarding the bid for lead abatement and health/safety improvements at 22 Jefferson St. to ME-licensed abatement contractor Ray Corp of Lewiston in the amount of \$185,100. The only other bid received came in at \$189,477.50, and the independent cost estimate for the work was \$167,000. These data support the cost reasonableness of Ray Corp's bid. Work is projected to begin 2/24/2024 and conclude in 12 weeks. Full bid proposals are available for review on request.

Detailed Review:

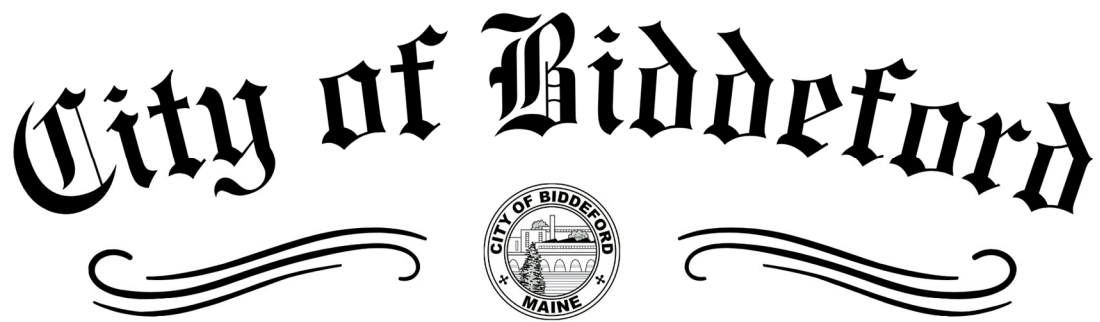
This 7-unit historic property was inspected for safety hazards in Nov 2023. Owner Jefferson-South, LLC applied for and is eligible for City lead abatement match funding from the CDBG Program. As an historic structure, 22 Jefferson St.'s exterior work scope was vetted by the Maine Historic Preservation Office and Biddeford's Historic Preservation Commission. The project includes lead abatement work including replacing lead-painted wooden siding with like-kind siding, scraping wooden columns of flaking lead paint and encapsulating them with a lead-blocking compound, replacing deteriorated lead-painted windows with like-kind windows, replacing deteriorated lead-painted doors with rebuilt wooden doors, repairing the entry steps at the South St. entrance, and replacing broken windows.

Funding Source:

PY23 HUD CDBG match funding for lead abatement and health/safety improvements

Staff Recommendation:

Staff recommends awarding the bid for work at this property to Ray Corp of Lewiston in the amount of \$185,100. Contractor has satisfactorily performed this type of work for the City's CDBG & Lead Programs in the past and is a firm in good standing with the Maine Department of Environmental Protection and the federal government, as confirmed by a check of the System for Award Management (sam.gov) on 1/30/24.



2024.15 IN BOARD OF CITY COUNCIL... February 6, 2024
BE IT ORDERED, that the award for the HUD CDBG Housing Rehab project at 22 Jefferson Street, as detailed in RFB#2023-01-001-CDBG, be awarded to Maine-licensed abatement contractor Ray Corp of Lewiston in the amount of \$185,100. Work is projected to begin 2/24/2024 and conclude in 12 weeks. Contractor has satisfactorily performed this type of work for the City's CDBG & Lead Programs in the past and is a firm in good standing with the Maine Department of Environmental Protection and the federal government, as confirmed by a check of the System for Award Management (sam.gov) on 1/30/24.

Attest by:_____

# OF ENROLLED UNITS 7

# OF ENROLLED UNITS 7							CITY COST	DESIRED	DESIRED
Contractor Name	BID 1	BID 2	START	END			ESTIMATE	START	END
Ray Corp, Lewiston	\$185,100		2/24/2024	12 weeks					
So.ME Abatement, Sanford, ME		\$189,477.50	3/1/2024	10 weeks					
							\$167,000	2/21/2024	10 WEEKS
TOTAL	\$185,100	\$189,477.50					\$167,000		

AWARD RECOMMENDATION *Ray Corporation*, Lewiston, ME

(pending City Council

Approval Feb 6, 2024)

BID REVIEW DATE OPENED: 1/25/2024

LOCATION:

1/25/2024

City Hall Housing Rehab Office

STAFF PRESENT FOR OPENING:

Gail Wilkerson

Lisa Shultz

NOTES:

SIGNATURE OF AUTHORIZED CITY STAFF TO AWARD BID:

