

*City of Biddeford*  
**City Council**  
**January 17, 2017 6:00 PM Council Chambers**

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Public Hearing**
  - 4.a. Biscuits & Company, LLC  
[Liquor License Ad - Biscuits and Company.pdf](#)
- 5. Liquor License Consideration**
  - 5.a. Biscuits & Company, LLC  
[Liquor License Ad - Biscuits and Company.pdf](#)
- 6. Consideration of Minutes:**
  - 6.a. January 3, 2017 Council Meeting Minutes  
[1-03-2017 Council Meeting Minutes.docx](#)
- 7. Second Reading:**
  - 7.a. 2016.87) Amendment/LDR, Art. V-Establishment of Zones Table A and Art. II-Definitions/Addition of Medical Marijuana Growing Facilities Language (Option 1)  
[9-20-2016 Medical Marijuana Option 1.docx](#)
  - 7.b. 2016.88) Amendment/LDR, Art. VI-Performance Standards/Add Sec. 77, Medical Marijuana (Option 2)  
[9-20-2016 Medical Marijuana Option 2.docx](#)
  - 7.c. 2017.3) Amendment/Ch. 46-Parks and Recreation & Ch. 2-Administration/Move Recreation Commission & Other Administrative Functionality/Rename Chapter 46  
[1-03-2017 Recreation Ordinance moved to Ch. 2.doc](#)  
[1-03-2017 Parks & Recreations Section 46 Recreation Director \(DELETED\).docx](#)  
[1-03-2017 Parks & Recreations Commission under Chapter 46 \(DELETED\).docx](#)  
[1-03-2017 Parks & Recreations Section 46 Recreation Facilities \(DELETED\).docx](#)  
[1-03-2017 Parks & Recreations Section 46 Amend to include Bows \(DELETED\).docx](#)  
[1-03-2017 Parks & Recreations Section 46 BEACHES \(DELETED\).docx](#)  
[1-03-2017 Parks & Recreations Section 46 ARTICLE VI COMMUNITY CENTER \(DELETED\).docx](#)  
[1-03-2017 Parks & Recreations Commission under Chapter 2.docx](#)  
[1-03-2017 Rewrite of Chapter 46 Biddeford Parks Ordinance.docx](#)
- 8. Orders of the Day:**
  - 8.a. 2017.4) Authorization/Agreement w/Real Team Energy US, L.P./Streetlights Conversion to LED Lighting  
[1-17-2017 Streetlight Conversion Project-ORDER.docx](#)  
[Briefing Memo - Streetlight Conversion Project](#)  
[Example Agreement: Town of Falmouth](#)
  - 8.b. 2017.5) Authorization/Purchase of Parking Control Unit - Ford Transit/Arundel Ford of Arundel, Maine

- [1-17-2017 Parking Control-Ford Transit Purchase.docx](#)
- [1-17-2017 Parking Control Unit-Bids.doc](#)
- [1-17-2017 Parking Ticket Summary-2014 to 2016.pdf](#)
- 8.c. 2017.6) Authorization/Allocation of Funds/Downtown Façade Improvement Program
  - [1-17-2017 Facade Program Funding.docx](#)
  - [1-17-2017 Facade Program Payout List.pdf](#)
- 8.d. 2017.7) Amendment/Ch. 22, Businesses/Sec. 22-26-Taxicabs, motorbuses, public automobiles and motor vehicles for hire/Inspection of taxicabs
  - [1-17-2017 Taxicab Ordinance Revisions.doc](#)
- 8.e. 2017.8) Amendment/Appendix A-Rules of the Council/Rule 1: Duties and powers of Mayor or Presiding Officer/Public Addressing the Council; Rule 2: Rights and duties of members/Members to place items on agenda
  - [1-17-2017 Rules of Council Revisions.docx](#)
- 8.f. 2017.9) Amendment/Ch. 2, Administration/Add New Sec. 2-329 - Exempting Eligible Active Duty Military Personnel from Vehicle Excise Tax
  - [1-17-2017 Excise Tax Exemption-Military Personnel.docx](#)
- 8.g. Acceptance/Resignation of Richard "Rick" Laverriere as Councilor for Ward 6
  - [1-17-2017 Resignation-Laverriere from Council.doc](#)
- 9. Appointments:**
  - 9.a. Norman Belanger...Councilor for Ward 6, replacing Rick Laverriere
    - [1-17-2017 Appt-Belanger- Ward 6 Councilor.docx](#)
  - 9.b. Larry Patoine...Planning Board CHAIR
    - [1-03-2017 Appt-Patoine-Planning Brd Chair.docx](#)
  - 9.c. Jennifer Burke...Planning Board - from Associate to Voting Member
    - [1-17-2017 Appt-Burke-Planning Brd Redesignation.docx](#)
  - 9.d. Bruce Benway...Planning Board, Associate Member
    - [1-17-2017 Appt-Benway-Planning Brd-Associate.docx](#)
    - [1-17-2017 Appt-Benway-Comm App.pdf](#)
  - 9.e. Roger Cantara...Biddeford Fire Advisory Committee (BFAC)
    - [1-17-2017 Appt-Cantara-BFAC.docx](#)
  - 9.f. Raymond Moreau...Biddeford Fire Advisory Committee (BFAC)
    - [1-17-2017 Appt-Moreau-BFAC.docx](#)
  - 9.g. Rick Laverriere...Biddeford Fire Advisory Committee (BFAC)
    - [1-17-2017 Appt-Laverriere-BFAC.docx](#)
  - 9.h. Kevin Jacques...Biddeford Police Advisory Committee (BPAC)
    - [1-17-2017 Appt-Jacques-BPAC.docx](#)
  - 9.i. Roger Gagnon...Biddeford Police Advisory Committee (BPAC)
    - [1-17-2017 Appt-Gagnon-BPAC.docx](#)
- 10. City Manager Report**
- 11. Other Business**
- 12. Council President Addressing the Council**
- 13. Mayor Addressing the Council**
- 14. Executive Session**
  - 14.a. 1 MRSA 405(6)(E)...Consultation with City Solicitor

14.b 1 MRSA 405(6)(A)...Personnel Issue

**15. Adjourn**

PA # 100.00  
9/23/16

**City of Biddeford**  
**BUSINESS LICENSE APPLICATION**

**BUSINESS NAME:** BISCUITS & COMPANY LLC

**Business Address:** 25 ALFRED ST Map      Lot     

**Mailing Address:** 25 ALFRED ST

**Business Telephone Number:** 710-2333

**Email Address:** biscuitsandcompany@gmail.com

**OWNER/OPERATOR:** STACY (STACIA) COOPER

**Home Physical Address:** 1 JAMES WAY, ALBION

**Home Mailing Address:** PO BOX 1057, KENNEBUNK 04043

**Home Telephone Number:** 607-461-6228

**Applicant(s) Date of Birth:** 4-3-60

 9/18/16  
Applicant's Signature Date

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

**TYPES OF ENTERTAINMENT:**

**\$150.00 (single/multiple events)**

- |                                                          |                                         |
|----------------------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Concert                         | <input type="checkbox"/> Playhouse/Play |
| <input type="checkbox"/> Exhibitions (live performances) |                                         |
| <input type="checkbox"/> Circus/Carnival                 |                                         |

**\$150.00 (annual)**

- |                                                                           |                                              |
|---------------------------------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Indoor Skating Rink                              | <input type="checkbox"/> Public Firing Range |
| <input type="checkbox"/> Bowling Lanes                                    | <input type="checkbox"/> Bottle Club         |
| <input type="checkbox"/> Theater/Movie House<br>(plus \$25.00 per screen) |                                              |
| <input type="checkbox"/> Billiard Room(s)                                 |                                              |

**AUTOMOBILE REPAIR AND/OR GRAVEYARD:**

- |                                                                   |                 |
|-------------------------------------------------------------------|-----------------|
| <input type="checkbox"/> Automobile Repair Garage for maintenance | <b>\$75.00</b>  |
| <input type="checkbox"/> Automobile Graveyard                     | <b>\$200.00</b> |

**PLACES/DEALERS IN PRODUCTS:**

**\$200.00**

- |                                                        |                                                                           |
|--------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> Secondhand Dealers            | <input type="checkbox"/> Flea Market (for 20 tables; \$5 per add'l table) |
| <input type="checkbox"/> Dealers in gold jewelry, etc. | <input type="checkbox"/> Junk Dealer/Recycling                            |
| <input type="checkbox"/> Antique Dealer                |                                                                           |

*\$10.00 application fee is applicable to all NEW businesses  
\$60.00 advertising fee for new liquor license applications is an up-front charge*

|                                                                                                 |                               |
|-------------------------------------------------------------------------------------------------|-------------------------------|
| <b>PAWNBROKER:</b>                                                                              | <b>\$200.00</b>               |
| <b>VENDOR ON A PUBLIC PLACE:</b>                                                                | <b>\$50.00</b>                |
| <b>ICE CREAM TRUCK VENDOR</b><br>(need to show proof of at least \$500,000 liability insurance) | <b>\$75.00</b>                |
| <b>VENDING ON WATERWAYS</b>                                                                     | <b>\$100.00</b>               |
| <b>OPERATING LICENSE:</b>                                                                       |                               |
| <input type="checkbox"/> Victualer (no alcohol)-State Cert. Required                            | <b>\$75.00</b>                |
| <input checked="" type="checkbox"/> Victualer serving beer and/or wine-State Cert. Required     | <b>\$100.00</b>               |
| <input type="checkbox"/> Victualer serving beer, wine and/or liquor<br>State Cert. Required     | <b>\$150.00</b>               |
| <input type="checkbox"/> Taxicab, motorbus, public automobile<br>(plus \$20.00 per vehicle)     | <b>\$50.00</b>                |
| <input type="checkbox"/> Massage Establishment/Therapist                                        | <b>\$100.00</b>               |
| <input type="checkbox"/> Combined Massage Establishment/Massage Therapist                       | <b>\$150.00</b>               |
| <input type="checkbox"/> Adult Business                                                         | <b>\$2,000.00</b>             |
| <input type="checkbox"/> Sludge Disposal                                                        | <b>\$50.00</b>                |
| <b>MISCELLANEOUS:</b>                                                                           |                               |
| <input type="checkbox"/> Advertising (for liquor licenses)                                      | <b>\$60.00</b>                |
| <input type="checkbox"/> Newspaper Vending Machines (per machine)                               | <b>\$10.00</b>                |
| <input type="checkbox"/> Video Game Devices (up to a max of \$50.00)                            | <b>\$10.00 (each machine)</b> |

*New Business License Application Disclosure: By submitting, signing and paying the applicable \$10.00 application fee (and \$60.00 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)

*[Signature]*  
*Life Safety Insp.*

**CITY CLERK ISSUED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS**  
**DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**  
**8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008**  
**10 WATER STREET, HALLOWELL, ME 04347**  
**TEL: (207) 624-7220 FAX: (207) 287-3434**  
**EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV**

| DIVISION USE ONLY |     |
|-------------------|-----|
| License No:       |     |
| Class:            | By: |
| Deposit Date:     |     |
| Amt. Deposited:   |     |
| Cash Ck Mo:       |     |

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☐ SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)  
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL NO FOOD (Class I-A)  
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)  
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

|                                                                              |                        |                          |                                                         |                        |                          |
|------------------------------------------------------------------------------|------------------------|--------------------------|---------------------------------------------------------|------------------------|--------------------------|
| Corporation Name:<br><u>BISCUITS &amp; COMPANY LLC</u>                       |                        |                          | Business Name (D/B/A)<br><u>BISCUITS &amp; COMPANY</u>  |                        |                          |
| APPLICANT(S) --(Sole Proprietor) DOB:<br><u>STACIA COOPER, member 4-3-60</u> |                        |                          | Physical Location:<br><u>25 ALFRED ST.</u>              |                        |                          |
| DOB:<br><u>-</u>                                                             |                        |                          | City/Town<br><u>BIDDEFORD</u>                           | State<br><u>ME</u>     | Zip Code<br><u>04405</u> |
| Address<br><u>PO BOX 1057</u>                                                |                        |                          | Mailing Address<br><u>25 ALFRED ST.</u>                 |                        |                          |
| City/Town<br><u>KENNEBUNK</u>                                                | State<br><u>ME</u>     | Zip Code<br><u>04243</u> | City/Town<br><u>BIDDEFORD</u>                           | State<br><u>ME</u>     | Zip Code<br><u>04405</u> |
| Telephone Number<br><u>617-461-6228</u>                                      | Fax Number<br><u>-</u> |                          | Business Telephone Number<br><u>207-710-2333</u>        | Fax Number<br><u>-</u> |                          |
| Federal I.D. #<br><u>46-5281039</u>                                          |                        |                          | Seller Certificate #:<br>or Sales Tax #: <u>1168529</u> |                        |                          |
| Email Address:<br>Please Print <u>BISCUITSANDCOMPANY@GMAIL.COM</u>           |                        |                          | Website:<br><u>WWW.BISCUITSANDCOMPANY.COM</u>           |                        |                          |

If business is NEW or under new ownership, indicate starting date: OPENED 12/15/14

Requested inspection date: AT YOUR CONVENIENCE WED-FRI Business hours: 7:30AM-2PM Wed-Sat/9-1 Sundays

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: NA  
2. State amount of gross income from period of last license: ROOMS \$ - FOOD \$ 190,217.00 LIQUOR \$ -  
3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐ 2016 YTD

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒  
5. If manager is to be employed, give name: STACIA COOPER (member)  
6. Business records are located at: 25 ALFRED ST. BIDDEFORD / HOBSON & CO ACCOUNTANTS, SACO  
7. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐  
8. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

| Name in Full (Print Clearly) | DOB    | Place of Birth |
|------------------------------|--------|----------------|
| STACIA COOPER                | 4-3-60 | N.B. CANADA    |
|                              |        |                |
|                              |        |                |

Residence address on all of the above for previous 5 years (Limit answer to city & state)

1 JAMES WAY, ARUNDEL, ME

10. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

12. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

13. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: \_\_\_\_\_

LACONIA PROPERTIES 145 MAIN ST. BIDDFORD, ME 04005

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) EF STOREFRONT BAKERY/CAFE

30 SEATS, COUNTER SERVICE, TABLE DELIVERY

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☒ NO ☐ Applied for: \_\_\_\_\_

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.2 mi. Which of the above is nearest? church

17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: HEART OF BIDDFORD VITA SBECC, SACO -> LOANS

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: BIDDFORD, ME on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

STACIA E. COOPER

Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

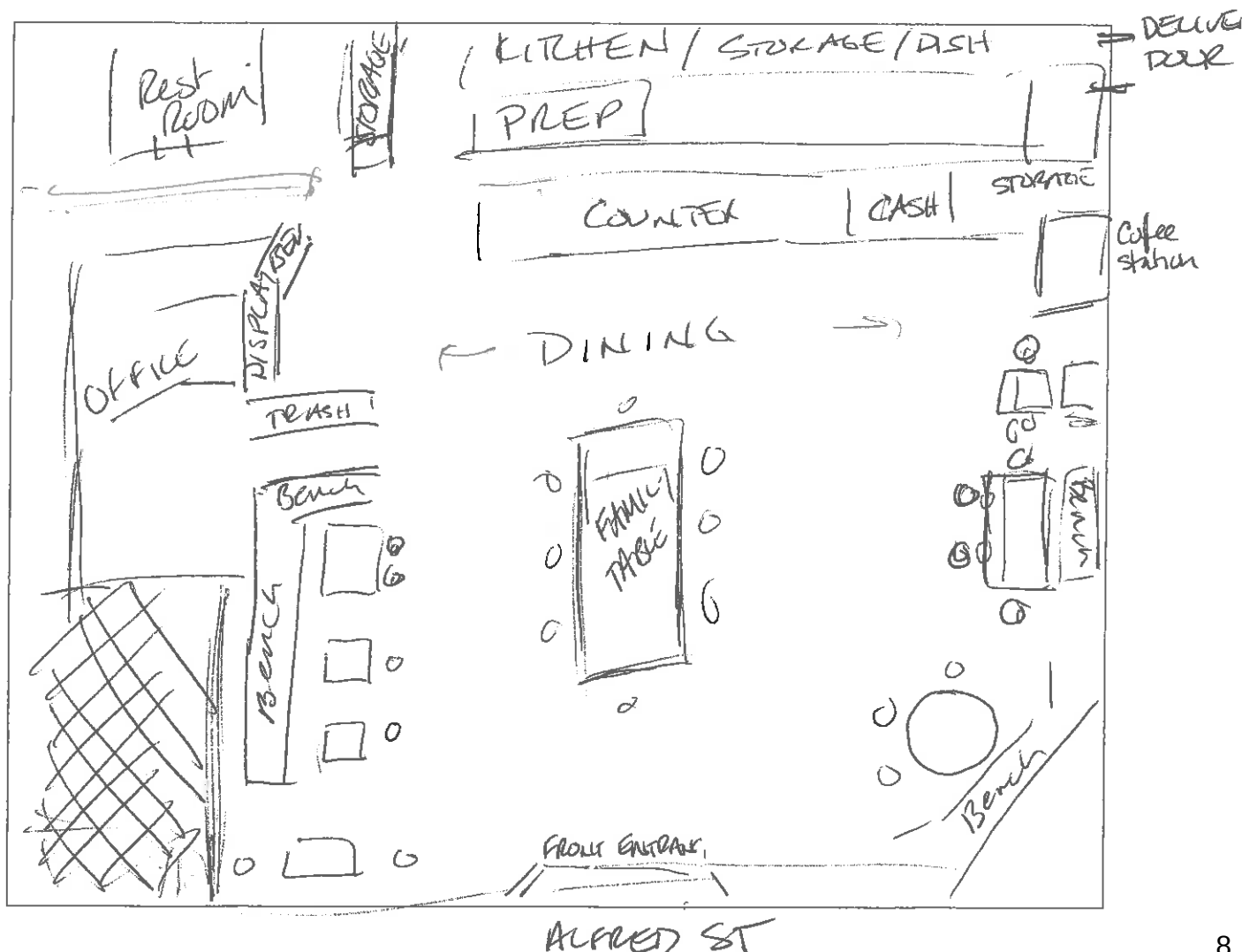
**Bureau of Alcoholic Beverages and Lottery Operations**  
**Division of Liquor Licensing & Enforcement**  
 8 State House Station, Augusta, ME 04333-0008  
 10 Water Street, Hallowell, ME 04347  
 Tel: (207) 624-7220 Fax: (207) 287-3434  
 Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)

| DIVISION USE ONLY        |              |
|--------------------------|--------------|
| <input type="checkbox"/> | Approved     |
| <input type="checkbox"/> | Not Approved |
| BY:                      |              |

## ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





Division of Alcoholic Beverages and Lottery  
Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

**For Office Use Only:**

License #: \_\_\_\_\_

SOS Checked: \_\_\_\_\_

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: BISCUITS & COMPANY LLC

2. Doing Business As, if any: BISCUITS & COMPANY

3. Date of filing with Secretary of State: 3-14-2014 State in which you are formed: ME

4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
N/A

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

| NAME             | ADDRESS (5 YEARS)                                      | Date of Birth | TITLE  | Ownership % |
|------------------|--------------------------------------------------------|---------------|--------|-------------|
| STACIA E. COOPER | PO BOX 1057, KENNEBUNK - MAINE<br>1 JAMES WAY, ARUNDEL | 4-3-60        | Member | 100%        |
|                  |                                                        |               |        |             |
|                  |                                                        |               |        |             |
|                  |                                                        |               |        |             |

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: N/A (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒ If Yes, Name: \_\_\_\_\_ Agency: \_\_\_\_\_

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

*W/A* Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

\_\_\_\_\_

Signature:

  
Signature of Duly Authorized Person Date

STACIA E. CARTER  
Print Name of Duly Authorized Person

---

Submit Completed Forms To:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

STATE OF MAINE

Dated at: BIDDEFORD, Maine YORK  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the  
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][ 2003, c. 213, §1 (AMD) .]

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]  
[ 2009, c. 81, §§1-3 (AMD) .]

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]  
[1995, c. 140, §6 (AMD) .]

**4. No license to person who moved to obtain a license.** [ 1987, c. 342, §32 (RP) .]

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[ 1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

**Please be sure to include the following with your application:**

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application please contact us at (207) 624-7220.

