

City of Biddeford
City Council
January 03, 2017 6:00 PM Council Chambers

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**
- 4. Public Hearing**
 - 4.a. Liquor License Application: Uncorked Wine Bar
[Uncorked Wine Bar.pdf](#)
- 5. Liquor License Consideration**
 - 5.a. Liquor License for Uncorked Wine Bar
[Uncorked Wine Bar.pdf](#)
- 6. Consideration of Minutes:**
 - 6.a. December 20, 2016 Council Meeting Minutes
[12-20-2016 Council Meeting Minutes.docx](#)
- 7. Second Reading:**
 - 7.a. 2016.113) Amendment/Land Development Regulations/Art. VI-Performance Standards/Section 12-Buffers
[12-20-2016 LDR-Performance Standards-Buffers-ORDER.docx](#)
[12-20-2016 Buffers Amendments Memo.docx](#)
 - 7.b. 2016.114) Amendment/Land Development Regulations/Art. II-Definitions and Art. VI-Performance Standards/Hotels-Motels-Inns
[12-20-2016 LDR-Hotel Amendments-ORDER.docx](#)
[12-20-2016 Hotels Amendments Memo.docx](#)
 - 7.c. 2016.118) Amendment/Ch. -Administration/Add Sec. 2-326 et al. - Biddeford Fire Advisory Committee (BFAC)
[12-20-2016 Fire Advisory Committee.doc](#)
 - 7.d. 2016.119) Amendment/Ch. 2-Administration/Add Sec. 2-341 et al. - Biddeford Police Advisory Committee (BPAC)
[12-20-2016 Police Advisory Committee.doc](#)
 - 7.e. 2016.121) Approval/Moratorium on Retail Marijuana Stores, Facilities and Social Clubs
[12-20-2016 Retail Marijuana Moratorium.doc](#)
- 8. Orders of the Day:**
 - 8.a. 2017.1) Approval/Purchase of Ambulance/Sugarloaf Vehicles and Purchase of Two-Way Radios/Dirigo
[1-03-2017 Purchase of Ambulance-ORDER.docx](#)
[1-03-2017 Purchase of Ambulance-backup.docx](#)
 - 8.b. 2017.2) Authorization/Purchase & Sale Contract w/Maine Governmental Facility Authority
[1-03-2017 Pate Prop Purchase-Sale ORDER.docx](#)
[1-03-2017 Pate Prop Purchase-Sale-MEMO.pdf](#)
[1-03-2017 Pate Prop Purchase-Sale Agreement.pdf](#)

- 8.c. 2016.87) Remove from table: Amendment/Land Development Regulations/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](#)
[1-03-2017 Medical Marijuana-MEMO.pdf](#)
- 8.d. 2016.88) Remove from table: Amendment/Land Development Regulations/Art. VI-Performance Standards/Add Sec. 77. Medical Marijuana (Option 2)
[9-20-2016 Medical Marijuana Option 2.docx](#)
[1-03-2017 Medical Marijuana-MEMO.pdf](#)
- 8.e. 2017.3) Amendment/Ch. 46, Parks and Recreation and Ch. 2, Administration/Moving of Recreation Commission & Other Administrative Functionality/Rename Ch.46-City of Biddeford Parks Ordinance
[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.f. 2016.92) Remove from table: Approval/Amendment to Human Resources Policies, Procedures and Benefits Manual/SICK LEAVE
[10-04-2016 Employee Sick Leave-ORDER.docx](#)
[1-03-2017 Employee Sick Leave Revision.pdf](#)
- 9. Appointments:**
 - 9.a. Natalie Kelliher...Downtown Development Commission
[1-03-2017 Appt-Kelliher-DDC.docx](#)
[1-03-2017 Appt-Kelliher Comm App.pdf](#)
 - 9.b. Priscilla McGuire...Historic Preservation Commission
[1-03-2017 Appt-McGuire-Historic Pres Comm.docx](#)
[1-03-2017 Appt-McGuire-Comm App.pdf](#)
 - 9.c. Paul Lariviere...Shellfish Conservation Committee
[1-03-2017 Appt-Lariviere-Comm App.pdf](#)
[1-03-2017 Appt-Lariviere-Shellfish Comm.docx](#)
 - 9.d. Martin Grohman...Solid Waste Management Commission CHAIR
[1-03-2017 Appt-Grohman-SWMC Chair.docx](#)
- 10. City Manager Report**
 - 10.a. City Manager Report Cover Memo
[1 3 17 cover.pdf](#)
- 11. Other Business**
- 12. Council President Addressing the Council**
- 13. Mayor Addressing the Council**