Gail Wilkerson, HUD Housing Programs Director

LEAD ABATEMENT & OTHER RELATED REHAB --
22 JEFFERSON STREET

BID NO. 2023-01-001-CDBG

TO: Housing Rehab Director
City Hall, Biddeford, Maine

Dear Ms. Wilkerson,

The undersigned hereby declares that he/she has carefully examined the location of the proposed work, the proposed Design Specifications, and the Bid Forms therein referred to and that he/she proposes and agrees, if this Proposal is accepted, that he/she will contract with the Owner of the Property, executed by the City, to provide all machinery, tools, labor, equipment, or other means of construction; and to complete all work and furnish all materials, except any Design/Architectural services to be furnished by the City, necessary to complete the work in the manner and time therein prescribed. Must be in accordance with the conditions and requirements set forth in the Design Specifications and the requirements of the City as provided therein; and that he/she will accept in full payment therefor the following sums to wit:

Bidders previously vetted by the City and in good standing waive the following requirement:

New bidders will provide a statement of qualifications to perform the desired Scope of Work, including evidence of personnel and their required licenses/insurance, and demonstrate adequate capacity to complete this project's scope of service (or written plan to hire additional personnel that meet above criteria). Section 3 worker requirements are in effect for contracts with over \$200,000 in Federal Rehab funding (over \$100,000 if using LEAD Grant Funding).

The City reserves the right to limit awards to specific properties due to available funding.

The basis of the Award shall first be to the lowest responsive bidder, with the earliest anticipated clearance date, provided the project budget can cover the bid price.

Time to clearance and completion is a primary consideration for this Award.

Please Acknowledge the Receipt of Addenda # 1 Yes (Yes / No)

Total LEAD Hazard Reduction Work	\$ 148,200.00
Total Healthy Homes / Other Related Rehab Work	\$ 36,900.00
Total Bid Amount (dollars)	\$ 185,100.00

Total Bid Amount (written out):

One Hundred Eighty Five Thousand One Hundred and ⁰⁰/100 (\$ 185,100.00)

Anticipated Project Start Date: Feb 24

Anticipated Weeks Required: 12

RETURN WITH BID

Submission

Page 2

The undersigned further agrees that, after notification by the City of the acceptance of his/her Proposal and the readiness of the Contract for signature, he/she will execute the Contract within ten (10) days, Saturdays, Sundays and Holidays, excepted, and that he/she will commence the work within the timeline agreed to in the executed contract, unless written request for extension is provided to the Rehab Coordinator prior to completion date; and that he/she will prosecute the work to its completion within the time limit specified in said contract.

The undersigned further agrees that in the employment of labor, preference will be given, all other things being equal, to the **citizens of Biddeford** and of the State of Maine, in that order. The undersigned hereby further declares that the only persons or parties interested in this Proposal, as principals, are named below; that the Proposal is made without any connection with any other person or party making any proposal for the same work; and that no person acting for or employed by the City of Biddeford is directly or indirectly interested in this Proposal or in any contract that may be made under it or in profits expected to arise therefrom.

After careful review of the following, the applicant(s) and contractor, understand and accept the work described herein. Only the work described herein will be performed. ANY and ALL changes to these design specifications must be by written change order and agreed to by all parties, as it relates to program requirements. Cost Change Orders will only be considered due to change in Scope of Work.

Company Name	Ray Corporation
Authorized Signature	
Title	Chief Operation Officer
Printed Name	Carl Morrison
Physical Address	571 Sabattus St Ste 1 Lewiston Maine 04240
Mailing Address	
Unique Entity #	02-0586323 / 080974865
Date	1/24/24
Phone #	207-241-2777 / 207-650-8816
Fax #	

Submission
Additional
Pages

Please include cost breakdown on bid sheets provided / or company letterhead to better qualify your bid. You may clarify what is included in your bid price with notes on the bid submission paperwork as needed. **New bidders** please include a statement of qualifications to perform the desired Scope of Work

**CITY OF BIDDEFORD
PROPOSAL FOR**Submission
Page1**LEAD ABATEMENT & OTHER RELATED REHAB --
22 JEFFERSON STREET****BID NO. 2023-01-001-CDBG**TO: Housing Rehab Director
City Hall, Biddeford, Maine

Dear Ms. Wilkerson,

The undersigned hereby declares that he/she has carefully examined the location of the proposed work, the proposed Design Specifications, and the Bid Forms therein referred to and that he/she proposes and agrees, if this Proposal is accepted, that he/she will contract with the Owner of the Property, executed by the City, to provide all machinery, tools, labor, equipment, or other means of construction; and to complete all work and furnish all materials, except any Design/Architectural services to be furnished by the City, necessary to complete the work in the manner and time therein prescribed. Must be in accordance with the conditions and requirements set forth in the Design Specifications and the requirements of the City as provided therein; and that he/she will accept in full payment therefor the following sums to wit:

Bidders previously vetted by the City and in good standing waive the following requirement:
New bidders will provide a statement of qualifications to perform the desired Scope of Work, including evidence of personnel and their required licenses/insurance, and demonstrate adequate capacity to complete this project's scope of service (or written plan to hire additional personnel that meet above criteria). Section 3 worker requirements are in effect for contracts with over \$200,000 in Federal Rehab funding (over \$100,000 if using LEAD Grant Funding).