PA # 100.00  
9/23/16

**City of Biddeford**  
**BUSINESS LICENSE APPLICATION**

**BUSINESS NAME:** BISCUITS & COMPANY LLC

**Business Address:** 25 ALFRED ST Map      Lot     

**Mailing Address:** 25 ALFRED ST

**Business Telephone Number:** 710-2333

**Email Address:** biscuitsandcompany@gmail.com

**OWNER/OPERATOR:** STACY (STACIA) COOPER

**Home Physical Address:** 1 JAMES WAY, ALBION

**Home Mailing Address:** PO BOX 1057, KENNEBUNK 04043

**Home Telephone Number:** 607-461-6228

**Applicant(s) Date of Birth:** 4-3-60

 9/18/16  
Applicant's Signature Date

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

**TYPES OF ENTERTAINMENT:**

**\$150.00 (single/multiple events)**

- |                                                          |                                         |
|----------------------------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Concert                         | <input type="checkbox"/> Playhouse/Play |
| <input type="checkbox"/> Exhibitions (live performances) |                                         |
| <input type="checkbox"/> Circus/Carnival                 |                                         |

**\$150.00 (annual)**

- |                                                                           |                                              |
|---------------------------------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Indoor Skating Rink                              | <input type="checkbox"/> Public Firing Range |
| <input type="checkbox"/> Bowling Lanes                                    | <input type="checkbox"/> Bottle Club         |
| <input type="checkbox"/> Theater/Movie House<br>(plus \$25.00 per screen) |                                              |
| <input type="checkbox"/> Billiard Room(s)                                 |                                              |

**AUTOMOBILE REPAIR AND/OR GRAVEYARD:**

- |                                                                   |                 |
|-------------------------------------------------------------------|-----------------|
| <input type="checkbox"/> Automobile Repair Garage for maintenance | <b>\$75.00</b>  |
| <input type="checkbox"/> Automobile Graveyard                     | <b>\$200.00</b> |

**PLACES/DEALERS IN PRODUCTS:**

**\$200.00**

- |                                                        |                                                                           |
|--------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> Secondhand Dealers            | <input type="checkbox"/> Flea Market (for 20 tables; \$5 per add'l table) |
| <input type="checkbox"/> Dealers in gold jewelry, etc. | <input type="checkbox"/> Junk Dealer/Recycling                            |
| <input type="checkbox"/> Antique Dealer                |                                                                           |

*\$10.00 application fee is applicable to all NEW businesses  
\$60.00 advertising fee for new liquor license applications is an up-front charge*

|                                                                                                 |                               |
|-------------------------------------------------------------------------------------------------|-------------------------------|
| <b>PAWNBROKER:</b>                                                                              | <b>\$200.00</b>               |
| <b>VENDOR ON A PUBLIC PLACE:</b>                                                                | <b>\$50.00</b>                |
| <b>ICE CREAM TRUCK VENDOR</b><br>(need to show proof of at least \$500,000 liability insurance) | <b>\$75.00</b>                |
| <b>VENDING ON WATERWAYS</b>                                                                     | <b>\$100.00</b>               |
| <b>OPERATING LICENSE:</b>                                                                       |                               |
| <input type="checkbox"/> Victualer (no alcohol)-State Cert. Required                            | <b>\$75.00</b>                |
| <input checked="" type="checkbox"/> Victualer serving beer and/or wine-State Cert. Required     | <b>\$100.00</b>               |
| <input type="checkbox"/> Victualer serving beer, wine and/or liquor<br>State Cert. Required     | <b>\$150.00</b>               |
| <input type="checkbox"/> Taxicab, motorbus, public automobile<br>(plus \$20.00 per vehicle)     | <b>\$50.00</b>                |
| <input type="checkbox"/> Massage Establishment/Therapist                                        | <b>\$100.00</b>               |
| <input type="checkbox"/> Combined Massage Establishment/Massage Therapist                       | <b>\$150.00</b>               |
| <input type="checkbox"/> Adult Business                                                         | <b>\$2,000.00</b>             |
| <input type="checkbox"/> Sludge Disposal                                                        | <b>\$50.00</b>                |
| <b>MISCELLANEOUS:</b>                                                                           |                               |
| <input type="checkbox"/> Advertising (for liquor licenses)                                      | <b>\$60.00</b>                |
| <input type="checkbox"/> Newspaper Vending Machines (per machine)                               | <b>\$10.00</b>                |
| <input type="checkbox"/> Video Game Devices (up to a max of \$50.00)                            | <b>\$10.00 (each machine)</b> |

*New Business License Application Disclosure: By submitting, signing and paying the applicable \$10.00 application fee (and \$60.00 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)

*[Signature]*  
*Life Safety Insp.*

**CITY CLERK ISSUED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS**  
**DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**  
**8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008**  
**10 WATER STREET, HALLOWELL, ME 04347**  
**TEL: (207) 624-7220 FAX: (207) 287-3434**  
**EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV**

| DIVISION USE ONLY |     |
|-------------------|-----|
| License No:       |     |
| Class:            | By: |
| Deposit Date:     |     |
| Amt. Deposited:   |     |
| Cash Ck Mo:       |     |

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☐ SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)  
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL NO FOOD (Class I-A)  
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)  
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

|                                                                              |                        |                          |                                                         |                        |                          |
|------------------------------------------------------------------------------|------------------------|--------------------------|---------------------------------------------------------|------------------------|--------------------------|
| Corporation Name:<br><u>BISCUITS &amp; COMPANY LLC</u>                       |                        |                          | Business Name (D/B/A)<br><u>BISCUITS &amp; COMPANY</u>  |                        |                          |
| APPLICANT(S) --(Sole Proprietor) DOB:<br><u>STACIA COOPER, member 4-3-60</u> |                        |                          | Physical Location:<br><u>25 ALFRED ST.</u>              |                        |                          |
| DOB:<br><u>-</u>                                                             |                        |                          | City/Town<br><u>BIDDEFORD</u>                           | State<br><u>ME</u>     | Zip Code<br><u>04405</u> |
| Address<br><u>PO BOX 1057</u>                                                |                        |                          | Mailing Address<br><u>25 ALFRED ST.</u>                 |                        |                          |
| City/Town<br><u>KENNEBUNK</u>                                                | State<br><u>ME</u>     | Zip Code<br><u>04243</u> | City/Town<br><u>BIDDEFORD</u>                           | State<br><u>ME</u>     | Zip Code<br><u>04405</u> |
| Telephone Number<br><u>617-461-6228</u>                                      | Fax Number<br><u>-</u> |                          | Business Telephone Number<br><u>207-710-2333</u>        | Fax Number<br><u>-</u> |                          |
| Federal I.D. #<br><u>46-5281039</u>                                          |                        |                          | Seller Certificate #:<br>or Sales Tax #: <u>1168529</u> |                        |                          |
| Email Address:<br>Please Print <u>BISCUITSANDCOMPANY@GMAIL.COM</u>           |                        |                          | Website:<br><u>WWW.BISCUITSANDCOMPANY.COM</u>           |                        |                          |

If business is NEW or under new ownership, indicate starting date: OPENED 12/15/14

Requested inspection date: AT YOUR CONVENIENCE WED-FRI Business hours: 7:30AM-2PM Wed-Sat/9-1 Sundays

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: NA  
2. State amount of gross income from period of last license: ROOMS \$ - FOOD \$ 190,217.00 LIQUOR \$ -  
3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐ 2016 YTD

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒  
5. If manager is to be employed, give name: STACIA COOPER (member)  
6. Business records are located at: 25 ALFRED ST. BIDDEFORD / HOBSON & CO ACCOUNTANTS, SACO  
7. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐  
8. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

| Name in Full (Print Clearly) | DOB    | Place of Birth |
|------------------------------|--------|----------------|
| STACIA COOPER                | 4-3-60 | N.B. CANADA    |
|                              |        |                |
|                              |        |                |

Residence address on all of the above for previous 5 years (Limit answer to city & state)

1 JAMES WAY, ARUNDEL, ME

10. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

12. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

13. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: \_\_\_\_\_

LACONIA PROPERTIES 145 MAIN ST. BIDDFORD, ME 04005

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) EF STOREFRONT BAKERY/CAFE

30 SEATS, COUNTER SERVICE, TABLE DELIVERY

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☒ NO ☐ Applied for: \_\_\_\_\_

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.2 mi. Which of the above is nearest? church

17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: HEART OF BIDDFORD VITA SBECC, SACO -> LOANS

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: BIDDFORD, ME on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

STACIA E. COOPER

Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

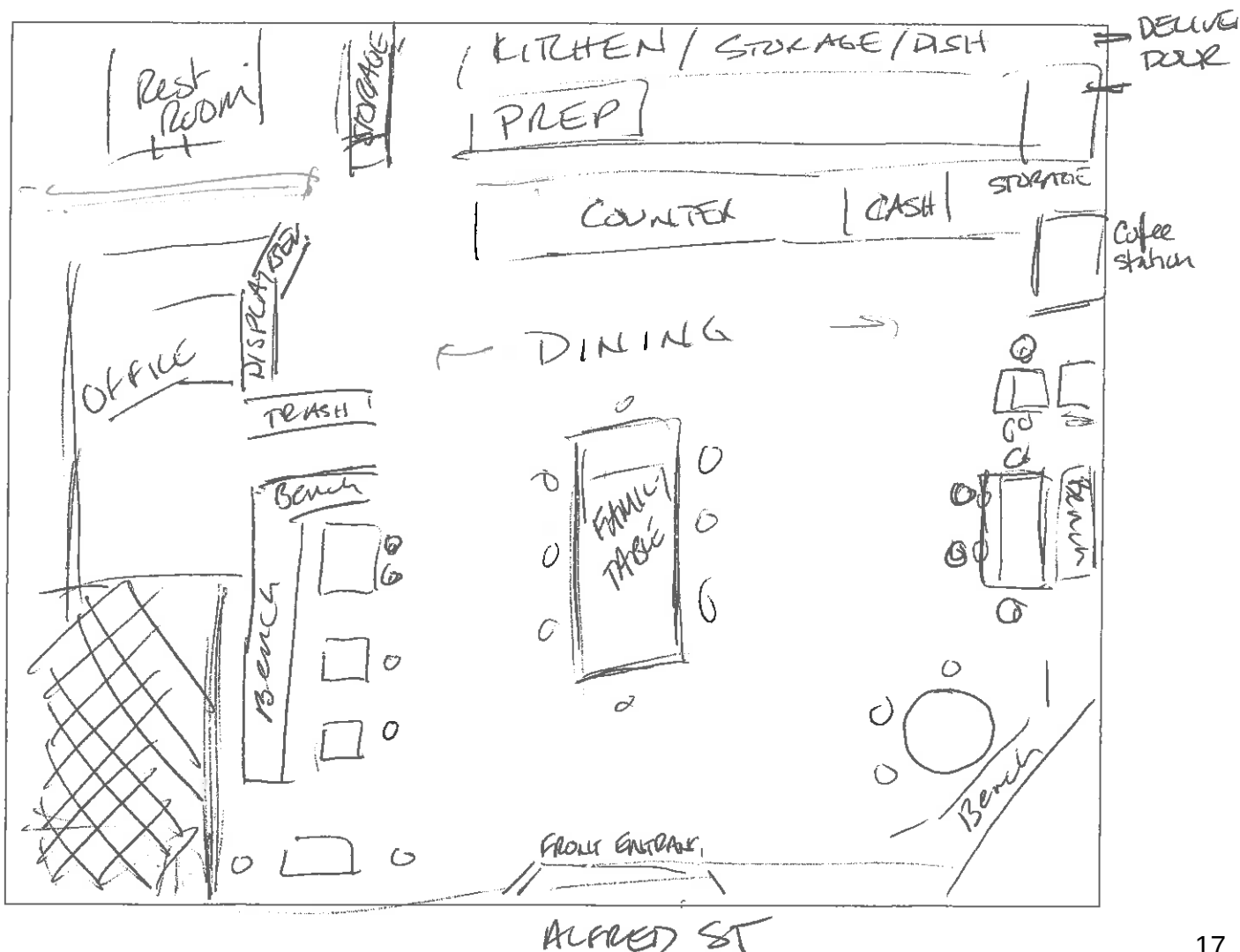
**Bureau of Alcoholic Beverages and Lottery Operations**  
**Division of Liquor Licensing & Enforcement**  
 8 State House Station, Augusta, ME 04333-0008  
 10 Water Street, Hallowell, ME 04347  
 Tel: (207) 624-7220 Fax: (207) 287-3434  
 Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)

| DIVISION USE ONLY        |              |
|--------------------------|--------------|
| <input type="checkbox"/> | Approved     |
| <input type="checkbox"/> | Not Approved |
| BY:                      |              |

## ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





Division of Alcoholic Beverages and Lottery  
Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

**For Office Use Only:**

License #: \_\_\_\_\_

SOS Checked: \_\_\_\_\_

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: BISCUITS & COMPANY LLC

2. Doing Business As, if any: BISCUITS & COMPANY

3. Date of filing with Secretary of State: 3-14-2014 State in which you are formed: ME

4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
N/A

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

| NAME             | ADDRESS (5 YEARS)                                      | Date of Birth | TITLE  | Ownership % |
|------------------|--------------------------------------------------------|---------------|--------|-------------|
| STACIA E. COOPER | PO BOX 1057, KENNEBUNK - MAINE<br>1 JAMES WAY, ARUNDEL | 4-3-60        | Member | 100%        |
|                  |                                                        |               |        |             |
|                  |                                                        |               |        |             |
|                  |                                                        |               |        |             |

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: N/A (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒ If Yes, Name: \_\_\_\_\_ Agency: \_\_\_\_\_

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

*W/A* Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

Signature:

  
Signature of Duly Authorized Person \_\_\_\_\_ Date \_\_\_\_\_

STACIA E. CARTER  
Print Name of Duly Authorized Person

---

Submit Completed Forms To:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

STATE OF MAINE

Dated at: BIDDEFORD, Maine YORK  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the  
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][ 2003, c. 213, §1 (AMD) .]

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]  
[ 2009, c. 81, §§1-3 (AMD) .]

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]  
[1995, c. 140, §6 (AMD) .]

**4. No license to person who moved to obtain a license.** [ 1987, c. 342, §32 (RP) .]

**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[ 1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

**Please be sure to include the following with your application:**

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application please contact us at (207) 624-7220.

**COUNCIL MEETING  
JANUARY 3, 2017**

Mayor Casavant called the meeting to order at 6:02 p.m.

**Roll Call:** Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Bob Mills, Rick Laverriere, Michael Ready, Laura Seaver, Marc Lessard

The Council, and all who were present, recited the Pledge of Allegiance.

There were no adjustments to the agenda.

***Public Hearing: Liquor License for Uncorked Wine Bar***

The Chair opened the public hearing at 6:03 p.m.

There were no public comments.

The public hearing was closed at 6:03 p.m.

***Liquor License: Uncorked Wine Bar***

Motion by Councilor McCurry, seconded by Councilor Mills to recommend issuance of a State of Maine liquor license to Uncorked Wine Bar.

Vote: Unanimous.

**Consideration of Minutes: December 20, 2016**

Motion by Councilor Laverriere, seconded by Councilor Swanton to accept the minutes as printed.

Vote: Unanimous.

***Second Readings:***

{For a copy of the ordinance amendments and first readings, see the council meeting minutes of December 20, 2016}

**2016.113) Amendment/Land Development Regulations/Art. VI-Performance Standards/Section 12-Buffers**

Motion by Councilor Laverriere, seconded by Councilor Mills to grant the second reading of the ordinance amendment.

Vote: 7/2; Councilors Lessard and Seaver.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Laverriere and Ready in favor.

Motion carries.

**2016.114) Amendment/Land Development Regulations/Art. II-Definitions and Art. VI-Performance Standards/Hotels-Motels-Inns**

Motion by Councilor Ready, seconded by Councilor Laverriere to grant the second reading of the ordinance amendment.

Vote: Unanimous.

**2016.118) Amendment/Ch. 2-Administration/Add Sec. 2-326 et al. – Biddeford Fire Advisory Committee (BFAC)**

Motion by Councilor Laverriere, seconded by Councilor Mills to grant the second reading of the ordinance amendment.

Vote: Unanimous.

**2016.119) Amendment/Ch. 2-Administration/Add Sec. 2-341 et al. – Biddeford Police Advisory Committee (BPAC)**

Motion by Councilor McCurry, seconded by Councilor Mills to grant the second reading of the ordinance amendment.

Vote: Unanimous.

**2016.121) Approval/Moratorium on Retail Marijuana Stores, Facilities and Social Clubs**

Motion by Councilor McCurry, seconded by Councilor Swanton to grant the second reading of the order.

Motion by Councilor Swanton, seconded by Councilor Mills to suspend the rules to allow for public comment on the second reading.

Vote: 4/5; Councilors Lessard, Seaver, Ready, Laverriere and McCurry opposed.

Councilors Swanton, St. Cyr, Quattrone and Mills in favor.

Motion fails.

Vote on second reading: 7/2; Councilors Mills and Quattrone opposed.

Councilors Swanton, McCurry, St. Cyr, Laverriere, Ready, Seaver and Lessard.

Motion carries.

#### *Orders of the Day:*

**2017.1**

#### **IN BOARD OF CITY COUNCIL...JANUARY 3, 2017**

**BE IT ORDERED**, that the City Manager be authorized to purchase one (1) PL Customs ambulance as per bid of November 12, 2015 (the "Equipment") from Sugarloaf Vehicles (the "Vendor") and may pay the Vendor an amount not to exceed \$222,146.00 (before discounts valued at \$5,500.00) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$222,146.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$222,146.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

**BE IT FURTHER ORDERED**, that the City Manager be authorized to purchase new two-way radios from Dirigo (Vendor) for an amount not to exceed \$4,733.00.

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the two-way radios;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$4,733.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the two-way radios provided that (a) the principal amount of such agreement will not exceed \$4,733.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the two-way radios; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary

and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

**NOTE:** The Finance Committee reviewed these items on December 20, 2016 and voted to recommend them to the City Council for approval. The lease-purchase of these items are included in the FY17 CIP budget, with a down payment of \$30,000.00.

Motion by Councilor Mills, seconded by Councilor Laverriere to grant the order.  
Vote: Unanimous.

**2017.2** **IN BOARD OF CITY COUNCIL...JANUARY 3, 2017**  
**BE IT ORDERED**, that the City Manager is authorized to execute any and all documents, including, but not limited to, the attached draft Purchase and Sale Contract substantially in form as presented, and to take such further action as may be necessary to sell properties located at 511-515 Elm Street and 384 Hill Street, Biddeford, Maine to Maine Governmental Facility Authority, or its assigns for the sale price of \$810,000.00.

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

**2016.87** **IN BOARD OF CITY COUNCIL..SEPTEMBER 20, 2016**  
**BE IT ORDAINED** by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

**Part III (Land Development Regulations), Article V (Establishment of Zones), Table A (Table of Land Uses):**

Retain “Medical Marijuana Dispensaries” as a Conditional Use (C) in the I-3 Zone ONLY (remove as a Conditional Use in the B2 Zone and M Zone). Delete reference to footnote 24. Retain reference to footnote 23.

Add “Medical Marijuana Growing Facilities” as a Conditional Use (C) in the I-1 and I-2 Zones ONLY. Add reference to footnote 23.

|                                                 | Article VI<br>Section <sup>1</sup> | I-1                   | I-2                   | I-3         |
|-------------------------------------------------|------------------------------------|-----------------------|-----------------------|-------------|
| Medical Marijuana Dispensaries                  |                                    |                       |                       | C<br>23, 24 |
| <u>Medical Marijuana Growing<br/>Facilities</u> |                                    | <u>C</u><br><u>23</u> | <u>C</u><br><u>23</u> |             |

**Part III (Land Development Regulations), Article II (Definitions):**

AGRICULTURE - The production, keeping or maintenance for sale or lease of plants and/or animals, including but not limited to, forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management, ~~or~~ timber harvesting activities, or the growing of medical marijuana by medical marijuana dispensaries, caregivers, or patients.

COMMERCIAL GARDENING - Any land area in which plants, vegetables, flowers and similar materials are grown for sale. Commercial Gardening does not include the growing of medical marijuana by medical marijuana dispensaries, caregivers, or patients.

COMMERCIAL GREENHOUSE - Any structure in which plants, vegetables, flowers and similar materials are grown for sale. Commercial Greenhouse does not include the growing of medical marijuana by medical marijuana dispensaries, caregivers, or patients.

MARIJUANA - As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.17, “Marijuana.”

MEDICAL MARIJUANA - Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

MEDICAL MARIJUANA CAREGIVER - A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

MEDICAL MARIJUANA LAND USES - Any of 3 types of land uses, defined herein, that cover the full range of options for lawful cultivating, processing, storing and distributing medical marijuana.

MEDICAL MARIJUANA HOME PRODUCTION - Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory land use.

MEDICAL MARIJUANA GROWING FACILITY - A facility used for cultivating, processing, and/or storing medical marijuana by one or more medical marijuana caregiver(s) at a location which is not the medical marijuana caregiver's primary year-round residence or their patient's primary year-round residence. This shall be considered a commercial land use.

MEDICAL MARIJUANA DISPENSARY - A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial land use.

***NOTE:** This is considered "Option #1" from the Planning Board. If the Council chooses to approve this ordinance amendment, Staff is recommending that it be passed as an emergency ordinance due to the fact that the Medical Marijuana Moratorium that is in place expires during the first week of October 2016.*

Motion by Councilor McCurry, seconded by Councilor Swanton to remove the ordinance amendment from the table.

Vote: 6/3; Councilors Lessard, Laverriere and Mills opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Ready and Seaver in favor.

Motion to remove from table carries.

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

Motion by Councilor Ready, seconded by Councilor McCurry to amend the ordinance amendment by ensuring the incorporation of the three items outlined in Economic Development Director, Daniel Stevenson's memo.

Vote: 8/1; Councilor Lessard opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Laverriere, Ready and Seaver in favor.

Motion to amend carries.

Vote on first reading, as amended: Unanimous.

**2016.88**

**IN BOARD OF CITY COUNCIL..SEPTEMBER 20, 2016**

**BE IT ORDAINED** by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

**Part III (Land Development Regulations), Article VI (Performance Standards):**

**Section 77. Medical Marijuana**

- A. Before submission of a Conditional Use Application, the applicant must demonstrate their authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program.
- B. As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting.

- C. No Medical Marijuana Dispensary or Medical Marijuana Growing Facility shall be closer than 250 linear feet, measured in a straight line from the Dispensary or Facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day care facility, school, Town park, Town playground or church.
- D. Before granting an approval, the Planning Board shall ensure the applicant has reviewed their property and building security plans with the Biddeford Police Department and the Police Department finds the security measures are consistent with State requirements.
- E. No signs containing the word “marijuana,” or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a Medical Marijuana Dispensary or a Medical Marijuana Growing Facility. Interior advertisements, displays of merchandise or signs depicting the activities of a Medical Marijuana Dispensary or a Medical Marijuana Growing Facility shall be screened to prevent public viewing from outside such facility.
- F. No use shall emit offensive, harmful, or noxious odors beyond the property line.

***NOTE:*** This is considered “Option #2” from the Planning Board. If the Council chooses to approve this ordinance amendment, Staff is recommending that it be passed as an emergency ordinance due to the fact that the Medical Marijuana Moratorium that is in place expires during the first week of October 2016.

Motion by Councilor McCurry, seconded by Councilor Quattrone to remove the ordinance amendment from the table.

Vote: 8/1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Mills, Laverriere, Ready, Seaver and Lessard in favor. Motion to remove from table carries.

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

Vote: Unanimous.

**2017.3**

**IN BOARD OF CITY COUNCIL..JANUARY 3, 2017**

**BE IT ORDAINED**, by the City Council of the City of Biddeford that does hereby amend the Code of Ordinances by deleting some of the Administrative Sections contained within Ch. 46, Parks and Recreation that relate to the Recreation Commission and other Administrative functionality by moving and re-numbering these pertinent sections to Ch. 2, Administration; and be it further Ordained, that Ch. 46 is re-named City of Biddeford Parks Ordinance.

NOTE: The various proposed amendments are available in the City Clerk’s Office and on the City’s website.

Motion by Councilor Ready, seconded by Councilor McCurry to grant the first reading of the ordinance amendments.

Vote: Unanimous.

**2016.92**

**IN BOARD OF CITY COUNCIL..OCTOBER 4, 2016**

**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby amend the Human Resource Policies, Procedures and Benefits Manual, SICK LEAVE (amendments available in the City Clerk ‘s Office and on the City’s website).

Motion by Councilor Ready, seconded by Councilor McCurry to remove the order from the table.

Vote: 8/1; Councilor Mills opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Laverriere, Ready, Seaver and Lessard in favor. Motion carries.

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

Vote: 7/2; Councilors St. Cyr and McCurry opposed.

Councilors Swanton, Quattrone, Mills, Laverriere, Ready, Seaver and Lessard in favor. Motion carries.

*Appointments:*

**IN BOARD OF CITY COUNCIL...JANUARY 3, 2017**  
**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Natalie Kelliher**  
**522 Main Street, Apt. 101**  
**Ward 6**

to the *Downtown Development Commission*, replacing Bob Mills, with a term to expire December 2017.

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

**IN BOARD OF CITY COUNCIL...JANUARY 3, 2017**  
**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Priscilla McGuire**  
**20 Beacon Avenue, Apt. 13**  
**Ward 7**

to the *Historic Preservation Commission* with a term to expire December 2019.

Motion by Councilor Mills, seconded by Councilor Laverriere to confirm the appointment.  
Vote: Unanimous.