14. Executive Session

14.a. 1 M.R.S.A. 405(6)(A)Personnel

15. Adjourn

\$10.00 application fee is applicable to all NEW businesses

\$60.00 advertising fee for new liquor license applications is an up-front charge

pd \$160-
12/14/16

City of Biddeford
BUSINESS LICENSE APPLICATION

BUSINESS NAME: Uncarved Wine Bar

Business Address: 137 ~~State~~ Main Map Lot

Mailing Address: 17 Shorewood Dr. OOB, ME 04064

Business Telephone Number: 207 450-8341

Email Address: jimmygreek@hotmail.com

OWNER/OPERATOR: Dimitri Inc.

Home Physical Address: 17 Shorewood Dr.

Home Mailing Address: " "

Home Telephone Number: 207 450-8341

Applicant(s) Date of Birth: 4/2/65


Applicant's Signature

12/13/16
Date

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

TYPES OF ENTERTAINMENT:

\$150.00 (single/multiple events)

- ☐ Concert
- ☐ Exhibitions (live performances)
- ☐ Circus/Carnival

☐ Playhouse/Play

☐ Indoor Skating Rink

\$150.00 (annual)

☐ Bowling Lanes

☐ Public Firing Range

☐ Theater/Movie House

☐ Bottle Club

(plus \$25.00 per screen)

☐ Billiard Room(s)

AUTOMOBILE REPAIR AND/OR GRAVEYARD:

- ☐ Automobile Repair Garage for maintenance
- ☐ Automobile Graveyard

\$75.00

\$200.00

PLACES/DEALERS IN PRODUCTS:

\$200.00

☐ Secondhand Dealers

☐ Flea Market (for 20 tables; \$5 per add'l table)

☐ Dealers in gold jewelry, etc.

☐ Junk Dealer/Recycling

☐ Antique Dealer

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

PAWNBROKER: **\$200.00**

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

ICE CREAM TRUCK VENDOR **\$75.00**

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

VENDING ON WATERWAYS **\$100.00**

OPERATING LICENSE:

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

MISCELLANEOUS:

- ☒ Advertising (for liquor licenses) **\$60.00**
- ☒ Newspaper Vending Machines (per machine) **\$10.00**
- ☐ Video Game Devices (up to a max of \$50.00) **\$10.00 (each machine)**

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

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: <u>Dimitri Inc.</u>			Business Name (D/B/A) <u>Uncorked Wine Bar</u>		
APPLICANT(S) --(Sole Proprietor) DOB:			Physical Location:		
DOB:			137 Main St.		
City/Town State Zip Code			Bridgford ME 04005		
Address <u>17 Shorewood Dr.</u>			Mailing Address <u>17 Shorewood Dr.</u>		
City/Town State Zip Code			City/Town State Zip Code		
<u>O.O.B.</u> <u>ME</u> <u>04064</u>			<u>O.O.B.</u> <u>ME</u> <u>04064</u>		
Telephone Number Fax Number			Business Telephone Number Fax Number		
<u>207 450-8391</u>			- -		
Federal I.D. # <u>261-41-1975</u>			Seller Certificate #: or Sales Tax #: <u>Applied for</u>		
Email Address: Please Print <u>Jimmygreek@hotmail.com</u>			Website: <u>-</u>		

If business is NEW or under new ownership, indicate starting date: Jan 2017

Requested inspection date: Jan 2017 Business hours: By Appt. for inspection | W-Sun 3-CL