The City reserves the right to limit awards to specific properties due to available funding.

The basis of the Award shall first be to the lowest responsive bidder, with the earliest anticipated clearance date, provided the project budget can cover the bid price.

Time to clearance and completion is a primary consideration for this Award.

Please Acknowledge the Receipt of Addenda # 1 Yes (Yes / No)

Total LEAD Hazard Reduction Work	\$ 138,765
Total Healthy Homes / Other Related Rehab Work	\$ 50,712.50
<u>Total Bid Amount (dollars)</u>	\$ 189,477.50

Total Bid Amount (written out):One hundred eighty nine thousand four hundred seventy seven and 50/100 — (\$189,477.50)Anticipated Project Start Date: March 1st or
Sooner weather
permittingAnticipated Weeks Required: 10

22 Jefferson Street Biddeford, ME

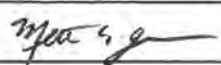
RETURN WITH BID

Submission
Page 2

The undersigned further agrees that, after notification by the City of the acceptance of his/her Proposal and the readiness of the Contract for signature, he/she will execute the Contract within ten (10) days, Saturdays, Sundays and Holidays, excepted, and that he/she will commence the work within the timeline agreed to in the executed contract, unless written request for extension is provided to the Rehab Coordinator prior to completion date; and that he/she will prosecute the work to its completion within the time limit specified in said contract.

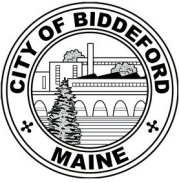
The undersigned further agrees that in the employment of labor, preference will be given, all other things being equal, to the **citizens of Biddeford** and of the State of Maine, in that order. The undersigned hereby further declares that the only persons or parties interested in this Proposal, as principals, are named below; that the Proposal is made without any connection with any other person or party making any proposal for the same work; and that no person acting for or employed by the City of Biddeford is directly or indirectly interested in this Proposal or in any contract that may be made under it or in profits expected to arise therefrom.

After careful review of the following, the applicant(s) and contractor, understand and accept the work described herein. Only the work described herein will be performed. ANY and ALL changes to these design specifications must be by written change order and agreed to by all parties, as it relates to program requirements. Cost Change Orders will only be considered due to change in Scope of Work.

Company Name	Southern Maine Abatement & Consulting, LLC
Authorized Signature	
Title	Manager
Printed Name	Matthew Gardner
Physical Address	1027 Milton Mills Rd Acton, ME 04001
Mailing Address	Same as above
Unique Entity #	VEU4Q2.WNH.MU9
Date	1-24-24
Phone #	207-432-3393
Fax #	

Submission
Additional
Pages

Please include cost breakdown on bid sheets provided / or company letterhead to better qualify your bid. You may clarify what is included in your bid price with notes on the bid submission paperwork as needed. **New bidders please include a statement of qualifications** to perform the desired Scope of Work



City Council

Meeting Date: February 6, 2024

Meeting Time: 6:00 PM

Agenda Item No: 13. b.

Item Description: Order 2024.16 HUD Lead Program Bid Award—114 Washington St

Submitted by: Gail Wilkerson, HUD Housing Rehab Programs Director

Supporting Information/Documentation: *Bid Tabulation & Bid Proposal Sheets—114 Washington St*

Key Terms:

N/A

Executive Summary:

The Housing Rehab Division recommends awarding the bid for necessary health/safety improvements and lead hazard reduction work at 114 Washington St to ME-licensed abatement contractor RC Group of Biddeford in the amount of \$79,500. The only other bid received came in at \$85,250 (note: the bid sheet shows \$91,050 but includes \$5,800 of work to be paid by owner vs Lead Program). The cost estimate for the work was \$88,650. These data support the cost reasonableness of RC Group's bid. Full bids are available for review on request.