**IN BOARD OF CITY COUNCIL...JANUARY 3, 2017**  
**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

**Paul Lariviere**  
**517 Pool Street**  
**Ward 1**

to the *Shellfish Conservation Committee* with a term to expire December 2019.

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

**IN BOARD OF CITY COUNCIL...JANUARY 3, 2017**  
**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

**Martin Grohman**

as the CHAIR of the *Solid Waste Management Commission* for 2017.

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

*City Manager Report:*

City Manager, James Bennett had distributed the year-end “Goals Dashboard” prior to the start of this meeting. He shared the following highlights:

- 100% of the goals marked critical were either completed or nearly completed
- 75% of the high priority goals were either completed or nearly completed
- 94% of the medium priority goals were either completed or nearly completed
- 80% of the low priority goals were either completed or nearly completed
- 86% of all goals were either completed or nearly completed

Overall, he is very impressed with the amount of work accomplished in 2016 by the Council, the volunteers on the City’s various committees and City Staff.

In an effort to continue steering the City in a positive direction, he has started another Twitter account, [#365BiddefordMEpositives](#). His goal is to post at least one positive Tweet a day about our community and the goings on in Biddeford.

*Other Business:*

Councilor Lessard: stated that he has been working with a committee that has been working on the parking garage issue. An RFP has gone out and once proposals are submitted, the committee will begin reviewing them immediately.

Councilor Ready: noted on the “Goals Dashboard” that was prepared by the City Manager, that some of the completed goals have actually been referred to one committee or another. Councilor Ready asked that periodic updates be provided to the Council on further and continued progress of the goals. He would also like to see some of the items come back to the Council for final recommendations and approvals.

Councilor Mills: distributed a Journal Tribune article related to excise tax exemption for military personnel. He would like to see the City adopt an ordinance that would provide this exemption to all military personnel, and not just those who are serving in other States (but keep their vehicles registered in Maine).

Councilor Swanton: asked if the latest section of the River Walk is open yet and if the fence and gate have been installed. The City Manager answered that the fence and gate have been ordered and should be installed in March 2017.

Councilor McCurry: would like to see the issue of snow bans addressed soon. He feels that streets are not being completely cleared of snow due to the fact that folks keep their vehicles parked on the streets during snow events.

Mayor Addressing the Council: Mayor Casavant announced that plans for WinterFest 2017 are underway. This year’s Winter Fest is scheduled for February 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup>, and will be held in the downtown this year. Many family oriented events and activities are being planned and organized, from dog sledding to snow sculptures to pony rides. Also, the City Theater has scheduled a couple of shows for that weekend: Friday, Feb. 3d – Piano Men: The Music of Elton & Billy; and Saturday, Feb. 4<sup>th</sup> – Comedian, Juston McKinney will perform.

*Executive Session: 1 MRSA 405(6)(A)..Personnel Issue*

Motion by Councilor Laverriere, seconded by Councilor Mills to move into Executive Session.

Vote: Unanimous.

Time: 6:46 p.m.

Motion by Councilor Laverriere, seconded by Councilor Seaver to move out of Executive Session.

Vote: Unanimous.

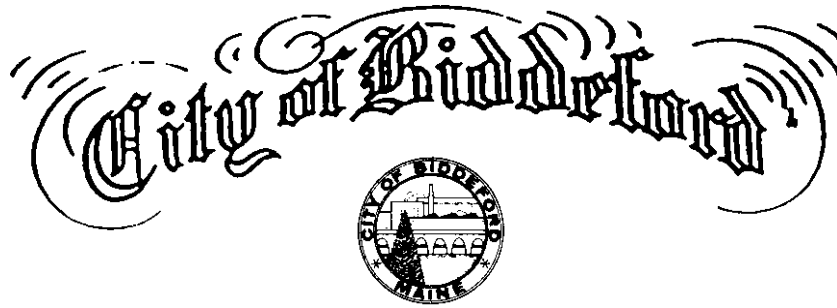
Time: 7:20 p.m.

Motion by Councilor Laverriere, seconded by Councilor Mills to adjourn.

Vote: Unanimous.

Time: 7:20 p.m.

**Attest by:** \_\_\_\_\_  
**Carmen J. Morris, City Clerk**



2016.87

IN BOARD OF CITY COUNCIL...SEPTEMBER 20, 2016

**BE IT ORDAINED** by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

**Part III (Land Development Regulations), Article V (Establishment of Zones), Table A (Table of Land Uses):**

Retain “Medical Marijuana Dispensaries” as a Conditional Use (C) in the I-3 Zone ONLY (remove as a Conditional Use in the B2 Zone and M Zone). Delete reference to footnote 24. Retain reference to footnote 23.

Add “Medical Marijuana Growing Facilities” as a Conditional Use (C) in the I-1 and I-2 Zones ONLY. Add reference to footnote 23.

|                                                 | Article VI<br>Section <sup>1</sup> | I-1                   | I-2                   | I-3         |
|-------------------------------------------------|------------------------------------|-----------------------|-----------------------|-------------|
| Medical Marijuana Dispensaries                  |                                    |                       |                       | C<br>23, 24 |
| <u>Medical Marijuana Growing<br/>Facilities</u> |                                    | <u>C</u><br><u>23</u> | <u>C</u><br><u>23</u> |             |

**Part III (Land Development Regulations), Article II (Definitions):**

**AGRICULTURE** - The production, keeping or maintenance for sale or lease of plants and/or animals, including but not limited to, forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management, ~~or~~ timber harvesting activities, or the growing of medical marijuana by medical marijuana dispensaries, caregivers, or patients.

**COMMERCIAL GARDENING** - Any land area in which plants, vegetables, flowers and similar materials are grown for sale. Commercial Gardening does not include the growing of medical marijuana by medical marijuana dispensaries, caregivers, or patients.

**COMMERCIAL GREENHOUSE** - Any structure in which plants, vegetables, flowers and similar materials are grown for sale. Commercial Greenhouse does not include the growing of medical marijuana by medical marijuana dispensaries, caregivers, or patients.

**MARIJUANA** - As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.17, “Marijuana.”

MEDICAL MARIJUANA - Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

MEDICAL MARIJUANA CAREGIVER - A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

MEDICAL MARIJUANA LAND USES - Any of 3 types of land uses, defined herein, that cover the full range of options for lawful cultivating, processing, storing and distributing medical marijuana.

MEDICAL MARIJUANA HOME PRODUCTION - Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory land use.

MEDICAL MARIJUANA GROWING FACILITY - A facility used for cultivating, processing, and/or storing medical marijuana by one or more medical marijuana caregiver(s) at a location which is not the medical marijuana caregiver's primary year-round residence or their patient's primary year-round residence. This shall be considered a commercial land use.

MEDICAL MARIJUANA DISPENSARY - A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial land use.

***NOTE:*** This is considered "Option #1" from the Planning Board. If the Council chooses to approve this ordinance amendment, Staff is recommending that it be passed as an emergency ordinance due to the fact that the Medical Marijuana Moratorium that is in place expires during the first week of October 2016.

## **September 20, 2016**

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

Motion by Councilor Swanton, seconded by Councilor Lessard to amend the ordinance amendment by accepting only the change to the Table A, and disregarding the rest of the proposed language.

Motion by Councilor Laverriere, seconded by Councilor Mills to table the ordinance amendment until December 31, 2016.

Vote: 4/4; Councilors Seaver, Ready, Swanton and McCurry opposed.

Councilors St. Cyr, Mills, Laverriere and Lessard in favor.

Mayor Casavant voted in favor of tabling to break the tie.

**January 3, 2017**

Motion by Councilor McCurry, seconded by Councilor Swanton to remove the ordinance amendment from the table.

Vote: 6/3; Councilors Lessard, Laverriere and Mills opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Ready and Seaver in favor.

Motion to remove from table carries.

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

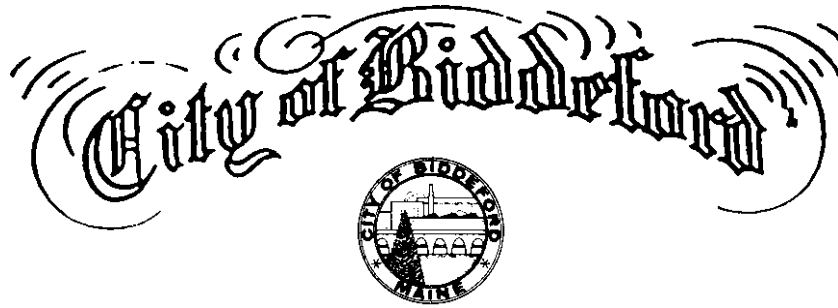
Motion by Councilor Ready, seconded by Councilor McCurry to amend the ordinance amendment by ensuring the incorporation of the three items outlined in Economic Development Director, Daniel Stevenson's memo.

Vote: 8/1; Councilor Lessard opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Laverriere, Ready and Seaver in favor.

Motion to amend carries.

Vote on first reading, as amended: Unanimous.



**2016.88** **IN BOARD OF CITY COUNCIL..SEPTEMBER 20, 2016**  
**BE IT ORDAINED** by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

**Part III (Land Development Regulations), Article VI (Performance Standards):**

**Section 77. Medical Marijuana**

- A. Before submission of a Conditional Use Application, the applicant must demonstrate their authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program.
- B. As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting.
- C. No Medical Marijuana Dispensary or Medical Marijuana Growing Facility shall be closer than 250 linear feet, measured in a straight line from the Dispensary or Facility building entrance, to the nearest point on the boundary of any property which is occupied by a licensed day care facility, school, Town park, Town playground or church.
- D. Before granting an approval, the Planning Board shall ensure the applicant has reviewed their property and building security plans with the Biddeford Police Department and the Police Department finds the security measures are consistent with State requirements.
- E. No signs containing the word "marijuana," or a graphic/image of any portion of a marijuana plant or otherwise identifying medical marijuana shall be erected, posted or in any way displayed on the outside of a Medical Marijuana Dispensary or a Medical Marijuana Growing Facility. Interior advertisements, displays of merchandise or signs depicting the activities of a Medical Marijuana Dispensary or a Medical Marijuana Growing Facility shall be screened to prevent public viewing from outside such facility.
- F. No use shall emit offensive, harmful, or noxious odors beyond the property line.

***NOTE:*** This is considered "Option #2" from the Planning Board. If the Council chooses to approve this ordinance amendment, Staff is recommending that it be passed as an emergency ordinance due to the fact that the Medical Marijuana Moratorium that is in place expires during the first week of October 2016.

**September 20, 2016**

Motion by Councilor McCurry, seconded by Councilor Seaver to table the ordinance amendment until December 31, 2016.

Vote: 7/1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Mills, Laverriere, Ready, Seaver and Lessard in favor.

Motion to table carries.

**January 3, 2017**

Motion by Councilor McCurry, seconded by Councilor Quattrone to remove the ordinance amendment from the table.

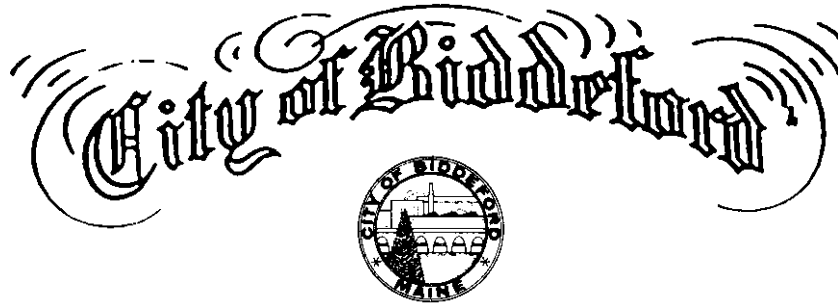
Vote: 8/1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Mills, Laverriere, Ready, Seaver and Lessard in favor.

Motion to remove from table carries.

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

Vote: Unanimous.



**2017.3**

**IN BOARD OF CITY COUNCIL...JANUARY 3, 2017**

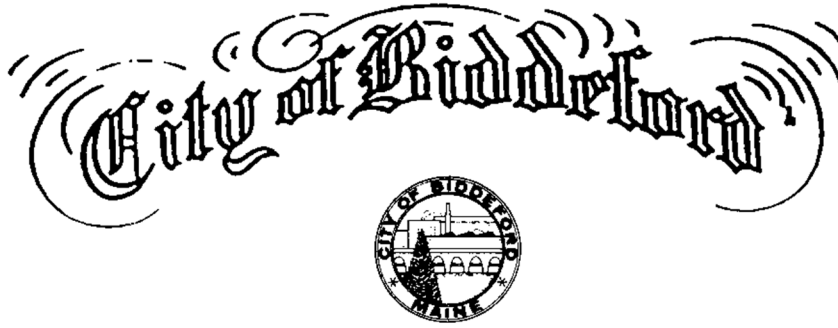
**BE IT ORDAINED**, by the City Council of the City of Biddeford that does hereby amend the Code of Ordinances by deleting some of the Administrative Sections contained within Ch. 46, Parks and Recreation that relate to the Recreation Commission and other Administrative functionality by moving and re-numbering these pertinent sections to Ch. 2, Administration; and be it further Ordained, that Ch. 46 is re-named City of Biddeford Parks Ordinance.

NOTE: The various proposed amendments are attached hereto.

**January 3, 2017**

Motion by Councilor Ready, seconded by Councilor McCurry to grant the first reading of the ordinance amendments.

Vote: Unanimous.



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE III RECREATION DIRECTOR ARTICLE I, IN-GENERAL RECREATION DIRECTOR** be amended by adding and deleting , to read as follows

**Sec. 46-51 ~~46-1~~ Appointment; hiring of personnel; oversight.**

~~[Code 1975, § 16-31(a) — (c); Ord. of 5-18-1999(2)]~~

~~(a) The Recreation Director shall be appointed by the City Manager and confirmed by the City Council.~~

~~(b) All personnel hired by the Recreation Director shall be approved by the City Manager.~~

~~(c) The Recreation Director shall be directly responsible to the Recreation Commission and City Manager in all matters relating to the recreation department.~~

**Sec. 46-52 ~~46-2~~ Powers and duties.**

~~[Code 1975, § 16-31(d), (e); Ord. of 5-18-1999(2)]~~

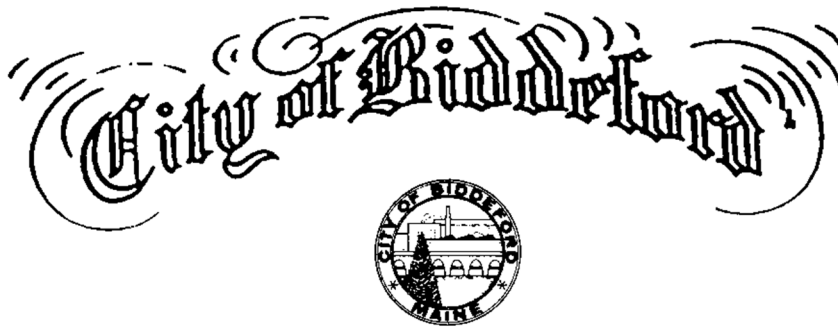
~~(a) The Recreation Director shall formulate and carry out recreation programs, with the approval of the Recreation Commission, for the benefit of the City's citizens, and cooperate with other departments and/or agencies.~~

~~(b) The Recreation Director shall recommend the improvement of recreational lands and facilities within the City and make periodic reports, as requested by the Recreation Commission or by the City Manager, on the operation of the Department.~~

**Sec. 46-53 ~~46-3~~ Annual budget; reports; other duties.**

~~[Code 1975, § 16-31(f); Ord. of 5-18-1999(2)]~~

~~The Recreation Director shall, with the consent and review of the Recreation Commission, submit annually a budget for the ensuing year and submit reports as requested by the Commission to the City Manager. The Director shall also carry out such duties, provided they fall within the scope of the Recreation Department, as the Recreation Commission may from time to time assign.~~



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE II, PARKS AND RECREATION COMMISSION** be amended by adding and deleting , to read as follows

~~Sec. 46-26-**Established; membership; meetings.**~~

~~{Code 1975, §§ 16-29, 16-30; Ord. of 5-18-1999(2)}~~

~~(a) There is hereby established in the City a Recreation Commission. The Recreation Commission shall have seven members, who shall serve for five year terms.~~

~~[Amended 4-7-2009 by Ord. No. 2009.12]~~

~~(b) The Recreation Commission shall hold an annual meeting for the purpose of electing a Chairman and thereafter shall meet monthly at the time and place as set by the Commission.~~

~~(c) Appointments to the Recreation Commission shall be made by the Mayor, subject to confirmation by the City Council.~~

~~(d) Vacancies on the Recreation Commission shall be filled for the remainder of the term in the same manner as for original appointments.~~

~~(e) The Recreation Commission shall act by majority vote of those present and voting, except that an absolute majority of three shall be required for actions taken under Section 46-28(a).~~

~~Sec. 46-27-**Functions and purposes.**~~

~~{Code 1975, § 16-29; Ord. of 5-18-1999(2)}~~

~~The functions and purposes of the Recreation Commission shall be as follows:~~

~~(1) To manage and promote the City's existing recreational facilities and services, to include the J. Richard Martin Community Center, and to plan, promote and encourage new recreational facilities and services.~~

~~[Amended 4-19-2011 by Ord. No. 2010.105]~~

~~(2) To establish and maintain files of data, and information of interest and assistance for area publicity and recreational development.~~

~~(3) To serve as coordinator for such boards that may be established from time to time to study matters relating to school recreation programs and facilities, state and federal recreational programs and facilities.~~

~~(4) To oversee, that the Director is to gather, correlate, and preserve in usable form, records, statistics, survey and other data relating to recreational programs and facilities and other matters that will enable it to carry out its functions and purposes.~~

~~(5) To perform such other functions as may be required by the City Council for the recreational development.~~

~~(6) To review all applicants and/or tenants, subject to approval of the City Council.~~  
~~[Added 4-19-2011 by Ord. No. 2010.105]~~

~~(7)~~  
~~To recommend all major repairs, subject to review by the Capital Projects/Operations Committee.~~  
~~[Added 4-19-2011 by Ord. No. 2010.105]~~

~~46-28-Designation as City's agent; other duties.~~  
~~[Code 1975, § 16-32; Ord. of 5-18-1999(2)]~~

~~(a) The Mayor and City Council may from time to time designate the Recreation Commission to serve as agent or authorized representative for the City in matters relating recreational facilities to the federal government, the state, other cities and towns, persons or corporations. All contracts, agreements and other matters entered into under the authority contained in this article shall be executed by the Director and Chairman. No expenditure of any funds, however, will be made without the prior approval of the Finance Committee and City Council.~~

~~(b) Notwithstanding the provisions of the City's Code of Ordinances Sec. 62-83, Naming of streets, the Commission may designate and identify the trails and access roads within any of the City parks, by name or other numbering system, after consultation with the Recreation Director and the approval of the City's 9-1-1 addressing officer.~~  
~~[Added 4-2-2013 by Ord. No. 2013.18<sup>[1]</sup>]~~

<sup>[1]</sup>  
~~Editor's Note: This ordinance also redesignated former Subsection (b) as Subsection (c).~~

~~(c) The Mayor and City Council may assign other powers and duties to the Recreation Commission as it deems best.~~

~~Sec. 46-29-Sponsorship and advertising.~~  
~~[Added 3-18-2014 by Ord. No. 2014.18]~~

~~The purpose of this section is to aid in the creation of revenue to support recreation programs and facilities.~~

~~(1) Make available to the public an opportunity to advertise in, but not limited to the following areas:~~

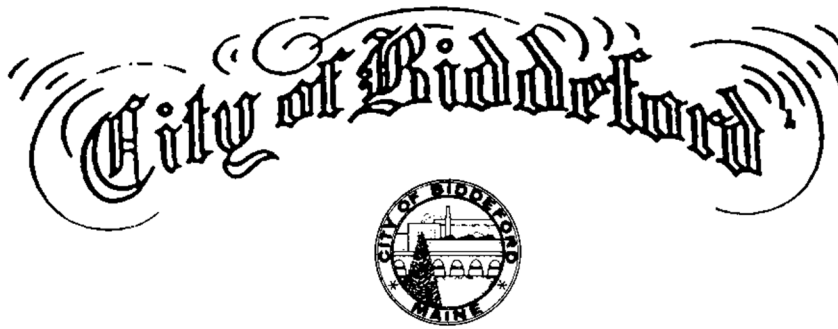
- ~~a. Banners displayed in parks and athletic facilities.~~
- ~~b. Publications.~~
- ~~c. Media.~~
- ~~d. Sponsorship of special events and teams.~~

~~(2) Inappropriate marketing activities are deemed but not limited to:~~

- ~~a. Any activity that is prohibited by law or City ordinance.~~
- ~~b. Any activity that may be offensive to prevailing community standards.~~
- ~~c. Any activity that promotes a social, religious or political organization or position.~~
- ~~d. Any activity that creates a conflicting message with the Recreation Department.~~
- ~~e. Any activity that promotes negative behavior or values.~~
- ~~f. Any activity that is inconsistent with promoting a drug , tobacco and alcohol free environment.~~

~~(3) Usage of collected funds is to support the activity or facility for which they are intended for.  
(Example: a banner at St. Louis Field would help fund the upkeep, capital projects and repair of that facility.)~~

~~(4) The Recreation Commission will review and approve marketing activities.~~



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE IV RECREATION FACILITIES** be amended by adding and deleting , to read as follows

~~Sec. 46-75~~ **Authority.**

~~[Ord. of 5-18-1999(2); Ord. No. 2007.34, 6-2-2007]~~

~~The Director of Public Works is responsible for the maintenance of City-owned parks. The Recreation Director shall coordinate recreational activities in the parks with the Director of Public Works.~~

~~Sec. 46-76~~ **General prohibitions.**

~~[Ord. No. 2001.15, 3-8-2001; Ord. No. 2006.6, 2-21-2006; Ord. No. 2007.34, 6-2-2007]~~

~~The following are prohibited in or on any of the City's public parks and facilities. Park rules and park hours shall be conspicuously posted at all parks and recreational facilities.~~

- ~~(1) Alcoholic beverages;~~
- ~~(2) Littering;~~
- ~~(3) Unleashed dogs; and~~
- ~~(4) Firearms.~~

~~Except as specifically authorized elsewhere in this article, all park hours are from dawn to dusk.~~

~~Sec. 46-76.1~~ **Safe zones.**

~~[Ord. No. 2007.34, 6-2-2007]~~

~~Pursuant to its authority under 30-A M.R.S.A. § 3253, the City does hereby designate the following athletic fields, parks, playgrounds or recreational facilities as a "safe zone" under 17-A M.R.S.A. § 1101(23):~~

- ~~(1) Rotary Park (includes entire parcel from Main Street to the Saco River).~~
- ~~(2) Doran Field.~~
- ~~(3) St. Louis Field (entire fenced in area to encompass both Field 1 and Field 2, so called).~~
- ~~(4) Waterhouse Field.~~