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

6. Business records are located at: 17 Shorewood Dr.

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 ☐

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pd \$160-
12/14/16

City of Biddeford
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Applicant's Signature

12/13/16
Date

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☐ Playhouse/Play

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

\$150.00 (annual)

- ☐ Public Firing Range
- ☐ Bottle Club

AUTOMOBILE REPAIR AND/OR GRAVEYARD:

- ☐ Automobile Repair Garage for maintenance
- ☐ Automobile Graveyard

\$75.00

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PLACES/DEALERS IN PRODUCTS:

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**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:	
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NEW application: ☒ Yes ☐ No

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Telephone Number Fax Number			Business Telephone Number Fax Number		
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5. If manager is to be employed, give name: _____

6. Business records are located at: 17 Shorewood Dr.

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 ☐

**COUNCIL MEETING
DECEMBER 20, 2016**

Mayor Casavant called the meeting to order at 6:10 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.

Adjustment to the Agenda:

- Remove Order 2016.115

Presentation: Biddeford's Age Friendly Community Designation

Rich Livingston, President of Maine AARP, presented a plaque to the City in recognition of the designation of being an Age Friendly Community. This award recognizes the fact that Biddeford provides programs and services for citizens of all ages; and allows citizens to stay in their homes and in the community for as long as they want, as well as giving folks the opportunity to remain vital and contributing citizens in the City.

Consideration of Minutes: **December 6, 2016**

Motion by Councilor McCurry, seconded by Councilor Ready to accept the minutes as printed.

Vote: Unanimous.

Second Reading:

{For a copy of the ordinance amendment and first reading, see the Council Meeting minutes of December 6, 2016}

2016.110) Amendment/Land Development Regulations/Art. III-Official Zoning Map/Rezoning of 360 Alfred Street

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

Vote: 7/2; Councilors Lessard and Ready opposed.

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

Motion carries.

Orders of the Day:

2016.113

IN BOARD OF CITY COUNCIL..DECEMBER 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 12 (Buffers) as follows:

- A. *No structure shall be erected or any use permitted in nonresidential districts, which abut residential districts, unless a buffer strip at least 30 feet wide is provided and maintained between any adjoining residential district or use and the nonresidential structure or use. Such buffer area shall be for the purpose of eliminating or minimizing any adverse effects upon the environmental or esthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Biddeford. This requirement may be waived by the Planning Board upon request of the applicant if it can be demonstrated that the waiver is warranted or necessary due to existing conditions and/or if other means of eliminating or minimizing any adverse impacts on residential structures or uses can achieve the same purpose, such as, but not limited to, the installation of stockade fencing or noise barriers.*
- B. *No building, structure, or parking shall be erected, provided, or enlarged or use permitted within the institutional zone which abuts or is adjacent to a Suburban Residential (SR-1), Coastal Residential (CR), or Rural-Farm (R-F) Zone unless a buffer at least 50 feet wide is provided and maintained between the adjoining zone and the building, structure, parking, or use in the institutional zone. Such buffer area shall be for the purpose of eliminating or minimizing any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Biddeford, especially the residents of the surrounding neighborhoods. The buffer standards related to this subsection (Article VI,12.B) pertaining to the institutional zone may not be waived.*

- C. ~~Required b~~*Buffer areas shall not include parking or loading areas, and shall consist of coniferous or deciduous trees.*

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

Vote: 6/3; Councilors Lessard, Seaver and McCurry opposed.

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

Motion carries.

2016.114

IN BOARD OF CITY COUNCIL..DECEMBER 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 II (Definitions) as follows:

DWELLING

5. DWELLING UNIT

A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities, and be designed for and used or held ready for use as a permanent residence by one family. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**Part III (Land Development Regulations), Article VI (Performance Standards),
Section 40 (Hotels/motels and inns) as follows:**