Detailed Review:

This 4-unit property was inspected for lead paint and other health/safety hazards in Nov 2023. Owner Jean Leclerc has applied for and is eligible for City Lead Program funding for work in 3 of the units and the exterior. Sited in the City's historic downtown, the property's work specifications were vetted by the Maine Historic Preservation Office and Biddeford's Historic Preservation Commission. The work scope includes enclosing deteriorated lead-painted wood siding with vinyl siding, replacing deteriorated wooden lead-painted windows with vinyl replacement windows, replacing deteriorated wooden lead-painted doors with steel fire doors, and covering the property dripline with pavers to enclose lead in the soil. The contractor expects to begin on or about 2/20/24 and finish in 10 weeks.

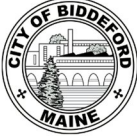
Funding Source:

FY22-2026 HUD Lead Hazard Reduction & Healthy Homes Grant

Staff Recommendation:

Staff recommends awarding the bid to RC Group of Biddeford in the amount of \$79,500. Contractor has satisfactorily performed this type of work before and is in good standing with the Maine Department of Environmental Protection and the federal government, according to a check of the System for Award Management (sam.gov) on January 30, 2024.

City of Biddeford



2024.16 IN BOARD OF CITY COUNCIL... February 6, 2024

BE IT ORDERED, that the award for the HUD Lead Hazard Reduction and Healthy Homes project at 114 Washington Street, as detailed in RFB# 2024-01-002-LEAD, be awarded to Maine-licensed abatement contractor RC Group of Biddeford in the amount of \$79,500. Work is projected to begin on or about 2/20/24 and finish in 10 weeks. Contractor has satisfactorily performed this type of work for the City's Lead Program in the past and is a firm in good standing with the Maine Department of Environmental Protection and the federal government, as confirmed by a check of the System for Award Management (sam.gov) on 1/30/24.

Attest by: _____



114 WASHINGTON Street (lead abatement and health/safety repairs)

HUD LEAD & Healthy Homes Grant

							CITY COST	DESIRED	DESIRED
Contractor Name	BID 1	BID 2	START	END			ESTIMATE	START	END
Ray Corp, Lewiston	\$85,250		2/24/2024	8 WEEKS					
RC Group, Biddeford		\$79,500	2/20/2024	10 WEEKS					
							\$ 88,650	2/20/2024	10 WEEKS
TOTAL	\$85,250	\$79,500					\$ 88,650		

RC Group, Biddeford, ME

STAFF PRESENT FOR OPENING:

Lisa Shultz

LOCATION: **1/25/2024**

BID REVIEW DATE OPENED: City Hall Housing Rehab Office

NOTES:

Gail Wilkerson, HUD Housing Programs Director

**LEAD ABATEMENT & OTHER RELATED REHAB --
114 Washington Street**

BID NO. 2024-01-002-LEAD

TO: Housing Rehab Director
City Hall, Biddeford, Maine

Dear Ms. Wilkerson,

The undersigned hereby declares that he/she has carefully examined the location of the proposed work, the proposed Design Specifications, and the Bid Forms therein referred to and that he/she proposes and agrees, if this Proposal is accepted, that he/she will contract with the Owner of the Property, executed by the City, to provide all machinery, tools, labor, equipment, or other means of construction; and to complete all work and furnish all materials, except any Design/Architectural services to be furnished by the City, necessary to complete the work in the manner and time therein prescribed. Must be in accordance with the conditions and requirements set forth in the Design Specifications and the requirements of the City as provided therein; and that he/she will accept in full payment therefor the following sums to wit:

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The basis of the Award shall first be to the lowest responsive bidder, with the earliest anticipated clearance date, provided the project budget can cover the bid price.

Time to clearance and completion is a primary consideration for this Award.

Please Acknowledge the Receipt of Addenda #1 & 2 yes (Yes / No)

Total LEAD Hazard Reduction Work	\$ 79,800.00
Total Healthy Homes / Other Related Rehab Work	\$ 11,250.00
Total Bid Amount (dollars)	\$ 91,050.00 *

****this bid amount includes \$5,800 of work not covered by the grant***

Total Bid Amount (written out):

Ninety One Thousand Fifty and 00/100 (\$ 91,050.00)

Anticipated Project Start Date: Feb 24

Anticipated Weeks Required: 8

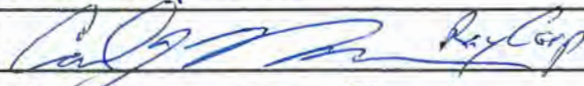
RETURN WITH BID

Submission
Page 2

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Company Name	Ray Corporation
Authorized Signature	
Title	Chief Operating Officer
Printed Name	Carl Morrison
Physical Address	571 Sabbathus St Suite 1 Lewiston Maine 04240
Mailing Address	
Unique Entity #	02-0586323 / 080974865
Date	1/24/2024
Phone #	207-241-2777 / 207-650-8817
Fax #	