~~(5) Mayfield (including all baseball and softball field, and tennis courts).~~

~~(6) Clifford Park (playground that abuts Pool Street, and includes tennis and basketball courts).~~

~~(7) Biddeford Pool Bathhouse/Gilbert Boucher Park.~~

~~[Amended 3-3-2015 by Ord. No. 2015.7]~~

~~(8) J. Richard Martin Community Center Playground.~~

~~[Amended 3-3-2015 by Ord. No. 2015.7]~~

~~(9) Canopy Park.~~

~~[Amended 3-3-2015 by Ord. No. 2015.7]~~

~~(10) The Arena (Biddeford Ice Arena).~~

~~(11) Williams Court Park.~~

~~[Added 3-3-2015 by Ord. No. 2015.7]~~

~~(12) Mechanics Park.~~

~~[Added 3-3-2015 by Ord. No. 2015.7]~~

~~(13) Shevenell minipark.~~

~~[Added 3-3-2015 by Ord. No. 2015.7]~~

~~(14) Liberty minipark.~~

~~[Added 3-3-2015 by Ord. No. 2015.7]~~

~~(15) Pierson's Lane Community Park.~~

~~[Added 3-3-2015 by Ord. No. 2015.7]~~

~~The Commissioner of Public Safety has approved the following wording to be used on a safe zone informational sign under the Maine Revised Statutes, Title 30-A § 3253:~~

**DRUG-FREE**

**SAFE ZONE**

**INCREASED PENALTIES FOR DRUG CRIMES**

**COMMITTED WITHIN THIS ZONE**

**(17-A, M.R.S.A. CHAPTER 45)**

17-A, M.R.S.A. CHAPTER 45)

Sec. 46-76.2 **~~Tobacco /smoke-free recreational facilities.~~**

~~[Added 5-5-2009 by Ord. No. 2009.23; amended 11-1-2011 by Ord. No. 2011.69; 3-3-2015 by Ord. No. 2015.8; 5-3-2016 by Ord. No. 2016.27]~~

~~(a) Definitions. As used in this section, the following terms shall have the meanings indicated:~~

~~TOBACCO/SMOKING~~

~~Includes but is not limited to cigarettes, cigars, snuff, pipes, spit tobacco, e-cigarettes, including vapes, personal vaporizer (PV).~~

## TOBACCO-/SMOKE-FREE ZONE

~~Includes City-owned playgrounds, sports fields, parks and beaches.~~

### ~~(b) Rule.~~

~~(1) A person may not use any form of tobacco in a tobacco-/smoke-free zone.~~

~~(2) Sign(s) shall be posted indicating to the general public that the area so posted is a tobacco-/smoke-free zone.~~

### ~~(c) Enforcement.~~

~~(1) Recreation and Parks staff shall notify community organizations and distribute and post "tobacco-/smoke-free zone" signs at designated locations.~~

~~(2) Recreation and Parks staff shall monitor compliance.~~

~~(3) The Recreation and Parks staff, or other person designated by the Recreation Director, including any law enforcement officer, is authorized to enforce this section. A person who is found in violation of this section shall request that the person cease the use of tobacco products and be issued a verbal warning. If that person refuses to comply or continues to otherwise remain in violation of this section, that person may be requested to leave the tobacco-/smoke-free zone. Refusal by any person to leave the tobacco-/smoke-free zone as requested is considered a trespass.~~

~~(d) Penalties. Any person who, after being warned by an authorized person to cease the use of tobacco products and remains in violation of this section is subject to penalties in accordance with Chapter 1, Section 1-12, of this Code.~~

### ~~Sec. 46-77 Rotary Park and Dog Park.~~

~~[Code 1975, § 16-84(a); Ord. No. 2001.15, 3-8-2001; Ord. No. 2003.84, 8-19-2003; Ord. No. 2006.16, 3-7-2006; Ord. No. 2007.34, 6-2-2007; Ord. No. 2008.44, 6-17-2008]~~

~~The following additional rules are in effect for Rotary Park, located at 550 Main Street (GIS 32-2):~~

~~(1) Except as specifically authorized in writing by the Recreation Director, park hours are from dawn to dusk.~~

~~(2) Speed limit: 15 miles per hour.~~

~~(3) Horses or horse-drawn vehicles or dogs may not use any part of the beach between the hours of 9:00 a.m. and 8:00 p.m. from May 25 to September 15 of each year. Between September 16 and May 24 dogs may be off leash and under voice command all day on the beach. The "beach" shall be defined as the sandy area along the river and does not include bordering river bank or grass area.~~

~~[Amended 11-18-2014 by Ord. No. 2014.109]~~

~~(4) Motor vehicles and bicycles are allowed to use the main road and parking areas only. No unauthorized vehicles, including but not limited to snowmobiles and all-terrain vehicles (ATVs), are permitted in the park.~~

~~(5) Primarily the Biddeford Youth Football Association/Biddeford Youth Cheering will use the Redmond Football fields during the months of August through October annually. Ages eight through 13 will be permitted in this program and given priority use of this through youth football. These fields are not intended for any adult sport activity unless given written permission by the Biddeford Recreation Director.~~

~~(6) An area within Rotary Park shall be designated by the Recreation Commission for exclusive use as a dog park. This area shall be fenced in, and in addition to the existing rules governing Rotary Park, the entrance to the dog park shall be posted with the following rules:~~

~~[Added 5-5-2009 by Ord. No. 2009.24]~~

- ~~a. The gate shall be properly and securely latched except as necessary for entering and exiting.~~
- ~~b. Dog(s) must be leashed while outside the fenced-in area.~~
- ~~c. Dog(s) must be properly licensed.~~
- ~~d. Prong/spike collars are prohibited.~~
- ~~e. Dog(s) must be at least six months old.~~  
~~Dog(s) must be at least six months old.~~
- ~~f. Dog(s) that are sick or in heat are prohibited.~~
- ~~g. Children under the age 12 years of age must be accompanied by an adult.~~
- ~~h. Dog(s) must remain under the control of the owner/handler at all times.~~
- ~~i. Owner(s) must accompany the dog(s) within the fenced-in area.~~
- ~~j. No more than two dog(s) per owner/handler.~~
- ~~k. The owner/handler must be in possession of a leash for each dog under his control.~~
- ~~l. The owner/handler is responsible for and must pick up and properly dispose of any dog waste.~~
- ~~m. No food, smoking or glass containers are permitted.~~
- ~~n. Dog toys are discouraged.~~
- ~~o. No digging.~~
- ~~p. No excessive or aggressive barking is allowed.~~
- ~~q. All persons entering the dog park do so at their own risk and fully release the City of Biddeford from any and all claims which may arise directly or indirectly from the use of the dog park.~~

~~Sec. 46-78 **Clifford Park.**~~

~~[Code 1975, § 16-85; Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules are in effect in Clifford Park, located at 130 Pool Street (GIS 39-334):~~

- ~~(1) No vehicles, including bicycles, are allowed in the playground area.~~
- ~~(2) Motorized vehicles are prohibited from using or remaining on or upon any of the park trails, or in any other area of the park. Registered motor vehicles are restricted to the designated parking areas only. Snowmobiles may use park trails and are restricted to the wooded areas only. Vehicles found in violation may be towed at the owner's expense, and the operator subject to civil and/or criminal penalties.~~

~~[Amended 4-3-2012 by Ord. No. 2012.25]~~

~~Basketball is prohibited between the hours of dusk and 8:00 a.m.~~

~~Sec. 46-79 **Biddeford Pool bathhouse/Gilbert Boucher Park.**~~

~~[Code 1975, § 16-86(a); Ord. of 5-18-1999(2); Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed in the Biddeford Pool bathhouse and at the Gilbert Boucher Park:~~

- ~~(1) Bathhouse hours are from 10:00 a.m. to 5:00 p.m., in season.~~
- ~~(2) Horses or horse-drawn vehicles or dogs may not use any part of the beach between the hours of 9:00 a.m. to 5:00 p.m. from May 25 to September 15 of each year.~~
- ~~(3) Weather permitting, a lifeguard will be on duty from 10:00 a.m. to 5:00 p.m., during those dates that are authorized by the Recreation Director.~~
- ~~(4) Three spaces in the parking facility are designated and clearly marked as disability parking only. These spaces are located to the left of the bathhouse near the boardwalk to the beach.~~

**Sec. 46-80 Biddeford Pool mini-park.**

~~[Code 1975, § 16-86(b); Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The Biddeford Pool mini-park is located at 0 Lester B. Orcutt Boulevard (GIS 59-117). The signs in the Biddeford Pool mini-park will indicate that it is a public park and that there is a public boat ramp.~~

**Sec. 46-81 Shevenell mini-park.**

~~[Code 1975, § 16-87; Ord. of 9-6-1994, § 16-87; Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules are in effect at Shevenell mini-park located at 149 Main Street (GIS 38-372):~~

- ~~(1) No vehicles, including bicycles and otherwise, are allowed in the park.~~
  - ~~(2) There shall be no ball or frisbee playing in the park.~~
  - ~~(3) No feeding of pigeons in the park.~~
- ~~Use of roller blades, roller skates, or skate boards is prohibited in the park.~~

**Sec. 46-82 Liberty mini-park.**

~~[Code 1975, § 16-88; Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed in Liberty mini-park, located at 2 Water Street (GIS 41-129):~~

- ~~(1) No vehicles, including bicycles and otherwise, are allowed in the park.~~
- ~~(2) There shall be no ball or frisbee playing in the park.~~
- ~~(3) Use of roller blades, roller skates, or skate boards is prohibited in the park.~~

**Sec. 46-83 Memorial Park (Mayfield). Located at 130 May Street (GIS 27-34).**

~~[Ord. of 9-16-1994, § 16-89; Ord. No. 2001.15, 3-8-2001; Ord. No. 2002.130, 12-17-2002; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules shall be observed at the Memorial Park (Mayfield):~~

- ~~(1) Tennis court lights will be shut off not later than 10:30 p.m.~~

~~(2) Vehicles, including but not limited to bicycles are prohibited in the playground or tennis areas.~~

~~(3) Basketball is prohibited between the hours of dusk to 8:00 a.m.~~

~~(4) Middle ball field, located behind the Mayfield building, will be used by children ages 11 and under for minor league programs. Minor league programs will be given priority in permit process. Those over the ages of 11 are not permitted to play baseball on Middle field, unless under adult supervision.~~

~~Upper ball field, located nearest five points area, will be used by all ages for softball. Baseball is not permitted on this field. Biddeford Little League Softball will be given priority in the permitting process.~~

~~Lower field, located nearest to Colonial Drive, will be designated for West Biddeford Little League. Those over the age of 14 are not permitted to play baseball on West Biddeford Little League field, unless under adult supervision.~~

~~(5) Skateboards, roller blades, and hockey sticks are prohibited from the tennis court area.~~

~~(6) Snowmobiles all terrain vehicles, (ATVs), and similar vehicles are prohibited in the park.~~

~~Snowmobiles all terrain vehicles, (ATVs), and similar vehicles are prohibited in the park.~~

#### **Sec. 46-84 J. Richard Martin Community Center Playground.**

~~[Ord. of 9-6-1994, § 16-90; Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007; amended 5-1-2012 by Ord. No. 2012.32]~~

~~The following additional rules will be observed at the J. Richard Martin Community Center Playground located at: 189 Alfred Street (GIS 34-228), and further identified as the area located in the front of the Community Center, which is bordered by a fence.~~

~~(1) Playground area is intended for use by those children ages six through 12. Younger children must be supervised by an adult.~~

~~(2) No baseball playing on the premises.~~

~~(3) No dogs allowed.~~

~~(4) No bicycles.~~

#### **Sec. 46-85 Doran Field.**

~~[Ord. of 9-6-1994, § 16-91; Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed at the Doran Field located at 314 South Street (GIS 32-4):~~

~~(1) Vehicles allowed only in the parking lot area.~~

~~(2) Playground area is designed for ages six through 10. Younger children should be supervised by an adult.~~

~~(3) No baseball playing on the premises.~~

#### **Sec. 46-86 Vines Landing.**

~~[Ord. of 8-4-1998(6); Ord. No. 2000.56, 7-5-2000; Ord. No. 2002.18, 3-5-2002; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed at the Vines Landing located at the westerly end of Lester B. Orcutt Boulevard. (GIS 59-117)~~

~~(1) Vehicles are allowed to park only in designated spaces and only for park visitors, boat launching and valid mooring permit holders.~~

~~(2) No vehicle parking between the hours of 11:00 p.m. and 4:00 a.m.~~

~~;~~

~~(3) No items may be stored on the premises.~~

~~(4) Except for persons holding a valid commercial shellfish harvester's license, which has been issued by the city clerk in accordance with Section 74-105 of this chapter, parking on the beach or intertidal parking is prohibited. Violators are subject to parking fines, and the vehicle may be towed at the owner's expense.~~

~~[Amended 6-7-2016 by Ord. No. 2016.40]~~

~~(5) One parking space shall be designated and clearly marked for disability parking.~~

~~[Added 6-2-2009 by Ord. No. 2009.40]~~

#### ~~Sec. 46-87 **Park in the Pines.**~~

~~[Ord. of 2-16-1999(7); Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following additional are rules for the Park in the Pines, located at 194 Hills Beach Road, (GIS 55-51):~~

~~(1)~~

~~No vehicles are allowed within the park, except for the launching of boats, canoes, etc.~~

#### ~~Sec. 46-88 **Mechanic's Park at White's Wharf.**~~

~~[Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.34, 6-2-2007]~~

~~The following are additional rules for Mechanic's Park at White's Wharf, located at 3 Main Street, GIS 41-1):~~

~~(1) Exceptions to park hours include, but are not limited to: La Kermesse recreation department activities and other City permitted events.~~

~~(2) No vehicles, including bicycles and otherwise are allowed in the park.~~

~~(3) There shall be no ball or frisbee playing in the park.~~

~~(4) Use of roller blades, roller skates, or skate boards is prohibited in the park.~~

#### ~~Sec. 46-89 **(Reserved)** [1]~~

~~[4]~~

~~Editor's Note: Former Sec. 46-89, St. Louis Field, as amended, was repealed 11-18-2014 by Ord. No. 2014.110.~~

~~;~~

#### ~~Sec. 46-90 **Canopy Park.**~~

~~[Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed at Canopy Park, located at 65 Bacon Street, (GIS 39-129):~~

~~(1) No vehicles, including bicycles and otherwise, are allowed in the park.~~

~~(2) Use of roller blades, roller skates, or skate boards is prohibited in the park.~~

~~Sec. 46-91 **F.O.A.V. Court Park.**~~

~~[Ord. No. 2007.34, 6-2-2007]~~

~~The following additional rules will be observed at F.O.A.V. Court Park, located at 2 FOAV Court, (GIS 39-137):~~

~~(1) No vehicles, including bicycles and otherwise, are allowed in the park.~~

~~(2) Use of roller blades, roller skates, or skate boards is prohibited in the park.~~

~~Sec. 46-92 **Pierson's Lane Community Park.**~~

~~[Ord. No. 2008.43, 6-17-2008]~~

~~The following additional rules will be observed at the Pierson's Lane Community Park, located at 38 and 40 Pierson's Lane. (GIS 39-117 and 39-116):~~

~~(1) No dog is allowed in the park.~~

~~(2) No vehicles or bicycles are allowed in the park.~~

~~(3) No ball or frisbee playing in the park.~~

~~Sec. 46-93 **Williams Court Park.**~~

~~[Added 5-3-2011 by Ord. No. 2011.21]~~

~~In addition to the rules promulgated under Section 46-76 of this chapter, the following are additional rules for Williams Court Park, located at Williams Court, and more specifically identified as GIS 183; GIS 182; and GIS 169-1.~~

~~(1) Park open to pedestrians only.~~

~~(2) No vehicles, including bicycles and otherwise are allowed in the park.~~

~~(3) There shall be no ball or frisbee playing in the park.~~

~~(4) Use of roller blades, roller skates, or skateboards is prohibited in the park.~~

~~(5) No dogs.~~

~~Sec. 46-94 **RiverWalk Plaza and RiverWalk Phase 2.**~~

~~The following additional rules will be observed at RiverWalk Plaza and RiverWalk Phase 2 located at 2 Main Street, Map 71, Lot 11, and as defined by the easements recorded at the York County Registry of Deeds in Book 16028, Page 417, and Book 16407 and Page 102-111.~~

~~(a) The hours of operation for the Overlook Platform, including the stairs and ramp to the Overlook Platform, shall be dawn to dusk.~~

~~(b) No skateboards or rollerblades shall be allowed.~~

~~(c) No fishing shall be allowed.~~

~~(d) No bicycles shall be allowed on the Overlook Platform, including the stairs and ramp to the Overlook Platform.~~

~~(e) No activity involving throwing shall be permitted, including all types of balls, Frisbees or hacky sacks.~~

~~(f) River Walk shall not be reserved by any person or groups for group events.~~

~~NOTE: These rules govern the public's use of a public easement over private property.~~

~~As outlined in the "RiverWalk Management Agreement" dated September 4, 2012, the above rules may not be amended without the prior written consent of the property owner.~~

~~Sec. 46-95 **Washington Street School Park.**  
owner.~~

~~Sec. 46-95 **Washington Street School Park.**  
[Added 4-16-2013 by Ord. No. 2013.20]~~

- ~~(a) The City of Biddeford-owned parcel of land located at 75 Washington Street, and more specifically identified in the City Tax Maps as GIS 38-312-1, is hereby designated as a City park and shall henceforth be known as "Washington Street School Park."~~
- ~~(b) In addition to the rules promulgated under Section **46-76** of this chapter, the following are additional rules for Washington Street School Park:~~
- ~~(1) Park shall be open to pedestrians only.~~
  - ~~(2) There shall be no ball or Frisbee playing in the park.~~
  - ~~(3) Use of roller blades, roller skates, or skateboards is prohibited in the park.~~
  - ~~(4) There shall be no unleashed dogs.~~

~~Sec. 46-96 **Veteran's Memorial Park.**  
[Added 6-4-2013 by Ord. No. 2013.41]~~

- ~~(a) The City of Biddeford-owned parcel of land located at 2 Pool Street, and more specifically identified in the City Tax Maps as GIS 38-419, is hereby designated as a City park and shall henceforth be known as "Veteran's Memorial Park."~~
- ~~(b) In addition to the rules promulgated under Section **46-76** of this chapter, the following are additional rules for Veteran's Memorial Park:~~
- ~~(1) Park shall be open to pedestrians only.~~
  - ~~(2) There shall be no ball or Frisbee playing in the park.~~
  - ~~(3) Use of roller blades, roller skates, or skateboards is prohibited in the park.~~
  - ~~(4) There shall be no unleashed dogs.~~

~~Sec. 46-97 **City Square Park.**  
[Added 6-18-2013 by Ord. No. 2013.42]~~

- ~~(a) The City of Biddeford-owned parcel of land located at 58 Lincoln Street, and more specifically identified in the City Tax Maps as GIS 38-132, is hereby designated as a City park and shall henceforth be known as "City Square Park."~~
- ~~(b) In addition to the rules promulgated under Section **46-76** of this chapter, the following are additional rules for City Square Park:~~
- ~~(1) Park shall be open to pedestrians only.~~
  - ~~(2) There shall be no ball or Frisbee playing in the park.~~
  - ~~(3) Use of roller blades, roller skates, or skateboards is prohibited in the park.~~
  - ~~(4) There shall be no unleashed dogs.~~

~~Sec. 46-98 Cannon Plaza.~~

~~[Added 6-18-2013 by Ord. No. 2013.43]~~

~~(a) The City of Biddeford-owned parcel of land located at 59 South Street, and more specifically identified in the City Tax Maps as GIS 38-201, is hereby designated as a City park and shall henceforth be known as "Cannon Plaza."~~

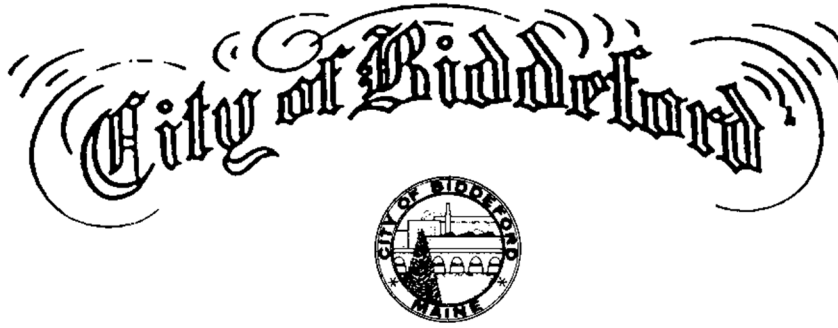
~~(b) In addition to the rules promulgated under Section 46-76 of this chapter, the following are additional rules for Cannon Plaza:~~

~~(1) Park shall be open to pedestrians only.~~

~~(2) There shall be no ball- or Frisbee-playing in the park.~~

~~(3) Use of roller blades, roller skates, or skateboards is prohibited in the park.~~

~~(4) There shall be no unleashed dogs.~~



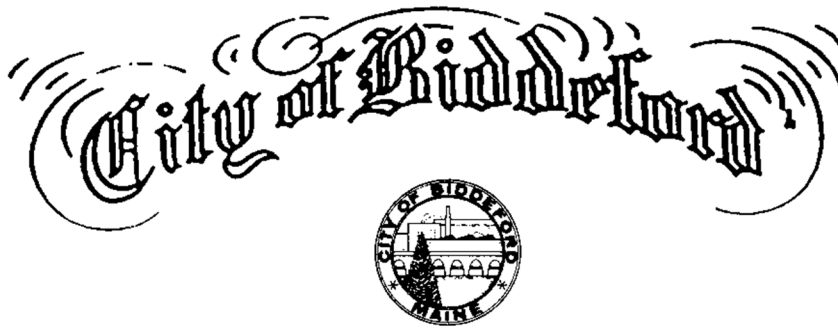
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE IV, PARKS AND RECREATION FACILITIES** be amended by adding and deleting , to read as follows

**~~Sec. 46-76 General Prohibitions.~~**

~~The following are prohibited in or on any of the City's public parks and facilities. Park rules and park hours shall be conspicuously posted at all parks and recreational facilities.~~

- ~~(1) Alcoholic beverages;~~
- ~~(2) Littering;~~
- ~~(3) Unleashed dogs;~~
- ~~(4) Firearms;~~
- ~~(5) Bows, crossbows or other similar devices;~~
- ~~(6) Hunting.~~

~~Except as specifically authorized elsewhere in this article, all park hours are from dawn to dusk.~~



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE V BEACHES** be amended by adding and deleting , to read as follows:

**~~Sec. 46-106 Lifeguard.~~**

~~[Code 1975, § 16-83(6); Ord. of 5-18-1999(2); Ord. No. 2005.70, 8-2-2005; Ord. No. 2007.35, 6-5-2007]~~

~~There will be a lifeguard on duty, and stationed at those public beaches in the City that are designated by the Recreation Director, during those hours that the Director establishes (weather permitting) The Recreation Director is responsible for the hiring and supervision of lifeguards and other beach related personnel.~~

**~~Sec. 46-107 Dogs, horses, horse-drawn vehicles.~~**

~~[Code 1975, § 16-83(1); Ord. No. 2005.80, 9-20-2005; Ord. No. 2007.35, 6-5-2007]~~

~~(a) No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are prohibited completely from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day after September 16 to March 14. This section does not apply to the beach at Rotary Park. (See Section **46-77**, Rotary Park and Dog Park.)~~

~~[Amended 11-18-2014 by Ord. No. 2014.109]~~

~~(b) Horses or horse-drawn vehicles, or dogs may not use any part of the City's beaches between the hours of 9:00 a.m. and 5:00 p.m. from May 25 to September 15 of each year.~~

**~~Sec. 46-108 Surfing.~~**

~~[Code 1975, § 16-83(5)]~~

~~Surfing is permitted only in designated areas, and safety lines must be worn. The lifeguard on duty will designate surfing areas.~~  
~~is permitted only in designated areas, and safety lines must be worn. The lifeguard on duty will designate surfing areas.~~

**~~Sec. 46-109 Alcoholic beverages prohibited; littering; ballplaying.~~**

~~[Code 1975, § 16-83(2) through (4); Ord. No. 2007.35, 6-5-2007]~~

~~(a) No alcoholic beverage is allowed to be brought onto, or consumed at any of the City's public beaches.~~

~~(b) No littering is allowed on the beaches.~~

~~(c) Ball and frisbee playing is allowed at the waterline only at low tide.~~

~~Sec. 46-110 **Vehicles prohibited; exceptions.**~~

~~[Code 1975, § 16-1983(7)]~~

~~No motorized or vehicular traffic of any kind may enter or use the beach for any purpose, with the exception of public safety vehicles and the City's vehicles designated for public safety or beach cleaning purposes.~~

~~Sec. 46-111 **Use of dune areas.**~~

~~[Code 1975, § 16-1983(8)]~~

~~No traffic of any kind, vehicular or pedestrian, may enter or use any area of the beach wherein dune grass, so-called, is growing. It shall also be a violation of this section to burn, crush, uproot, poison or in any other manner kill, injure or remove any dune grass, so-called, or any other vegetation growing on the beach.~~

~~Sec. 46-112 **Rotary Park Beach.**~~

~~[Code 1975, § 16-84(b); Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.35, 6-5-2007]~~

~~The following rules and general prohibitions shall be observed at Rotary Park Beach:~~

~~(1) Signs will be posted advising the general public that swimming is at own risk when a lifeguard is not present and on duty.~~

~~(2) (Reserved)~~

~~(3) (Reserved)~~

~~(4) No ball or frisbee playing is permitted on the beach, or any part thereof.~~

~~(5) (Reserved)~~

~~(6) Vehicles are prohibited as posted.~~

~~(7) Except as specifically authorized in writing by the Recreation Director, park hours are from dawn to dusk.~~

~~(8) Beach hours are from 9:00 a.m. to 8:00 p.m. from May 25 to mid-August and from 9:00 a.m. to 6:00 p.m. from mid-August through Labor Day.~~

~~Sec. 46-113 **Beach Avenue parking and beach access areas.**~~

~~[Code 1975, § 16-1986(c); Ord. No. 2001.15, 3-8-2001; Ord. No. 2007.35, 6-5-2007]~~

~~The following additional rules and general prohibitions shall be observed at the Beach Avenue parking and beach access areas:~~

~~(1) Signs will be posted advising the general public that swimming is at own risk when a lifeguard is not present and on duty.~~

~~(2) A lifeguard is on duty from 10:00 a.m. to 5:00 p.m. (weather permitting).~~

- ~~(3) One space in the parking lot nearest to the beach access ramp will be designated and clearly marked as reserved for disability parking.~~  
~~(4) Two parking spaces will be provided for use by the lifeguard.~~

~~Sec. 46-114 (Reserved) [1]~~

~~[4]~~

~~Editor's Note: Former Section 46-114, Beach permit parking regulations enumerated, adopted as § 16-100 of the 1975 Code, as amended, was repealed 8-5-2014 by Ord. No. 2014.73. See now Section 42-66.~~

~~Sec. 46-115 Biddeford Pool Beach.~~

~~[Ord. No. 2007.35, 6-5-2007]~~

~~The following additional rules and general prohibitions shall be observed at Biddeford Pool Beach:~~

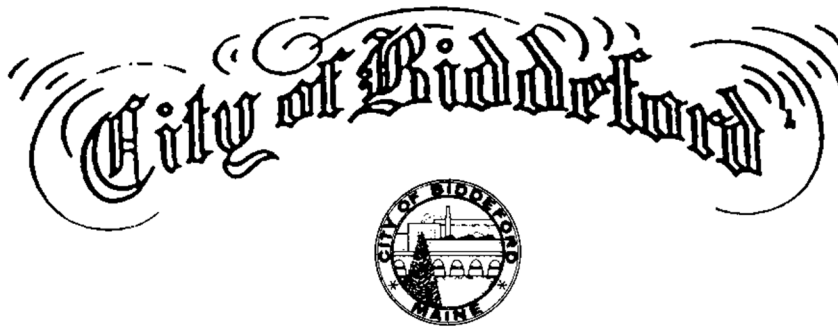
- ~~(1) Signs will be posted advising the general public that swimming is at own risk when a lifeguard is not present and on duty.~~  
~~(2) Except as specifically authorized in writing by the Recreation Director, beach hours are from dawn to dusk.~~  
~~(3) A person who is actively engaged in fishing at or near the water's edge, may do so after the park is closed, or at other times that the general public is not using the beach for recreation. A beach parking permit is not required from dusk to dawn, or at other times when the general public is not required to obtain a permit to park a vehicle at this location under Section 46-114.~~

~~Sec. 46-116 Fortunes Rocks Beach.~~

~~[Ord. No. 2007.35, 6-5-2007]~~

~~The following additional rules and general prohibitions shall be observed at Fortunes Rocks Beach:~~

- ~~(1) Signs will be posted advising the general public that swimming is at own risk when a lifeguard is not present and on duty.~~



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE VI COMMUNITY CENTER** be amended by adding and deleting , to read as follows:

~~Sec. 46-132-Board.~~

~~Sec. 46-131-Established.~~

~~[Ord. of 4-18-1994, § 16-1; Ord. of 5-18-1999(2)]~~

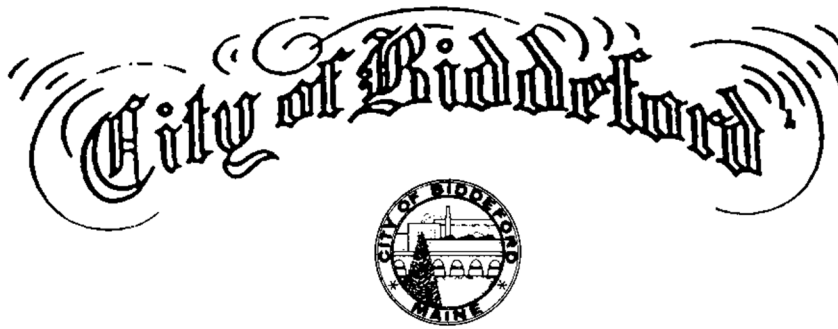
~~The J. Richard Martin Community Center located on Alfred Street shall be a public building owned by the inhabitants of the City.~~

~~Sec. 46-132-Board.~~

~~[Ord. of 4-18-1994, §§ 16-1 — 16-3; Ord. of 4-18-1995; Ord. of 12-17-1996; Ord. of 3-18-1997; Ord. of 5-18-1999(2); amended 10-5-2010 by Ord. No. 2010.104]~~

~~(a) Powers and duties; budget. The Recreation Commission shall have all the powers and perform all the duties in regard to the care and management of the Community Center. The Recreation Commission shall submit its line item budget for the operation of the center to the City's Finance Committee. The Recreation Commission shall submit the report of its activities annually to the City Council at the end of the fiscal year.~~

~~(b) Functions. In the discharge of the Recreation Commission's care and management of the community center, the Commission may establish subcommittees as follows: Capital Improvements Committee; a Policy Committee; and such other necessary and proper ad hoc committees as the Commission deems appropriate. The Recreation Commission will submit a yearly line-item budget to the City Manager for the operation and maintenance of the Community Center.~~



**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 2, ADMINISTRATION, DIVISION 9, RECREATION COMMISSION** amended by adding and deleting , to read as follows

**Sec. 2-306 Established; membership; meetings.**

[Code 1975, §§ 16-29, 16-30; Ord. of 5-18-1999(2)]

**(a) There is hereby established in the City a Recreation Commission. The Recreation Commission shall have seven members, who shall serve for five-year terms.**

[Amended 4-7-2009 by Ord. No. 2009.12]

**(b) The Recreation Commission shall hold an annual meeting for the purpose of electing a Chairman and thereafter shall meet monthly at the time and place as set by the Commission.**

**(c) Appointments to the Recreation Commission shall be made by the Mayor, subject to confirmation by the City Council.**

**(d) Vacancies on the Recreation Commission shall be filled for the remainder of the term in the same manner as for original appointments.**

**(e) The Recreation Commission shall act by majority vote of those present and voting, except that an absolute majority of three shall be required for actions taken under Section 2-308 (a)**

**Sec. 2-307 Functions and purposes.**

[Code 1975, § 16-29; Ord. of 5-18-1999(2)]

**The functions and purposes of the Recreation Commission shall be as follows:**

**(1) To manage and promote the City's existing recreational facilities and services, to include the J. Richard Martin Community Center, and to plan, promote and encourage new recreational facilities and services.**

[Amended 4-19-2011 by Ord. No. 2010.105]

**(2) To establish and maintain files of data, and information of interest and assistance for area publicity and recreational development.**

(3) To serve as coordinator for such boards that may be established from time to time to study matters relating to school recreation programs and facilities, state and federal recreational programs and facilities.

(4) To oversee, that the Director is to gather, correlate, and preserve in usable form, records, statistics, survey and other data relating to recreational programs and facilities and other matters that will enable it to carry out its functions and purposes.

(5) To perform such other functions as may be required by the City Council for the recreational development.

(6) To review all applicants and/or tenants, subject to approval of the City Council.  
[Added 4-19-2011 by Ord. No. 2010.105]

(7) To recommend all major repairs, subject to review by the Capital Projects/Operations Committee.  
[Added 4-19-2011 by Ord. No. 2010.105]

**Sec. 2-308 Designation as City's agent; other duties.**  
[Code 1975, § 16-32; Ord. of 5-18-1999(2)]

(a) The Mayor and City Council may from time to time designate the Recreation Commission to serve as agent or authorized representative for the City in matters relating recreational facilities to the federal government, the state, other cities and towns, persons or corporations. All contracts, agreements and other matters entered into under the authority contained in this article shall be executed by the Director and Chairman. No expenditure of any funds, however, will be made without the prior approval of the Finance Committee and City Council.

(b) Notwithstanding the provisions of the City's Code of Ordinances Sec. 62-83, Naming of streets, the Commission may designate and identify the trails and access roads within any of the City parks, by name or other numbering system, after consultation with the Recreation Director and the approval of the City's 9-1-1 addressing officer.  
[Added 4-2-2013 by Ord. No. 2013.18<sup>[1]</sup>]

[1]

Editor's Note: This ordinance also redesignated former Subsection (b) as Subsection (c).

(c) The Mayor and City Council may assign other powers and duties to the Recreation Commission as it deems best.

**Sec. 2-309 Sponsorship and advertising.**  
[Added 3-18-2014 by Ord. No. 2014.18]

The purpose of this section is to aid in the creation of revenue to support recreation programs and facilities.

(1) Make available to the public an opportunity to advertise in, but not limited to the following areas:

- a. Banners displayed in parks and athletic facilities.
- b. Publications.
- c. Media.
- d. Sponsorship of special events and teams.

(2) Inappropriate marketing activities are deemed but not limited to:

- a. Any activity that is prohibited by law or City ordinance.
- b. Any activity that may be offensive to prevailing community standards.
- c. Any activity that promotes a social, religious or political organization or position.
- d. Any activity that creates a conflicting message with the Recreation Department.
- e. Any activity that promotes negative behavior or values.
- f. Any activity that is inconsistent with promoting a drug-, tobacco- and alcohol-free environment.

(3) Usage of collected funds is to support the activity or facility for which they are intended for. (Example: a banner at St. Louis Field would help fund the upkeep, capital projects and repair of that facility.)

(4) The Recreation Commission will review and approve marketing activities.

This chapter shall be known and may be cited as the “City of Biddeford Parks Ordinance.”

§ 46-1 **Word usage and definitions.**

A. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

B. For the purpose of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein:

**CITY:** The City of Biddeford.

**DIRECTOR:** The Parks and Recreation Director appointed pursuant to Chapter 2, Article, § , of the Code of the City of Biddeford.

**DOG PARK:** An area that has been fenced in and designated for exclusive use by dogs. Use of Dog Parks shall have clearly established rules for its use, which shall be posted at all entrances.

**PARK:** Shall be limited to the areas within the boundaries, as described in the records of the City of Biddeford Assessor, of the following City-owned recreational properties and facilities:

**TOBACCO:** includes but is not limited to cigarettes, cigars, snuff, pipes spit tobacco, and vaping.

**TOBACCO-FREE ZONE:** Includes, city-owned playgrounds, sports fields, Parks and beaches.

**VEHICLE:** Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include but not be limited to any trailer in tow, automobile, truck, wagon, snowmobile, motor bike, skateboard, motorcycle or trail bike of any size, kind or description. Exception is made for baby carriages, bicycles, used at the Clifford Park and Rotary Park, and vehicles used in the maintenance and operation of city Parks.

Sec. 46-2 Recreation Director Appointment; hiring of personnel; oversight.

(a) The Recreation Director shall be appointed by the City Manager and confirmed by the City Council.

(b) All personnel hired by the Recreation Director shall be approved by the City Manager.

Sec. 46-3 Powers and duties.

(a) The Recreation Director shall formulate and carry out recreation programs, in consultation with the Recreation Commission, for the benefit of the City's citizens, and cooperate with other departments and/or agencies.

(b) The Recreation Director shall recommend the improvement of recreational lands and facilities within the City and make periodic reports, as requested by the Recreation Commission or by the City Manager, on the operation of the Department.

Sec. 46-4 Annual budget; reports; other duties.

The Recreation Director shall, with the consent and review of the Recreation Commission, submit annually a budget for the ensuing year and submit reports as requested by the Commission to the City Manager. The Director shall also carry out such duties, provided they fall within the scope of the Recreation Department, as the Recreation Commission may from time to time recommend.

§ 46-5 City Parks.

| <u>Name</u>                                                             | <u>Assessor's<br/>Map and Lot<br/>Numbers</u> |
|-------------------------------------------------------------------------|-----------------------------------------------|
| <u>Biddeford Pool Bath House/Gilbert Boucher Park<br/>Gilbert Place</u> | <u>GIS</u>                                    |
| <u>Biddeford Pool Mini-Park<br/>0 Lest B. Orcutt Blvd.</u>              | <u>GIS 59-117</u>                             |
| <u>Cannon Plaza<br/>59 South Street</u>                                 | <u>GIS 39-201</u>                             |
| <u>Canopy Park<br/>65 Bacon Street</u>                                  | <u>GIS 39-129</u>                             |

| <u>Name</u>                                                                      | <u>Assessor's<br/>Map and Lot<br/>Numbers</u> |
|----------------------------------------------------------------------------------|-----------------------------------------------|
| <u>City Square Park</u><br><u>58 Lincoln Street</u>                              | <u>GIS 38-132</u>                             |
| <u>Clifford Park</u><br><u>130 Pool Street</u>                                   | <u>GIS 39-334</u>                             |
| <u>Doran Field</u><br><u>314 South Street</u>                                    | <u>GIS 32-4</u>                               |
| <u>F.O.A.V. Court Park</u><br><u>2 FOAV Court</u>                                | <u>GIS 39-137</u>                             |
| <u>J. Richard Martin Community Center Playground</u><br><u>189 Alfred Street</u> | <u>GIS 34-228</u>                             |
| <u>Liberty Park</u><br><u>2 Water Street</u>                                     | <u>GIS 41-129</u>                             |
| <u>Pierson's Lane Community Park</u><br><u>40 Pierson's Lane</u>                 | <u>GIS 39-116</u><br><u>GIS 30-117</u>        |
| <u>Mechanics Park</u><br><u>3 Main Street</u>                                    | <u>GIS 41-1</u>                               |
| <u>Memorial Park</u><br><u>130 May Street</u>                                    | <u>GIS 27-34</u>                              |
| <u>Park in the Pines</u><br><u>194 Hills Beach Road</u>                          | <u>GIS 55-51</u>                              |
| <u>River Walk Plaza / River Walk Phase 2</u><br><u>2 Main Street</u>             | <u>GIS 71-11</u>                              |
| <u>Rotary Park</u><br><u>550 Main Street</u>                                     | <u>GIS 32-2</u>                               |
| <u>Shevenell Park</u><br><u>149 Main Street</u>                                  | <u>GIS 38-372</u>                             |
| <u>Veteran's Memorial Park</u><br><u>2 Pool Street</u>                           | <u>GIS 38-419</u>                             |

| <u>Name</u>                                                         | <u>Assessor's<br/>Map and Lot<br/>Numbers</u> |
|---------------------------------------------------------------------|-----------------------------------------------|
| <u>Vines Landing</u><br><u>End of Lester B. Orcutt Blvd.</u>        | <u>GIS 59-117</u>                             |
| <u>Washington Street School Park</u><br><u>75 Washington Street</u> | <u>GIS 38-312-1</u>                           |
| <u>Williams Court Park</u><br><u>South &amp; Green Streets</u>      | <u>GIS 183, 182</u><br><u>169-1</u>           |

**§46-6 Day to day operational rule making Authority.** Under the direction and guidance of the Recreation Commission, the Director shall have the authority to establish and promulgate rules and regulations that are not otherwise in conflict with this Chapter, for the day to day operation of the recreational facilities and Parks identified herein.

**§46-7 Damage to Park property.**

Except as may be necessitated by reason of construction or maintenance activities under the supervision and control of the Director, no person in a Park shall:

**A. Buildings and other property.**

(1) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, playground equipment, facilities or Park property or appurtenances whatever, either real or personal.

(2) Removal of natural resources. Dig or remove any sand, soil, rock, stones, trees, shrubs or plants, timber or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.

(3) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued by the Director.

**B. Trees, shrubbery and lawns.**

(1) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any person attach a rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

(2) Climbing trees. Climb a tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

#### § 46-8 Sanitation.

No person in a Park shall:

A. Pollution of waters. Throw, discharge or otherwise place or caused to be placed in the waters of any fountain, pool, pond, stream or other body of water in or adjacent to any Park or any tributary, stream, storm sewer or drain flowing into such waters any substance, manner or thing, liquid or solid, which will or may result in the pollution of said waters.

B. Refuse and trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any Park or left anywhere on the grounds thereof, but it shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the Park by the person responsible for such presence and properly disposed of elsewhere.

C. Animal waste. Fail to immediately remove and lawfully dispose of any feces left in any Park by a dog owned by such person or under his/her control. This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this subsection.

#### §46-9 Vehicles and traffic.

A. State motor vehicle laws apply. No person in a Park shall fail to comply with all applicable provisions of the state motor vehicle laws<sup>[1]</sup> with regard to equipment and operations of vehicles, together with such regulations as are contained in this chapter and other City of Biddeford ordinances.<sup>[2]</sup>

<sup>[1]</sup> See M.R.S.A. Title 29-A.

<sup>[2]</sup> See Ch.42, Vehicles and Traffic.

B. Obey traffic signs. No person in a Park shall fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or Parking and all others posted for proper control and to safeguard life and the property.

C. Speed of vehicles. No person in a Park shall ride or drive a vehicle at a rate of speed exceeding the posted speed for any Park.

D. Operation of vehicles. No person in a Park shall drive any vehicle, excepting bicycles, on or in any area except public ways and paved Park roads or Parking areas or such other areas as may, on occasion, be specifically designated as temporary Parking areas by the Director. Snowmobiles may be allowed on certain trails in City Parks where such trails serve to interconnect other snowmobile trails not in City Parks and where the Director of Parks and Recreation has designated such trails for such purpose after finding that it is compatible with the use of such Park trails by the public for other purposes. Excepting bicycles, only vehicles properly licensed and registered for operation on public ways and operated by persons properly licensed under the laws of the State of Maine shall be permitted in any Parking area. **Exception:** Snowmobiles are permitted to be operated on trails within Clifford Park.

E. Parking.

(1) No person in a Park shall:

(a) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.

(b) Overnight Parking. Leave a vehicle standing or parked at night within any Park after 10:00 p.m. Eastern time, except as specifically authorized under Chapter 42, section 42-59, Snow Emergency parking ban.

(c) Lifeguards. Park a vehicle in an area that has been designated by the Director as reserved for Lifeguards.

(2) Exceptions. There shall be no parking between the hours of dusk and dawn in Gilbert Boucher Park, including Park easement areas. Areas of the Park affected by this prohibition shall be posted with signs which read: "No Parking dusk to dawn." The time of dawn and dusk shall be as reported in the Maine Farmers Almanac.

(3) Enforcement.

(a) The laws of the State of Maine shall, where applicable in Parks, be enforced in the manner provided by law. City ordinances and rules and regulations of the Park shall be enforced in the manner provided therein.

(b) Violations of this Subsection shall be a parking infraction.

(c) The Parks and Recreation Director or his or her authorized representative, as specifically authorized by the Chief of Police, and the Biddeford Police Department are authorized to issue parking tickets for violations of this Subsection E.

(d) Removal of unauthorized vehicles. Any vehicle found in violation of this section may be removed in accordance with the procedures established under Chapter 42, Vehicles and Traffic of this Code.

F. Bicycles. No person in a Park shall:

(1) Confined to roads. Ride a bicycle on other than a paved vehicle road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or any paved area reserved for pedestrian use.

(2) Operation. Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in a single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard as to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking and pass to the right of any vehicle they may be meeting.

(3) Designated racks. Leave a bicycle at a place other than a bicycle rack when such is provided and there is space available.

(4) Immobile bicycles. Leave a bicycle lying on the ground or paving or set against trees or in a place or position where other persons may trip over or be injured by it.

§46-10 Recreational activities.

No person in a Park listed in the Chapter shall:

A. Bathing and swimming.

(1) Designated areas. Swim, bathe or wade in the waters of any fountain, pond, pool, stream or other body of water in or adjacent to any Park or any tributary, stream, storm sewer or drain flowing into such waters, except in such waters and in such places as are specifically provided for swimming or bathing purposes and in compliance with such regulations as are herein set forth or may hereafter be adopted by the Director, nor shall any person frequent any waters or places customarily designated for the purposes of swimming or bathing or congregate thereat in such activities prohibited by the Director upon finding such use of the water would be dangerous or otherwise inadvisable.