Submission
Additional
Pages

Please include cost breakdown on bid sheets provided / or company letterhead to better qualify your bid. You may clarify what is included in your bid price with notes on the bid submission paperwork as needed. **New bidders please include a statement of qualifications to perform the desired Scope of Work**

**LEAD ABATEMENT & OTHER RELATED REHAB --
114 Washington Street****BID NO. 2024-01-002-LEAD**TO: Housing Rehab Director
City Hall, Biddeford, Maine

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Please Acknowledge the Receipt of Addenda #1 & 2 _____(Yes / No)

Total LEAD Hazard Reduction Work	\$ 71,050
Total Healthy Homes / Other Related Rehab Work	\$ 8,450
Total Bid Amount (dollars)	\$ 79,500

Total Bid Amount (written out):SEVENTY NINE THOUSAND FIVE HUNDRED (\$ 79,500)Anticipated Project Start Date: FEB 2024Anticipated Weeks Required: 18 WKS

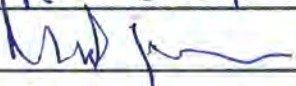
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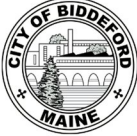
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Company Name	RC Group Inc
Authorized Signature	
Title	Executive
Printed Name	MICHAEL JARON
Physical Address	40 MAIN ST. 140-13 BIDDEFORD ME 04005
Mailing Address	SAME
Unique Entity #	MKDNCL6YQMN7/81-4116681
Date	01/25/2024
Phone #	(646) 634-5124
Fax #	

Submission
Additional
Pages

Please include cost breakdown on bid sheets provided / or company letterhead to better qualify your bid. You may clarify what is included in your bid price with notes on the bid submission paperwork as needed. **New bidders** please include a statement of qualifications to perform the desired Scope of Work

City of Biddeford



2024.17 **IN BOARD OF CITY COUNCIL...FEBRUARY 6, 2024**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into a new labor agreement between the City of Biddeford and Teamsters Local 340 for the Biddeford Police Department substantially in the form presented. The agreement will be for 1/30/2024- 6/30/2025.

Attest by: _____
Robin Patterson, City Clerk

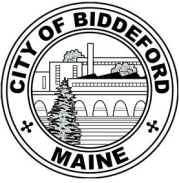
City of Biddeford

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".

2024.18 IN BOARD OF CITY COUNCIL... FEBRUARY 6, 2024
BE IT ORDERED, that the Biddeford City Council does hereby direct the
City Manager to begin the procurement process to seek temporary alternatives to the Bath
house at Gilbert Boucher Park for the Summer of 2024.

Attest by:_____

Robin Patterson, City Clerk



City Council

Meeting Date: February 6, 2024

Meeting Time: 6:00 PM

Agenda Item No: 13.d.

Item Description: 2024.18) Approval/Authorize City Manager to begin procurement process for Gilbert Boucher Bath House

Submitted by: Catherine Ellis, Director of Recreation

Supporting Information/Documentation:

N/A

Key Terms:

N/A

Executive Summary:

Request to begin the procurement process to seek temporary alternatives to the Bathhouse at Gilbert Boucher Park for the summer of 2024.

Detailed Review:

The Bathhouse sustained significant structural damage during the January 2024 storm, and will require a rebuild to become operational.

Due to the Plover nesting season, all construction at Gilbert Boucher Park will cease from April 2024 – to October 2024.

The Recreation Department has researched alternative amenities to provide during the upcoming beach season to replace the loss of the restrooms and changing areas, temporarily. The Bathhouse provided beachgoers bathrooms, showers and changing facilities between Memorial Day and Labor Day. The Recreation Department seeks to begin the procurement process for rented restroom trailers at the park for summer 2024.

Rented trailers can accommodate ADA requirements and provide space for clothing changes, and toileting, which has come to be expected when visiting Gilbert Boucher Park.

Public Works can tap into existing water and sewer lines once trailers are on site to reduce the need for emptying services throughout the week.

The current damaged Bathhouse offered showers but the trailers would not.

Funding Source:

At recommended by the City Manager.

Staff Recommendation:

Recreation staff recommend the rental of bathroom trailer(s) with ADA accessibility to provide 4 – 8 stalls throughout the summer at Gilbert Boucher Park. Procurement should begin immediately as trailers book out for the summer and are becoming difficult to secure for a long-term rental.