(2) Certain hours. Frequent any waters or places designated for the purposes of swimming or bathing or congregate thereat except between such hours of the day and on such conditions as shall be designated by the Director for such purposes for each individual Park area.

**B. Hunting and firearms.** Hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or other forms of weapons potentially inimical to wildlife and dangerous to human safety or any instrument than can be loaded with and fire a blank cartridge or any kind of trapping device. Shooting in Park areas as defined herein is strictly forbidden.

**C. Camping.** Set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a Park after closing hours any movable structures or special vehicle that could be used for such purposes as a house trailer, camp trailer, tent or the like.

**D. Tobacco and smoking.** All forms of tobacco use, including vaping are prohibited.

#### **§ 46-11 Alcoholic beverages; fires; use of closed areas.**

##### **A. Intoxicating beverages.**

**(1) Liquor defined.** For purposes of this subsection, "liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption which contains more than 1/2 of 1% of alcohol by volume.

**(2) Prohibition.** No person in a Park or in any Parking area, shall transport, possess or consume liquor at any time.

**B. Fires.** No person in a Park shall build or attempt to build a fire, except at such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco or other inflammable material within any Park area or on any highway, road or street abutting or contiguous thereto.

**C. Closed areas.** No person in a Park shall enter an area posted as "Closed to the Public," nor shall any person use or let the use of any area in violation of posted notices.

#### **§ 46-12 Merchandising, advertising and signs.**

**Except in conjunction with supervised activities under the general control and supervision of the Director no person in a Park shall:**

**A. Vending and peddling.** Expose or offer for sale any article or thing, nor shall he or she station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Director.

**B. Advertising.** Pronounce, advertise or call to the public attention in any way to any article or service for sale or hire.

C. Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any city-owned lands or highways or roads adjacent to a Park. Exception from the prohibitions of this subsection is made for the posting of such notices as may be required by this chapter.

D. Sponsorship signs erected by the City of Biddeford in accordance with guidelines established by the Recreation Commission, shall not be deemed a violation of this section.

#### § 46-13 Park operating policy.

A. Hours. All Parks, as defined herein, shall be open to the public every day of the year from dawn to dusk. In the event that activities are conducted at either the St. Louis Field or Mechanics Park for which there is an admission fee charged or access is otherwise controlled, no member of the public shall have the right to enter said Park areas without authorization and/or payment of such admission fee. The Director shall cause notices of the opening and closing hours to be posted in each individual Park for public information and enforcement purposes.

B. Closed areas. Any section or part of any Park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals (daily or otherwise).

C. Entry prohibited. Except with the written permission of the Director, no person shall enter, pass through or remain in any Park, or the closed area of any Park, except during the hours and times when such Park, or portion thereof, is open to the public as provided in this section.

D. Dogs horses and horse-drawn vehicles. Dogs, horses and horse-drawn vehicles are prohibited from entering or remaining in any Park or Beach areas. **Except as follows:** horses, horse-drawn vehicles or dogs may not use any part of the City's public beaches between the hours of 9:00 a.m. to 5:00 p.m.;and, between the hours of 9:00 a.m. and 8:00 p.m. at Rotary Park, from May 25 to September 15 of each year. From September 16 and May 24, and during operating hours, dogs may be off leash and under voice command. Nothing herein is intended to prohibit the Recreation Commission from creating and maintaining a Dog Park, as defined herein under section 46-1(B), and for establishing rules and regulations governing the operation thereof.

#### § 46-14 Safe Zones.

Pursuant to its authority under 30-A M.R.S.A. 3252, the City does hereby designated the following athletic fields, Parks, playgrounds or recreational facilities as a "safe zone" under 17-A M.R.S.A. 1101(23):

- (1) Rotary Park (includes entire parcel from Main Street to the Saco River).
- (2) Doran Field.
- (3) St. Louis Field (entire fenced in area)
- (4) Waterhouse Field
- (5) Mayfield (including all baseball and softball fields, and tennis courts)
- (6) Clifford Park (playground that abuts Pool Street, including tennis and basketball courts)
- (7) Biddeford Pool Bathhouse/Gilbert Boucher Park
- (8) J. Richard Martin Community Center Playground
- (9) The Arena (Biddeford Ice Arena)
- (10) Williams Court Park
- (11) Mechanics Park
- (12) Shevenell Park
- (13) Liberty Park
- (14) Pierson's Lane Community Park

The Commissioner of Public Safety has approved the following wording to be used on a safe zone informational sign under the Maine Revised Statutes, Title 30-A § 3253:

**DRUG-FREE**  
**SAFE ZONE**  
**INCREASED PENALTIES FOR DRUG CRIMES**  
**COMMITTED WITHIN THIS ZONE**  
**(17-A, M.R.S.A. CHAPTER 45)**

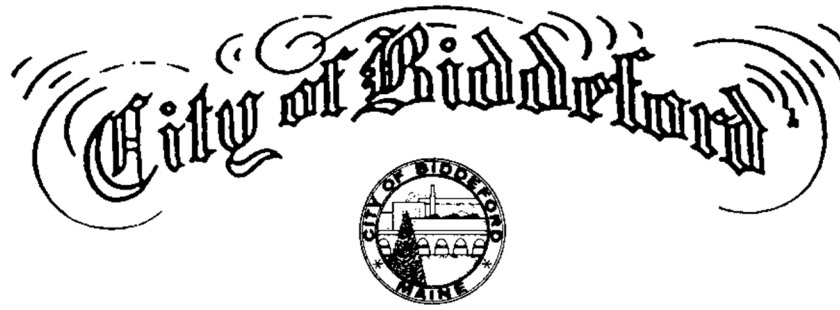
§ 46-15 Enforcement.

The Director and his or her subordinate employees shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. In addition, the Code

Enforcement Officer and the members of the Biddeford Police Department shall also have the authority to enforce the provisions of this chapter.

§ 46-16 Violations and penalties.

Any person, firm or corporation violating any provisions of this chapter, upon conviction thereof, shall be fined in an amount not exceeding \$100. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

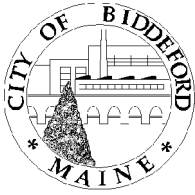


**2017.4**

**IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**

**BE IT ORDERED,** that the City Manager is hereby authorized to enter into an agreement with Real Term Energy US, L.P., negotiating terms in the best interest of the City of Biddeford, for the evaluation, design, and conversion of streetlights and other exterior fixtures from conventional technology to LED. Final design, project construction costs, and construction finance details shall be presented to the City Council for review and approval under a separate Order.

**NOTE:** The Finance Committee has not reviewed this order as per the original Workshop presentation and city-wide policy implications.



## City of Biddeford, Maine

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### Chief Operating Officer / ECO / Industrial Pretreatment

P.O. Box 586 • 205 Main Street • Biddeford, ME 04005

Phone: (207) 571-0032

Fax: (207) 571-0656

### MEMORANDUM

**To:** Honorable Mayor Casavant and Council President McCurry  
Honorable City Council

**From:** Brian S. Phinney, COO

**CC:** Jim Bennett, City Manager

**Subject:** 2016-2017 Council Work Plan  
Item #16-25 Replace Streetlights

**Date:** January 11, 2017

As a follow-up to the streetlight discussion in September, the following information is provided to support a request to move forward with a detailed streetlight inventory and replacement project for the City of Biddeford.

#### Background

The communities of Biddeford, Falmouth, Rockland, and South Portland completed a collaborative effort to design a program for the replacement of streetlights throughout communities in Maine. The communities completed the process, selected a preferred consultant through a public RFQ process, and negotiated a draft agreement that will be available to any community in Maine that may want to obtain ownership of community streetlights and convert to LEDs.

Please be advised that none of the work binds any of the communities to perform a conversion and none of the work requires any community to use the draft agreement, however, the work performed by the communities will certainly streamline the process.

#### Budgeting and Financial Risk

As part of the conversion contract template, the communities negotiated unit pricing for various stages of work. The stages allow communities to determine up front expenses, excluding removal and installation, and to calculate financial risk should a community decide to proceed and then stop the program at a certain stage in the process. Additionally, the municipal project conversion cost can be financed over time and paid through project savings.

All work product and data compiled at the time of cancellation will be available to the community.

The project stages include:

- GIS inventory of existing lights and fixtures
- New LED system design
- Selection of LED manufacturer
- Procurement of equipment
- Installation of LED equipment

A community may decide to stop the conversion process at any stage in the process, paying only for work performed to date. The unit prices (per fixture) for stopping the process are as follows:

- Exiting after the GIS inventory \$10.50
- Exiting after system design \$13.00
- Exiting after manufacturer selection \$14.81
- Exiting after procurement but prior to installation \$15.49

For Biddeford, the financial risk for stopping at each of the defined project stages is listed below. The project totals are based on an estimated 2,450 exterior fixtures. This includes Central Maine Power's (CMP) estimated fixture inventory of 2,243 and an additional estimate for other exterior fixtures that the City may want to include.

| Project Stages | Unit Pricing | Risk         |
|----------------|--------------|--------------|
| Inventory      | \$ 10.50     | \$ 25,725.00 |
| Design         | \$ 13.00     | \$ 31,850.00 |
| MFG Selection  | \$ 14.81     | \$ 36,284.50 |
| Procurement    | \$ 15.49     | \$ 37,950.50 |

The risk estimates are inclusive, meaning for example if a community exits the conversion process at the design stage the risk is \$31,850 using Biddeford's fixture numbers. The previous stages are included in pricing for the next stage.

#### Biddeford's Simple Payback Period

Each community will have the ability to review and specify custom lighting levels for each replacement fixture during the design stage depending on such factors as safety, light pollution, crime, public perception, etc. Without knowing the exact LED configuration for all fixtures a firm estimate of total project cost is not possible, however, an estimate has been prepared based on data from other conversion projects. Using a high per fixture estimate of \$520 installed, Biddeford's conversion cost is estimated at \$1,274,000.

Calculating simple payback involves evaluating Biddeford's current streetlight utility cost, which is comprised of three parts. The first two parts are included in the streetlight program offered by CMP. Because streetlights are not metered, a rate schedule has been developed and includes

electricity delivery and an equipment lease cost for each type of streetlight based on type of fixture, wattage, and seasonally adjusted hours of daylight. The lease cost also includes a repair and maintenance component. The third part of the streetlight equation involves the cost of electricity supply. This is the actual electricity purchased from a provider. Converting to LED streetlights will eliminate the lease program cost and reduce the supply and delivery costs due to a significant reduction in fixture wattage. Once converted to LEDs, the community will own the lights and will be responsible for repair and maintenance. In an effort to be conservative, the simple payback estimate has been limited to the lease expense savings although it should be noted the reduction in wattage for each fixture is conservatively estimated at greater than 60%.

Using the September 2016 electricity bill, detailing 2,243 fixtures, the annualized electricity expense for streetlights is \$424,356 (delivery, supply, and equipment leasing). Of this amount, streetlight leasing totals \$265,927 annually. Dividing the project cost estimate of \$1,274,000 by the lease savings of \$265,927, we obtain a simple payback of 4.8 years.

The long-term maintenance cost to replace failed fixtures will need to include not only the fixture but also the labor needed to replace the fixture. The relative fixture life of LEDs vs. conventional streetlights is known to be considerable, however, the replacement frequency will not be able to be estimated with any certainty until fixtures have been selected. The labor for addressing fixture repair and replacement can be performed by certified technicians or possibly by CMP or an affiliate. It is believed that the annual maintenance cost can be offset by the additional savings in supply and delivery given the low wattage and long life and reliability of LEDs.

## Recommendation

Based on a conservative simple payback of less than 5 years and the ability to exist the conversion process at any one of the defined project stages, it is recommended that the City Council authorize the city manager to enter into a streetlight conversion agreement with Real Term Energy US, L.P., for the city-wide evaluation and design of an LED conversion project for streetlights and other city-owned exterior lighting.

It is further recommended that the procurement and installation tasks be presented to the City Council for review and approval as a separate Order. This will ensure that total project costs and finance terms are known and acceptable to the Council before purchasing or installing fixtures.

Attached is a copy of the Real Term Energy Us, L.P., agreement signed by the Town of Freeport to serve as an example of the established terms and conditions.

## EXAMPLE AGREEMENT: Town of Freeport

AGREEMENT**I. PARTIES**

This contract (hereinafter referred to as "Agreement") is made and entered into on this 29 day of September, 2016, by and between the Inhabitants of the Town of Falmouth with a mailing address of 271 Falmouth Road, Falmouth, Maine 04105 (hereinafter referred to as "Town"); and RealTerm Energy US, L.P., a Delaware limited partnership, with a mailing address of 201 West Street, Suite 200, Annapolis, MD 21401 (hereinafter referred to as "Consultant"). In consideration of the mutual promises contained herein, the Consultant agrees to perform the following services for the Town.

**II. SCOPE OF WORK**

In consideration of the payment terms set forth in Section IV of this Agreement, the Consultant shall perform the services as outlined below and consistent with Consultant's response to a request for qualifications dated January 28, 2016 and attached hereto as Exhibit A, which response is also attached hereto as Exhibit B.

This proposal is to be a turn-key proposal that includes the following:

**A. Undertake an IGA (Investment Grade Audit) of the street lights and their attributes.**

The Consultant will compile an inventory of the existing public street and outdoor lights via a Geographic Information Systems (GIS) inventory assessment of all the streetlights and outdoor lights included in the project. The Consultant will include the following attributes and describe how they relate to the design process.

- Fixture Type
- Fixture Wattage
- Mounting Height
- Arm Length
- Wire Location
- Pole Material
- Pole Setback
- Road Width
- Road Classification
- Pedestrian Conflict
- Decorative with Photocell (if applicable)
- Decorative Color (If applicable)

- Utility Pole ID (When present)
- Problems (Tree trimming, Transformer present, Primary wire, High reach, Inaccessible by vehicle)
- General Comments
- Collection Date
- GPS Location (XY Coordinate)

During the inventory assessment, the Consultant will report and review all issues with the Town on a regular basis, when appropriate, including any necessary interim reports, so that the Town may begin to address them in order to minimize any delay on the eventual conversion.

The Consultant must produce an electronic inventory file suitable for use in common GIS software (e.g. ESRI ArcMap), as well as Microsoft Excel, that contains the required attributes.

The Consultant will meet as necessary with the utility to reach agreement on the final inventory.

Based on the inventory, utility bill analysis, and consultation on controls and/or other products, the Consultant will develop an Audit Report which will include:

- Recommendations on how to address identified serious deficiencies in the current street lighting network. The Town will direct the Consultant on how to address these issues before the procurement of equipment and installation stages commence;
- Baseline energy use, energy cost and operations & maintenance costs;
- Estimated retrofit energy use and operations & maintenance costs;
- Estimated sources of funding, including rebates;
- Calculation of estimated total conversion cost (remaining design tasks, product, and installation), energy reduction, and simple payback

**B. Perform an independent and certified lighting design analysis which includes designing each unique street to either an RP 8-14 standards where applicable or at a standard to be specified, to be determined at a later date and mutually agreed upon by both the Town and Consultant**

The determination of adequate light levels for safety of pedestrians, cyclists, and vehicles is guided by the Illuminating Engineering Society (IES) Standard for Roadway Lighting (RP-8-14). The Town recognizes that existing pole placement limits the degree to which IES standards may be met. The Consultant must use design methodologies that will best deliver adequate lighting through the Town for the expected life of the products

and the Town's desire for specific goals associated with customized lighting levels if IES standards are not the standard selected by the Town.

The Consultant will advise the Town on the use of potential controls in terms of impact on safety, standardization, and energy and cost savings. The Consultant should be able to present analysis of how controls could impact the total lifecycle costs of the system. The Consultant must also propose to the Town any other value-add systems and discuss with the Town their financial impacts, commercial readiness, and alignment with utility policies.

Additionally, the Town in some or all cases, will work with the Consultant to incorporate an analysis of the following data points to identify target areas that may need special consideration:

- Pedestrian/vehicle and bicycle/vehicle crash data for the last 5 years to identify areas where light levels and/or spacing have affected public safety.
- Important localized land uses (e.g. parks, schools, hospitals, etc.)
- Relative volumes of pedestrian and bicycle activity
- Unique neighborhood characteristics

**C. Provide a comprehensive financial analysis to indicate ROI (Return on Investment), savings and payback period; completing all applicable incentive applications.**

The ROI shall include a comparative analysis of all viable options including but not limited to the following:

- Status quo – do not replace light fixtures and continue reliance on the utility to maintain the existing system.
- Take ownership of all existing fixtures; install fuses; and replace fixtures at a future date to be determined.
- Take ownership of all existing fixtures; install fuses; and replace fixtures at a specified time.
- Require utility to remove all fixtures and install new fixtures as soon as practicably possible.

The ROI shall be amended based on any final decisions prior to the conclusion of the project including after public review, as directed by the Town, to include accepted public comments.

**D. The Consultant will convene and host a public process where the public will have an opportunity to offer input on the final design and recommendations. Such approval to include, but not be limited to, the following;**

- Criteria for Manufacturer Selection;
- Color Temperature Selection;
- Business Improvement Area (BIA) Consultation for Decorative Replacement recommendations;
- Public Education and Consultation Process;
- Design Process;
- Schedule and Project Milestones;
- Post-Installation Outage Reporting Process.

**E. Carry out all procurement requirements.**

**i. Selection of manufacturer**

The Consultant must develop complete and detailed specifications for LED Luminaires to replace lighting fixtures and will procure fixtures through a competitive process. The specifications will be non-proprietary performance specifications describing all relevant photometric, electrical, physical, and durability characteristics of the luminaires.

The Consultant must provide details on their method of developing specifications and how that ensures that appropriate quality standards are met.

**ii. Construction specification development**

The Consultant will work with the Town to develop detailed specifications and will procure a firm through a competitive process, which is authorized by Central Maine Power to work on their grid, to install the light fixtures.

**F. Apply on behalf of the Town for all available grants and rebates relating to the LED conversion project.**

**G. Perform project management functions including oversight of the LED luminaire installation and the recycling/disposal of all waste material.**

Based on the finalized design, the Consultant will oversee the installation and maintenance as an owner representative. The following elements will be covered:

- Description of Work

- Required installation schedule
- Reference standards
- Submittals
- Quality Assurance and Warranty
- Installation
- Field Quality Control
- Adjusting and Cleaning
- Disposal
- Perform a sampling of spot-checks on installed lights to ensure proper installation procedures are being followed, especially at the beginning of the project
- Manage data on installations and provide a weekly status update of the project
- Confirmation of satisfactory installation completion by install contractor

**H. At project commissioning, the Consultant will provide the following to the Town;**

- RealTerm Energy Documents:
  - Proposal
  - Letter of Intent
  - Investment Grade Audit
  - Contract Document
  - Supplemental Conditions
  - RealTerm Energy Insurance Certificate
  - Confirmation of Utility Billing Update,
  - Warranty Service Request System Overview
- Installation Contractor:
  - Contractor Insurance and Workman's Compensation Documents (as applicable),
  - Utility Inspection Certificates (as applicable)
- Luminaires:
  - Warranty Coverage Information
  - Manufacture Warranty
  - Fixture Seal of Approval
  - Photocell Warranty
  - Recycling Certificate
- GPS/GIS Lighting Infrastructure:
  - Installation Summary
  - Fixture Specifications
  - Lighting Designs
- Lighting Network Metadata
- Closing Documents:
  - Request from you: Feedback and Testimonial
  - Post Project Customer Care & Company Information

### **III. COMMENCEMENT AND COMPLETION**

The Consultant will commence work immediately upon contract signing and complete the tasks in their entirety within a reasonable schedule, provided below/;

- September – October 2016      Meet with staff, utility and other stakeholders
- November – December 2016      Audit
- January – February 2016/17      Product and installation selection processes
- January – March 2016/17      Design and product selection
- April – June 2017      Procurement and delivery of the fixtures
- July– September 2017      Installation

The Town may authorize changes in the scope, extent or character of the services provided under this Agreement and the time and cost for completion may be adjusted accordingly with approval by the Town.

### **IV. PAYMENT TERMS**

The Consultant shall submit an invoice on or about the first of each month reflecting services performed at the Town's normal professional billing rates in effect at the time of execution of this Agreement, which invoices will be due and payable within 30 days of receipt. The Consultant understands that the payment for completion of the services shall be based upon a cost plus basis whereby the consultant agrees to charge a \$10.50 per pole fee for data collection services plus the Investment Grade Audit (Sections A-C), plus a 17.% margin on the costs for the procurement of fixtures and installation (Section D-H).. The Consultant agrees to perform the services on that basis.

### **V. TERMINATION**

Either party may terminate this Agreement for cause after giving the other party written notice and a reasonable opportunity to cure. The Town may terminate without cause by giving the Consultant fourteen (14) days notice, and compensating the Consultant equitably to the termination date for services performed or materials furnished in accordance with this Agreement through the effective date of termination.

The Town may elect to exit the Agreement after various stages of the project. The following are the costs to exit at each respective project stage:

|                                                                             |         |          |
|-----------------------------------------------------------------------------|---------|----------|
| Exit Cost after GIS (Sec II.A.)                                             | \$10.50 | /fixture |
| Exit cost after GIS and Design (Sec II.A through D.)                        | \$13.00 | /fixture |
| Exit cost after manufacturer selection (Sec II.A through E.i.)              | \$14.81 | /fixture |
| *Exit Cost After procurement but before installation Sec II.A through E.ii) | \$15.49 | /fixture |

- This cost does not include the cost of the fixtures
- The unit rates listed apply to the specific task(s) listed and include all previous scope of work elements [ie, an exit after Design (Sec II.A through D) phase will cost \$13.00 per fixture and includes the exit costs after the completion of the GIS (Sec II.A) phase costs of \$10.50 per fixture, and so on).

## **VI. DISPUTE RESOLUTION**

Any controversy or claim arising out of or related to this Agreement, which cannot be resolved between the parties shall be submitted to the Maine Superior Court (Cumberland County). This agreement shall be governed by Maine law, notwithstanding its conflict of law principles.

## **VII. QUALIFICATIONS**

The Consultant represents and holds, and will continue to hold during the term hereof any and all qualifications, licenses and certifications required to perform its services in Maine. The Consultant shall perform all services in accordance with professional standards.

## **VIII. USE OF DOCUMENTS**

All documents, reports, data, studies, estimates and other work material developed under this Agreement shall be the property of the Town and shall be promptly delivered to the Town in a form compatible with the Town's software or other records management systems. All data collected shall be disclosed only to the Town's authorized representatives, at the direction of the Town.

## **IX. SUBCONTRACTORS**

The Consultant shall be fully responsible for the acts and omissions of any subcontractors and of persons both directly or indirectly employed by it, and shall hold subcontractors to the same terms and conditions as the Consultant is held under this Agreement. No subcontractors shall be retained on this Agreement without the specific prior written approval of the Town. Subcontractors shall not be deemed employees of the Town under any circumstances and Consultant assumes full responsibility for payment of compensation, taxes and all other benefits due and payable to all such personnel involved in performing services under this Agreement.

## **X. SUCCESSORS & ASSIGNMENT**

The Town and Consultant are hereby bound to this Agreement and to the successors of the other party in respect of all covenants, agreements and obligations of this Agreement, subject only to the appropriation by the Town of sufficient funds to fulfill its obligations hereunder. Neither the Town or Consultant may assign, sublet or transfer any rights under or interest in this Agreement without the written consent of the other party, unless mandated by law. No assignment will release or discharge the assignor from any duty or responsibility under this Agreement, unless expressly provided otherwise in a written consent to assignment.

## **XI. INSURANCE**

The Consultant shall purchase and maintain Workers' Compensation Insurance, General Public Liability and Property Damage Insurance including vehicle coverage and professional liability insurance, all with limits and terms satisfactory to the Town. The Town shall be named as an additional insured on the liability policy.

## **XII. INDEMNIFICATION**

The Consultant will indemnify and hold harmless the Town, its officers, agents and employees from and against all claims, damages, losses and expenses including attorney's fees arising out of or resulting from the performance of the Agreement by the Consultant, its officials, employees, agents and subcontractors. To the extent permitted by law, the Town will indemnify and hold harmless the Consultant, its officers, agents and employees from and against all claims, damages, losses and expenses including attorney's fees arising out of or resulting from the Town's negligent performance under the Agreement. Any obligation of the Town to indemnify pursuant to this Agreement shall not be deemed or construed to operate in practical effect to waive any defense, immunity, or limitation of liability which may be available to the Town, its officers, agents or employees, under the Maine Tort Claims Act (14 M.R.S. §§ 8101, et seq.) or any other privileges or immunities which may be provided by law.

## **XIII. CONFLICT OF INTEREST**

The Consultant will represent the Town and not suppliers, avoiding both the appearance, as well as any actual conflict of interest. Any subsequent disclosure of a conflict of interest after this contract is awarded, but which existed at the time of proposal submission, will be grounds for termination.

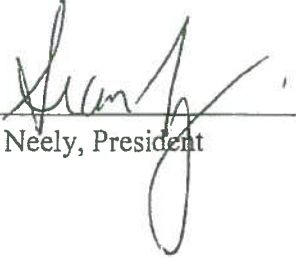
#### XIV. ENTIRE AGREEMENT

This Agreement and its attachments represent and contain the entire agreement between the parties. Prior discussions or verbal representations by the parties that are not contained in this Agreement and its attachments are not a part of this Agreement. Where there is any conflict between the provisions of this Agreement and the provisions of any attachment, the provisions of this Agreement shall control.

Date: Sept 22/16

Realterm Energy US, L.P., a Delaware limited partnership

By: Realterm Energy US, LLC, its General Partner

By:   
Sean Neely, President

Date: 9-29-16

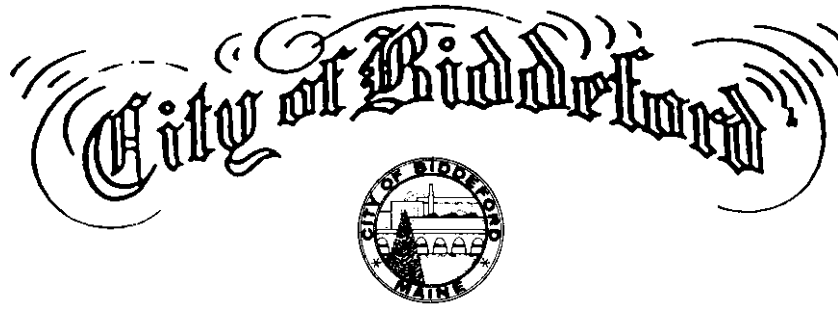
INHABITANTS OF THE  
TOWN OF FALMOUTH, MAINE

By: 

Nathan A. Poore, Town Manager



| COMMUNITY PROFILE                                                                                   |  | Approximate Units |
|-----------------------------------------------------------------------------------------------------|--|-------------------|
| <b>Falmouth, Maine</b>                                                                              |  |                   |
| • Road Miles                                                                                        |  | 78                |
| • Street Lights attached to public utility poles and scheduled for replacement through this project |  | 700               |
| • Population                                                                                        |  | 11,185            |
| <b>Rockland, Maine</b>                                                                              |  |                   |
| • Road Miles                                                                                        |  | 60                |
| • Street Lights attached to public utility poles and scheduled for replacement through this project |  | 704               |
| • Population                                                                                        |  | 7,297             |
| <b>South Portland, Maine</b>                                                                        |  |                   |
| • Road Miles                                                                                        |  | 153               |
| • Street Lights attached to public utility poles and scheduled for replacement through this project |  | 1,597             |
| • Population                                                                                        |  | 25,002            |
| <b>Biddeford, Maine</b>                                                                             |  |                   |
| • Road Miles                                                                                        |  | 135               |
| • Street Lights attached to public utility poles and scheduled for replacement through this project |  | 2,325             |
| • Population                                                                                        |  | 21,277            |



**2017.5**

**IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**

**BE IT ORDERED**, that the City Manager be authorized to purchase one (1) 2017 Ford Transit connect van as per bid of January 6, 2017(the "Equipment") from Arundel Ford (the "Vendor") and may pay the Vendor an amount not to exceed \$21,528.00 for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$21,528.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$21,528.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

**NOTE:** The Finance Committee reviewed this item on January 17, 2017 and voted to recommend it to the City Council for approval. The lease-purchase of this item is included in the FY17 CIP budget, with a down payment of \$5,000.00

## Bid Opening for a Parking Control Unit

Present: Carl Marcotte Public Works  
Kara Cote Public Works

Bids were opened at the Public Works Department on January 6, 2017 at 11:00am. Staff is recommending the bid that meets specification from Arundel Ford for the amount of \$21,528.00. This vehicle was approved in the FY 17 CIP budget line 21204-60603 as a lease.

### Arundel Ford

|                        |             |
|------------------------|-------------|
| Ford Trans Connect Van | \$21,528.00 |
|------------------------|-------------|

### Bill Dodge

|               |             |
|---------------|-------------|
| Nissan NV 200 | \$20,105.55 |
|---------------|-------------|

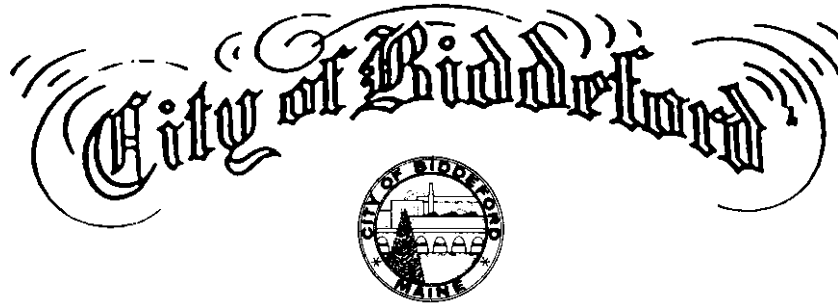


## BIDDEFORD PARKING TICKET SUMMARY FOR 2014, 2015, and 2016

| 2014 to 2016 Σ |              |              |              | DESCRIPTION                          | All Tickets Issued |              |              | Tickets Waived |            |            | Net Tickets  |              |              | Fines           |                 |                 |
|----------------|--------------|--------------|--------------|--------------------------------------|--------------------|--------------|--------------|----------------|------------|------------|--------------|--------------|--------------|-----------------|-----------------|-----------------|
| Resident       | Non-Resident | R            | N/R          |                                      | 2014               | 2015         | 2016         | 2014           | 2015       | 2016       | 2014         | 2015         | 2016         | 2014            | 2015            | 2016            |
| 16             | 36           | 30.8%        | 69.2%        | BLOCKING DRIVEWAY                    | 13                 | 18           | 21           | 0              | 0          | 0          | 13           | 18           | 21           | \$390           | \$540           | \$630           |
| 3              | 1            | 75.0%        | 25.0%        | DOUBLE PARKING                       | 1                  | 3            | 0            | 0              | 0          | 0          | 1            | 3            | 0            | \$30            | \$90            | \$0             |
| 20             | 43           | 31.7%        | 68.3%        | OCCUPYING 2 SPACES                   | 4                  | 27           | 32           | 4              | 25         | 32         | 0            | 2            | 0            | \$0             | \$30            | \$0             |
| 733            | 1,779        | 29.2%        | 70.8%        | OVERTIME PARKING                     | 943                | 795          | 778          | 657            | 517        | 513        | 286          | 278          | 265          | \$4,230         | \$4,125         | \$3,980         |
| 105            | 370          | 22.1%        | 77.9%        | PARKING FACING TRAFFIC               | 194                | 145          | 132          | 0              | 0          | 0          | 194          | 145          | 132          | \$2,895         | \$2,175         | \$1,980         |
| 23             | 144          | 13.8%        | 86.2%        | PARKING IN BEACH AREA WITHOUT PERMIT | 61                 | 49           | 57           | 0              | 0          | 0          | 61           | 49           | 57           | \$3,050         | \$2,400         | \$2,700         |
| 24             | 19           | 55.8%        | 44.2%        | PARKING IN FIRE LANE                 | 7                  | 10           | 26           | 0              | 0          | 0          | 7            | 10           | 26           | \$210           | \$300           | \$780           |
| 26             | 38           | 40.6%        | 59.4%        | PARKING IN FRONT OF FIRE HYDRANT     | 16                 | 25           | 23           | 0              | 0          | 0          | 16           | 25           | 23           | \$480           | \$750           | \$690           |
| 44             | 45           | 49.4%        | 50.6%        | PARKING IN LOADING ZONE              | 33                 | 22           | 34           | 0              | 0          | 0          | 33           | 22           | 34           | \$620           | \$440           | \$560           |
| 757            | 1,756        | 30.1%        | 69.9%        | PARKING IN NO PARKING AREA           | 847                | 771          | 895          | 0              | 0          | 0          | 847          | 771          | 895          | \$20,475        | \$18,975        | \$21,975        |
| 434            | 492          | 46.9%        | 53.1%        | PARKING IN SNOW REMOVAL AREA         | 299                | 492          | 135          | 0              | 0          | 0          | 299          | 492          | 135          | \$4,440         | \$7,350         | \$2,025         |
| 90             | 169          | 34.7%        | 65.3%        | PARKING ON SIDEWALKS OR CROSSWALK    | 112                | 70           | 77           | 0              | 0          | 0          | 112          | 70           | 77           | \$2,775         | \$1,725         | \$1,925         |
| <b>2,275</b>   | <b>4,892</b> | <b>31.7%</b> | <b>68.3%</b> | <b>TOTALS</b>                        | <b>2,530</b>       | <b>2,427</b> | <b>2,210</b> | <b>661</b>     | <b>542</b> | <b>545</b> | <b>1,869</b> | <b>1,885</b> | <b>1,665</b> | <b>\$39,595</b> | <b>\$38,900</b> | <b>\$37,245</b> |

| 2014 to 2016 Σ |              |              |              | PLACE                       | All Tickets Issued |              |              | Tickets Waived |            |            | Net Tickets  |              |              | Fines           |                 |                 |
|----------------|--------------|--------------|--------------|-----------------------------|--------------------|--------------|--------------|----------------|------------|------------|--------------|--------------|--------------|-----------------|-----------------|-----------------|
| Resident       | Non-Resident | R            | N/R          |                             | 2014               | 2015         | 2016         | 2014           | 2015       | 2016       | 2014         | 2015         | 2016         | 2014            | 2015            | 2016            |
| 0              | 3            | 0.0%         | 100.0%       | BIDDEFORD DISTRICT COURT    | 1                  | 0            | 2            | 0              | 0          | 0          | 1            | 0            | 2            | \$25            | \$0             | \$50            |
| 12             | 30           | 28.6%        | 71.4%        | BPD LOT                     | 10                 | 24           | 8            | 0              | 2          | 3          | 10           | 22           | 5            | \$180           | \$395           | \$75            |
| 56             | 126          | 30.8%        | 69.2%        | CITY HALL                   | 35                 | 44           | 103          | 1              | 1          | 1          | 34           | 43           | 102          | \$705           | \$960           | \$2,225         |
| 11             | 11           | 50.0%        | 50.0%        | CLIFFORD PARK               | 9                  | 13           | 0            | 0              | 0          | 0          | 9            | 13           | 0            | \$135           | \$195           | \$0             |
| 11             | 15           | 42.3%        | 57.7%        | FOSS LOT                    | 10                 | 12           | 4            | 0              | 0          | 0          | 10           | 12           | 4            | \$160           | \$190           | \$70            |
| 7              | 12           | 36.8%        | 63.2%        | WASHINGTON LOT              | 9                  | 9            | 1            | 3              | 0          | 0          | 6            | 9            | 1            | \$120           | \$180           | \$15            |
| 18             | 11           | 62.1%        | 37.9%        | WATER STREET LOT            | 8                  | 18           | 3            | 0              | 1          | 0          | 8            | 17           | 3            | \$120           | \$285           | \$65            |
| 1882           | 4071         | 31.6%        | 68.4%        | ALL OTHER DOWNTOWN          | 2,142              | 2,018        | 1,793        | 657            | 538        | 541        | 1,485        | 1,480        | 1,252        | \$30,250        | \$29,660        | \$26,825        |
| <b>1997</b>    | <b>4279</b>  | <b>31.8%</b> | <b>68.2%</b> | <b>DOWNTOWN</b>             | <b>2,224</b>       | <b>2,138</b> | <b>1,914</b> | <b>661</b>     | <b>542</b> | <b>545</b> | <b>1,563</b> | <b>1,596</b> | <b>1,369</b> | <b>\$31,695</b> | <b>\$31,865</b> | <b>\$29,325</b> |
|                |              |              |              |                             |                    |              |              |                |            |            |              |              |              |                 |                 |                 |
| 0              | 1            | 0.0%         | 100.0%       | BIDDEFORD CROSSING          | 0                  | 1            | 0            | 0              | 0          | 0          | 0            | 1            | 0            | \$0             | \$25            | \$0             |
| 60             | 358          | 14.4%        | 85.6%        | COASTAL                     | 172                | 128          | 118          | 0              | 0          | 0          | 172          | 128          | 118          | \$5,465         | \$4,170         | \$4,145         |
| 9              | 8            | 52.9%        | 47.1%        | COMMUNITY CENTER            | 4                  | 7            | 6            | 0              | 0          | 0          | 4            | 7            | 6            | \$60            | \$105           | \$90            |
| 1              | 0            | 100.0%       | 0.0%         | FIVE POINTS SHOPPING CENTER | 0                  | 1            | 0            | 0              | 0          | 0          | 0            | 1            | 0            | \$0             | \$30            | \$0             |
| 7              | 10           | 41.2%        | 58.8%        | HIGH SCHOOL                 | 7                  | 4            | 6            | 0              | 0          | 0          | 7            | 4            | 6            | \$145           | \$85            | \$150           |
| 3              | 7            | 30.0%        | 70.0%        | WALMART                     | 3                  | 3            | 4            | 0              | 0          | 0          | 3            | 3            | 4            | \$80            | \$85            | \$105           |
| 0              | 4            | 0.0%         | 100.0%       | YMCA OF SOUTHERN MAINE      | 3                  | 0            | 1            | 0              | 0          | 0          | 3            | 0            | 1            | \$90            | \$0             | \$30            |
| 198            | 225          | 46.8%        | 53.2%        | ALL OTHER NON-DOWNTOWN      | 117                | 145          | 161          | 0              | 0          | 0          | 117          | 145          | 161          | \$2,060         | \$2,535         | \$3,400         |
| <b>278</b>     | <b>613</b>   | <b>31.2%</b> | <b>68.8%</b> | <b>NON-DOWNTOWN</b>         | <b>306</b>         | <b>289</b>   | <b>296</b>   | <b>0</b>       | <b>0</b>   | <b>0</b>   | <b>306</b>   | <b>289</b>   | <b>296</b>   | <b>\$7,900</b>  | <b>\$7,035</b>  | <b>\$7,920</b>  |
|                |              |              |              |                             |                    |              |              |                |            |            |              |              |              |                 |                 |                 |
| <b>2,275</b>   | <b>4,892</b> | <b>31.7%</b> | <b>68.3%</b> | <b>TOTALS</b>               | <b>2,530</b>       | <b>2,427</b> | <b>2,210</b> | <b>661</b>     | <b>542</b> | <b>545</b> | <b>1,869</b> | <b>1,885</b> | <b>1,665</b> | <b>\$39,595</b> | <b>\$38,900</b> | <b>\$37,245</b> |

| StartStreet | EndStreet | PrimeStreet | StreetSuffix |
|-------------|-----------|-------------|--------------|
| 0           | 431       | Main        | Street       |
| 0           | 999999    | Major's     | Court        |
| 0           | 999999    | Mason       | Street       |
| 0           | 999999    | Middle      | Street       |
| 0           | 999999    | Mitchell    | Lane         |
| 0           | 999999    | North Park  | Street       |
| 0           | 54        | Oak         | Street       |
| 0           | 999999    | Oak         | Place        |
| 0           | 999999    | Parent      | Avenue       |
| 0           | 999999    | Pearl       | Street       |
| 0           | 999999    | Phillips    | Lane         |
| 0           | 999999    | Piersons    | Lane         |
| 0           | 999999    | Pine        | Street       |
| 0           | 999999    | Pike        | Street       |
| 0           | 999999    | Pinette     | Avenue       |
| 0           | 150       | Pool        | Street       |
| 0           | 999999    | Porter      | Street       |
| 0           | 35        | Prospect    | Street       |
| 0           | 999999    | Quimby      | Street       |
| 0           | 999999    | Railroad    | Street       |
| 0           | 999999    | Saco Falls  | Way          |
| 0           | 999999    | School      | Street       |
| 0           | 999999    | Smalls      | Court        |
| 0           | 203       | South       | Street       |
| 0           | 999999    | Southview   | Drive        |
| 0           | 999999    | Spruce      | Street       |
| 0           | 999999    | St Marys    | Street       |
| 0           | 999999    | State       | Street       |
| 0           | 999999    | Sullivan    | Street       |
| 0           | 92        | Summer      | Street       |
| 0           | 999999    | Thornton    | Avenue       |
| 0           | 999999    | Tibbetts    | Avenue       |
| 0           | 999999    | West Cutts  | Street       |
| 0           | 999999    | Washington  | Street       |
| 0           | 999999    | Water       | Street       |
| 0           | 38        | Wentworth   | Street       |
| 0           | 999999    | Wentworth   | Lane         |
| 0           | 999999    | Western     | Ave          |
| 0           | 999999    | Williams    | Cour         |
| 0           | 999999    | York        | Street       |
| 0           | 999999    | York        | Court        |



**2017.6** **IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**  
**BE IT ORDERED**, that the City Council does hereby authorize the following allocation of funds for the establishment of a ***Downtown Façade Improvement Program***:

\$50,000 – from RTE 111-Mill Redevelopment TIF District

## Main Street Makeover / Façade Improvement

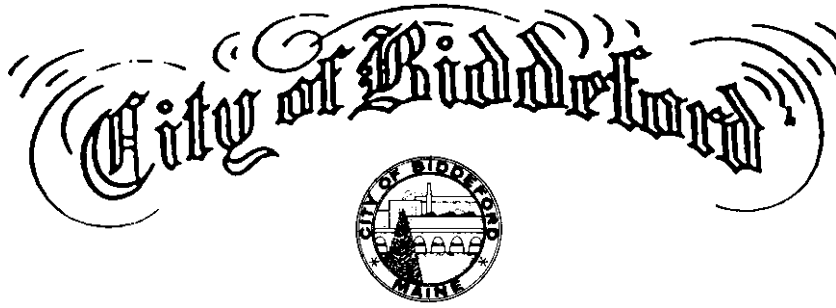
| Project Location  | Contact                | Brief Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Original Project Estimate | Paid by Fund |
|-------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------|
| 265 Main Street   | David Flood            | Paint mural on south side of 265 Main St., currently, there is a 43 1/2 foot by 16 1/2 ft black rectangle in this location. The mural will be related to having a healthy lifestyle.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$ 6,000.00               | \$ 3,000.00  |
| 111 Alfred Street | Donald P. Houde        | Repair kick board, exterior trim, corner boards, ceiling porch panels, cedar clapboard siding, 7 windows, crown molding, fascia trim, mud sills. Replace sign with same bracket. LED lights on bracket. Down lights above awnings. Paint same body color & trim w red accent to match awning and front door.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | \$ 16,522.00              | \$ 7,196.03  |
| 129 Main Street   | Engine, Inc.           | Funding will be used for 1) storefront improvements 2) removal of "modernization" efforts and/or inappropriate non-historic alterations/ additions and 3) other. Matching funds from applicant will be used for 1 and 2 above which include removing the existing panels (approved by historic pres) and installing internal storefront lighting, painting remaining wooden facade pieces, and graphics to be placed on inside of storefront showing plans. Funds from facade makeover will be used for "other" which include historic tax consultant fees, architectural fees and a portion of the actual renovation of the historic storefront. Because of the nature of this property and the use of tax credits this is the next step in the process of creating a stunning new facade. | \$ 14,817.85              | \$ 6,000.00  |
| 25 Alfred Street  | Stacy Cooper           | 1. Exterior painting of Alfred St facade to match Suger's color/ design (dark gray with light gray brick & trim) 2. Install signage (pending City approval). Hanging sign and window decals 3. Exterior lighting: recessed light over doorway 4. Replacement of old air conditioner with new, clean, energy efficient model 5> Exterior/Interior Mechanical Improvement Project; Ventilation & Fire Suppression ductwork                                                                                                                                                                                                                                                                                                                                                                    | \$ 32,619.00              | \$ 13,930.00 |
| 165 Main Street   | Saco River Realty, LLC | Replace storefront with bronze frame & thermopane windows to match the rest of the building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | \$ 7,280.00               | \$ 3,640.00  |
| 193 Main Street   | Saco River Realty, LLC | Replace storefront with bronze frame & thermopane windows to match the rest of the building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | \$ 9,820.00               | \$ 4,910.00  |
| 270 Main Street   | McArthur Library       | exterior sign                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | \$ 3,940.00               | \$ 1,970.00  |
| 238 Main Street   | Trillium               | 3 new signs on facade of building; large sign 36x128.5; 2 smaller signs 201/2x48 and 8x48; signs will be amde of wood and hve receive approval from the Historic Commission and City of Biddeford; please see attached renderings; 3 pendant lights                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$ 1,885.00               | \$ 727.95    |
| 299 Main Street   | John Harkins           | painting the window trim, which is aluminum green, to match rest of building features                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$ 4,600.00               | \$ 1,825.00  |
| 47 Main Street    | Derek Bedard           | replace storefront windows and doors, paint trim/siding, replace Main St lower opening, rerun coaxial cables inside, remove awning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$ 7,975.00               | \$ 3,987.50  |
| 40 Main Street    | Think Tank Co-Working  | Interior lighted sign, exterior sign                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$ 13,196.00              | \$ 5,275.00  |
| <b>TOTALS</b>     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$ 118,654.85             | \$ 52,461.48 |

Original fund balance

\$ 60,000.00

Remainder

\$ 7,538.52



2017.7 **IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**  
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 22, **BUSINESSES, ARTICLE III, CRITERIA, Section 22-26 Taxicabs, motorbuses, public automobiles, and motor vehicles for hire.** is amended by adding or ~~deleting~~ to read as follows:

[Ord. of 4-21-1998(4); amended 9-1-2009 by Ord. No. 2009.42; 4-16-2013 by Ord. No. 2013.28]

**Sec. 22-26. Taxicabs, motorbuses, public automobiles and motor vehicles for hire.**

(a) Definitions. As used in this section, the following terms shall have the meanings indicated:

**TAXICAB**

(1) Includes any motor vehicle used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passenger(s); except that the provisions of this section shall not apply to a motor vehicle licensed by another municipality to operate as a taxicab or other vehicle for hire which is operated within the City of Biddeford in response to:

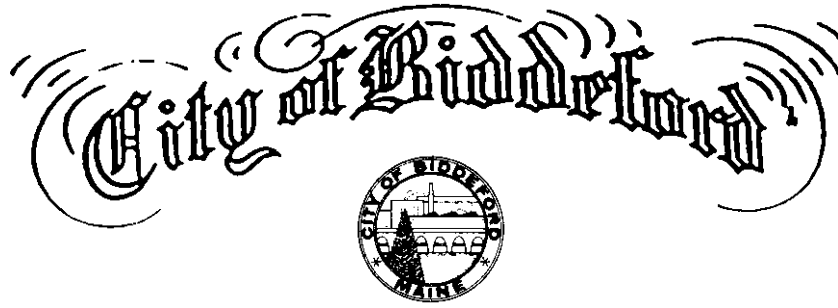
- a. A call to convey a passenger from the City to such other municipality; or
- b. A request to convey a passenger from the City to such other municipality when such request is made at the point of delivery in the City of a passenger from such other municipality; or
- c. A request to convey a passenger from such other municipality to the City.

(2) "Taxicab" does not include a limousine, or other vehicle which operates solely on a fixed schedule and route, such as, but not limited to, a bus.

(b) Purpose. In an effort to provide for the health, welfare and safety of the citizens of the City of Biddeford, a person or firm operating motor vehicles for the conveyance of members of the public, exclusive of freight, operating regularly in the City must obtain a license.

(c) License required. No person or firm will operate a vehicle subject to these provisions without first having obtained a license from the City of Biddeford, excluding nonprofit service, transit authority or municipal vehicles. All taxicabs, motorbuses, public automobiles and motor vehicles for hire must be fully inspected and licensed no later than January 31 of each year. After January 31, any owner/operator that falls within the provisions of this section that has not complied with the provisions set forth herein will be subject to the revocation of his/her license.

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



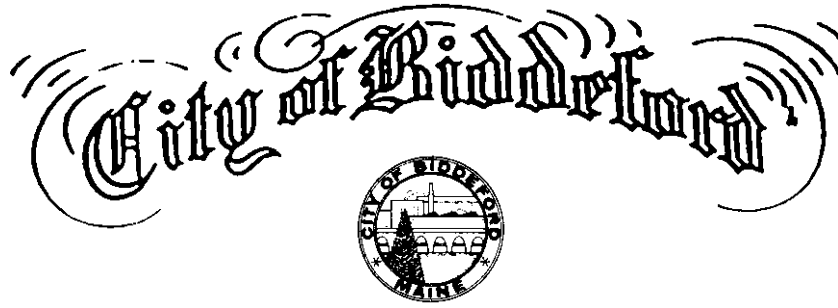
- (1) The name and address of the firm, to include name of owner or corporate executive and telephone numbers.
- (2) Make and types of all vehicles to operate in the City, including state license numbers.
- (3) Certificate or other evidence of liability insurance covering all vehicles and drivers.
- (4) The name, address and driver's license number of all employees who will transport or convey passengers.

(e) ~~Inspection of taxicab; issuance of sticker; placement on vehicle. Prior to the issuance of a license, each taxicab, motorbus, public automobile and motor vehicle used for the transportation of passengers for hire shall submit to an annual vehicle inspection by a member of the Code Enforcement Office and a member of the Police Department who is designated by the Chief of Police to conduct vehicle inspections. Upon successful completion of the City inspection, each vehicle for hire shall be issued a sticker, which shall be affixed by the inspector not more than four inches from the bottom edge of driver's side front windshield. In addition to having an assigned sticker number, the sticker will bear the vehicle's VIN number. Stickers are nontransferrable. Stickers that have become illegible, mutilated, or have been removed, transferred, stolen or lost will become void. The applicant will be required to purchase a replacement sticker, which may only be issued after the vehicle has been reinspected and has met inspection requirements. Use of fraudulent, counterfeit, or fictitious stickers may subject the owner/operator to criminal charges and result in the revocation or suspension of the license.~~

A Code Enforcement Officer may require any licensee to present a taxicab for inspection whenever the Code Enforcement Officer deems such inspection necessary. The inspection shall be performed as soon as practicable, at a location to be determined by the City of Biddeford. If a vehicle fails to pass this inspection, the inspector may, in writing, order a taxicab removed from service, provided that a re-inspection shall be scheduled as soon as possible, but in no case more than three days thereafter. There will be no charge for the initial inspection, but there will be a charge of \$25 for each re-inspection thereafter.

(f) Maintenance of taxicabs; required equipment. All taxicabs operating within the City of Biddeford shall adhere to the following requirements at all times:

- (1) Taxicabs shall at all times be clean and in good repair inside and out and shall be maintained at all times in compliance with the laws of the State of Maine relating to passenger vehicles and the rules and regulations of the State Commissioner of Transportation enacted pursuant thereto.
- (2) Taxicabs may compute fare through the use of a taximeter and may have those meters installed so as to give an accurate reading of all the vehicle's movements and so as not to be subject to tampering. Any meters used shall be tested, approved and sealed by the State Sealer of Weights and Measures. Said meters shall indicate fare and mileage by



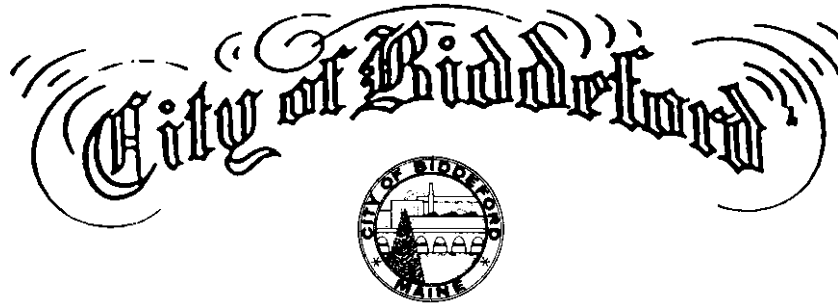
means of legible figures which are electrically illuminated during the period between sunset and sunrise.

(3) Every taxicab operating in the City shall be equipped with an exterior light affixed to the roof thereof, which shall be covered with a translucent fixture marked with the word "Taxi" in legible lettering and which shall be operated during the period between sunset and sunrise.

(4) Every taxicab shall be conspicuously marked, in letters not less than 1 1/2 inches in height, with the word "Taxicab," "Taxi" or "Cab" and the owner's name or trade name or, in lieu of such name or trade name, with a design or monogram containing the owner's name or trade name. Such design or monogram shall be not less than eight inches in diameter.

(5) Every taxicab shall be conspicuously marked, in numbers not less than 1 1/2 inches in height, with a vehicle number, which shall correspond to the vehicle license number filed with the City Clerk, such number to be unique to all taxicabs licensed by the City of Biddeford.

(g) Enforcement; violations and penalties. The Code Enforcement Officer, or his/her designee, shall have the primary duty to enforce this section. A police officer also has the authority to enforce the provisions of this section. A person or entity in violation of this section is subject to a fine as set forth under Chapter 1, § 1-12, of the City of Biddeford Code of Ordinances. In addition to the payment of a fine as set forth herein, a licensed owner or operator who is found in violation of the provisions of this section may have his/her license to operate a taxicab within this City suspended or revoked.

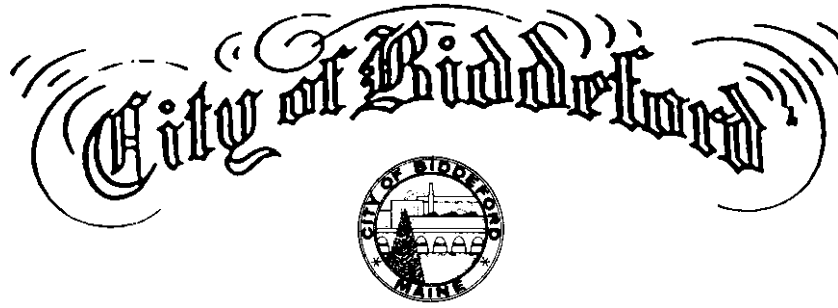


**2017.8** **IN BOARD OF CITY COUNCIL..JANUARY 17, 2017**  
**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby amend the Code of Ordinances, **Appendix A, Rules of the Council – Rule 1: Duties and powers of the Mayor or Presiding Officer**, as follows:

(j) When, as required by law, the City Council must act as municipal officers, ~~there shall be a municipal officers meeting on the same night as the normally scheduled Council meetings when needed. they shall do so during a council meeting. At the municipal officers meeting~~ The first 30 minutes of each regular council meeting shall be designated for “public addressing the Council,” when the residents of Biddeford shall be afforded an opportunity to address the municipal officers City Council on any item of City business which is not before the Council as an order of the day on the Council agenda, over which the Council has direct control, not to exceed three minutes per speaker. A request to speak for a longer period may be extended by a two-thirds majority vote of the Council.

**BE IT FURTHER ORDERED**, that the City Council of the City of Biddeford does hereby amend the Code of Ordinances, **Appendix A, Rules of the Council – Rule 2: Rights and duties of members**, as follows:

(m) Any member may place an item(s) on a City Council agenda with the concurrence of at least one other member, with said item(s) being submitted in writing to the City Clerk. The submitted item(s) shall be placed on a City Council agenda within 30 days. The final agenda items will be reviewed and approved by the Mayor and Council President.



**2017.9 IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**  
**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 2, Administration, Article V FINANCE, **Add Section 2-329-Exempting Eligible Active Duty Military Personnel From Vehicle Excise Tax** to read as follows:

**Section 2-329 - Exempting Eligible Active Duty Military Personnel From Vehicle Excise Tax**

Authority.

This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A, which expressly authorizes such ordinances.

Excise tax exemption; qualifications.

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

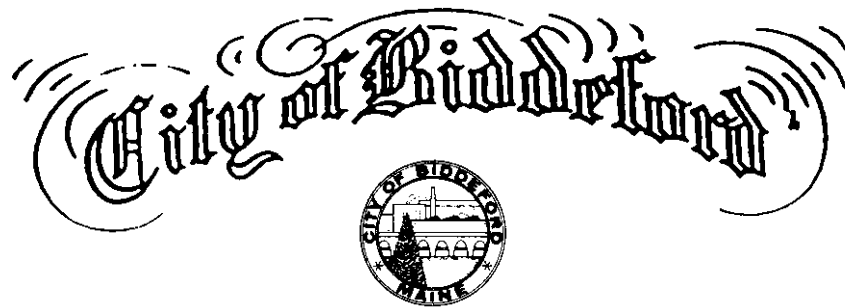
For purpose of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.

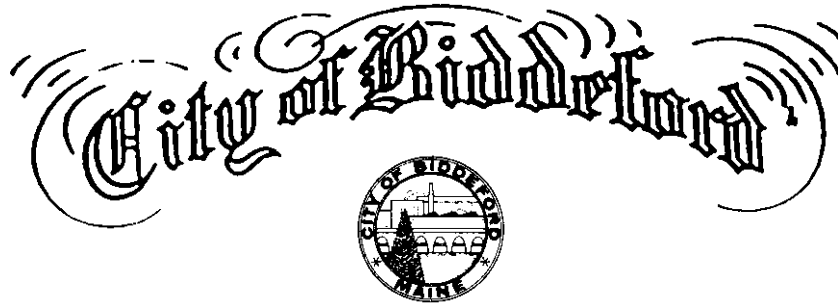
For purpose of this section, "deployed for military service" has the same meaning as in 26 M.R.S.A. § 814(1)(A).

For purpose of this section, "vehicle" has the same meaning as in 36 M.R.S.A. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. § 13001.

Effective date; duration.

This ordinance shall take effect thirty days after its adoption by the City Council and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.

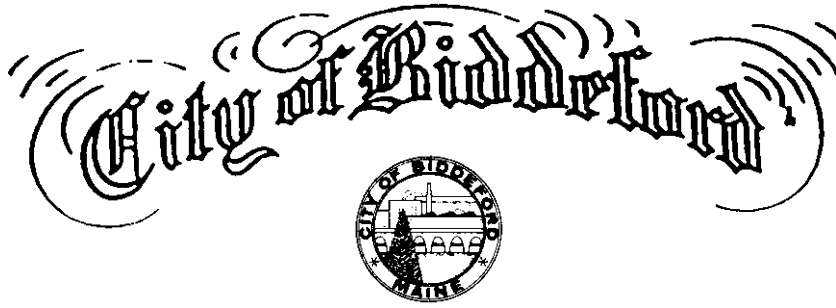




**2017.10**

**IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**

**BE IT ORDERED,** that the City Council of the City of Biddeford does hereby accept the resignation of Richard “Rick” Laverriere as the Councilor representing Ward 6.



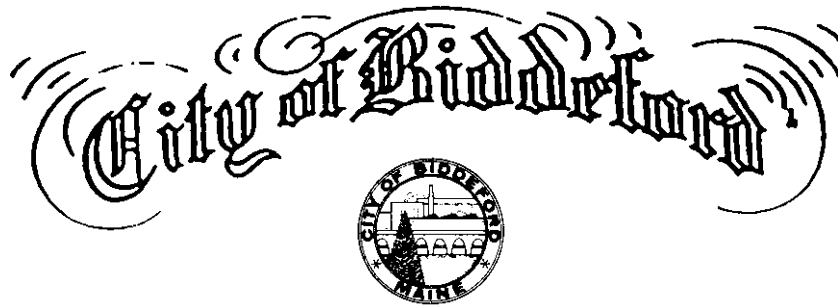
**IN BOARD OF CITY COUNCIL..JANUARY 17, 2017**

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

**Norman Belanger  
589 South Street**

as **City Councilor for Ward 6**, replacing Rick Laverriere, for the remainder of the current term, which will expire in December 2017.

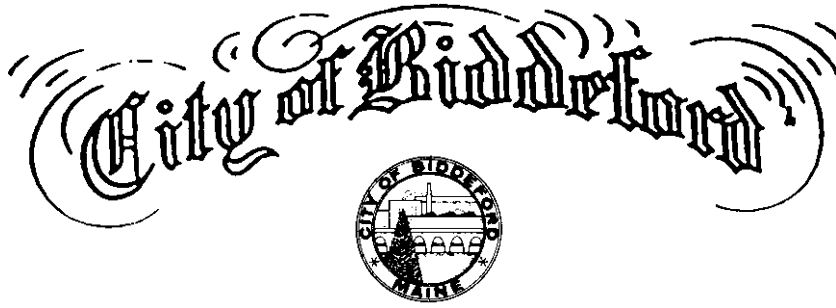
**BE IT FURTHER ORDERED**, that Councilor Norman Belanger replace former Councilor Rick Laverriere on the Personnel Committee and the Policy Committee.



**IN BOARD OF CITY COUNCIL...JANUARY 3, 2017**  
**ORDERED**, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby  
appoint:

**Larry Patoine**

as the CHAIR of the *Planning Board* for 2017.

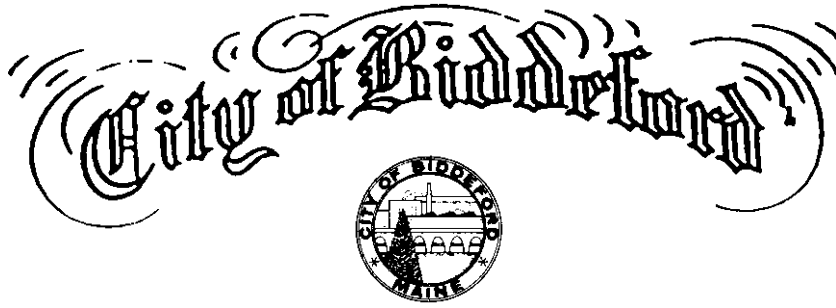


**IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**

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

**Jennifer Burke  
10 Merrill Street  
Ward 3**

on the *Planning Board* from an Associate Member to a Voting Member, replacing Susan Deschambault, with an term to expire December 2018.



**IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**

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

**Bruce Benway  
18 Ocean View Drive  
Ward 1**

to the *Planning Board*, replacing Jennifer Burke as an Associate Member, with a term to expire December 2017.

# CITY OF BIDDEFORD

## Application for City Committees, Commissions and Boards

Date:

1-11-17

Name:

Bruce E. Benway

Street Address:

18 Ocean View Drive

Biddeford, Maine 04005

Mailing Address:  
(if different)

Phone Number(s):

(207) 205-4933

Email Address:

bebenway44@maine.rr.com

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

☒ YES

☐ NO

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

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

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

**CITY OF BIDDEFORD**  
**Committee Application**

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

Charter Revision Commission 2016  
Downtown Task Force - chair

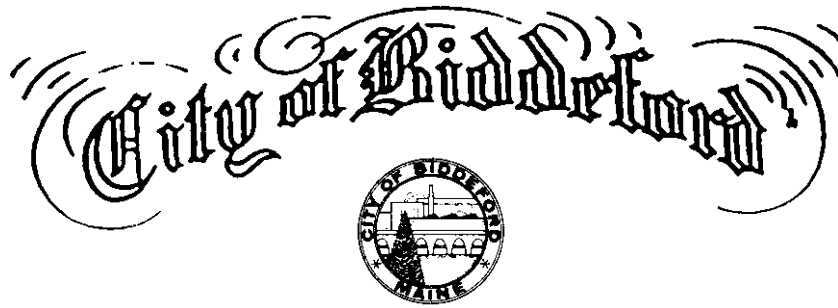
Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

Former Biddeford City Manager 1994-2003

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

I have more than 40 years experience in the management of municipalities. The planning process is vital in working toward a positive future for the city.

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

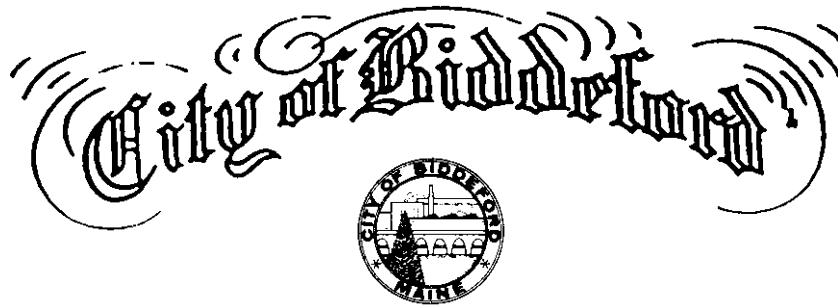


**IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**

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

**Roger Cantara  
44 Harding Street  
Ward 4**

to the *Biddeford Fire Advisory Committee (BFAC)*, for an initial term to expire in December 2021.

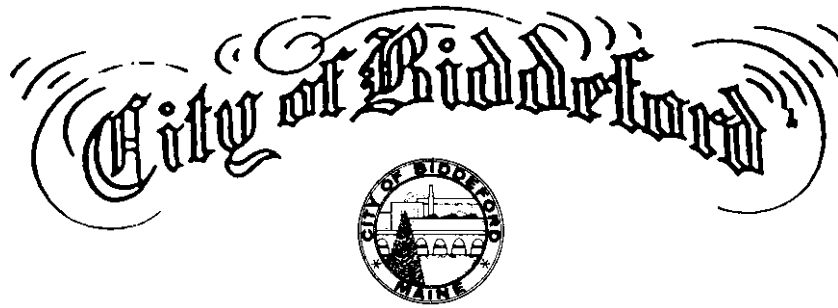


**IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**

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

**Raymond Moreau  
66 South Street  
Ward 5**

to the *Biddeford Fire Advisory Committee (BFAC)*, for an initial term to expire in December 2020.

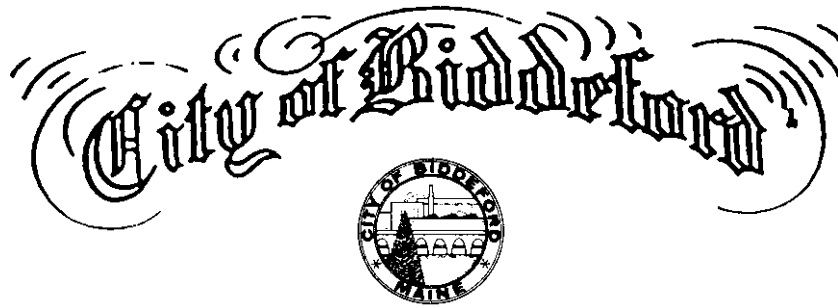


**IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**

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

**Rick Laverriere  
371 South Street  
Ward 6**

to the *Biddeford Fire Advisory Committee (BFAC)*, for an initial term to expire in December 2019.

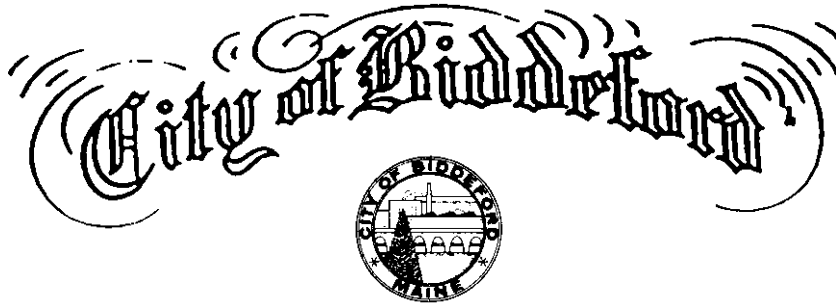


**IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**

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

**Kevin Jacques  
4 Deer Run Drive  
Ward 6**

to the *Biddeford Police Advisory Committee (BPAC)*, for an initial term to expire in December 2021.



**IN BOARD OF CITY COUNCIL...JANUARY 17, 2017**

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

**Roger Gagnon  
1 Justine Way  
Ward 3**

to the *Biddeford Police Advisory Committee (BPAC)*, for an initial term to expire in December 2020.