~~A. Design requirements.~~

- ~~1. For traffic safety on and immediately adjoining each motel, hotel or inn and to assure the health, safety and welfare of the occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be complied with. For the purposes of this section, the terms hotel, motel and inn, and rental cabins, cottages and housekeeping units are used interchangeably.~~
- ~~(a) The minimum lot size for any hotel, motel, or inn shall contain not less than one acre of total area and not less than 200 feet lot width at the street and throughout the first 200 feet of depth of said lot back from the street.~~
- ~~(b) No part of any building on a motel lot shall be closer than 40 feet to the front lot line, rear lot line or either side line of such lot. A green space, not less than 20 feet wide, shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, and the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.~~
- ~~(c) Buildings on a hotel lot shall not cover more than 15% of the area of the lot.~~
- ~~(d) If cooking or eating facilities are provided in hotel rental units, each rental unit shall be considered a dwelling unit and the hotel shall be required to meet all the standards for multifamily developments in this ordinance including the residential density requirements of the appropriate district.~~
- ~~(e) Each motel rental unit shall contain not less than 250 square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than 12 feet by 15 feet horizontal dimensions, exclusive of baths. Each rental unit shall include private bathroom facilities.~~
- ~~(f) On each hotel lot, one apartment may be provided for a resident owner, manager, or other responsible staff person, provided that it shall meet the standards for a unit in a multifamily dwelling unit.~~

- ~~(g) Hotel building construction plans shall be reviewed and approved by the State Fire Marshal's office.~~
- ~~(h) Each motel structure shall contain not less than five, nor more than 10 individual motel rental units, unless each section of 10 units is separated from any additional sections by an unbroken firewall. Each motel structure may be connected with other similar structures by a covered walkway, if the walkway is constructed of fire resistive materials. Whether or not so connected, the nearest parts of the walls or corners of such structure shall be separated by an open, undeveloped land area, of not less than 30 feet, and in which there shall be no automobile parking or loading.~~
- ~~(i) All hotels shall be connected to the public sewer and water systems.~~
- ~~(j) All hotels shall be subject to the parking standards of this ordinance.~~

Motion by Councilor Mills, seconded by Councilor Quattrone to grant the first reading of the ordinance amendment.
Vote: Unanimous.

2016.116 IN BOARD OF CITY COUNCIL..DECEMBER 20, 2016
BE IT ORDERED, that the City Council of the City of Biddeford does hereby affirm the easement authorization for 41 Franklin Street, as executed by the City Manager.

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

2016.117 IN BOARD OF CITY COUNCIL..DECEMBER 20, 2016
BE IT ORDERED, that the City Manager appointments of the following Department Heads be confirmed, per the **CITY CHARTER**,

Article X – Departments, Offices or Agencies
Sec. 1. Appointments
Subsection (c):

- (1) *Tax Assessor* – Frank Yattaw
- (2) *Police Chief* – Roger P. Beaupre
- (3) *Fire Chief* – Scott Gagne
- (4) *Public Works Director* – Guy Casavant
- (5) *Code Enforcement Officer* – Roby Fecteau
- (6) *Director of Economic Development* – Daniel Stevenson
- (7) *Building Facilities Manager* – Philip Radding
- (8) *City Treasurer* – James Bennett
- (9) *Recreation Director* – Carl Walsh
- (10) *General Assistance Administrator* – Kristen Barth
- (11) *Finance Director* – Michael Wilson

The City Manager appointments are effective January 2017.

Motion by Councilor McCurry, seconded by Councilor Lessard to confirm the City Manager appointments.
Vote: 8/1; Councilor Ready opposed.
Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills, Laverriere, Seaver and Lessard in favor.
Motion carries.

2016.118 IN BOARD OF CITY COUNCIL...DECEMBER 20, 2016
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 2, ADMINISTRATION, Article IV BOARDS, COMMITTEES, COMMISSIONS, DIVISION 11, BIDDEFORD FIRE ADVISORY COMMITTEE (BFAC), is amended by adding new Sections to read as follows:

Sec. 2-326. Establishment.

There is hereby created and established the Biddeford Fire Advisory Committee, herein after BFAC, comprised of five (5) members and a member of the Biddeford Fire Department to serve as an ex-officio member. All members shall be citizens and reside within the corporate limits of the City of Biddeford, with the exception of the ex-officio member who may reside outside of the City. In appointing members

to the BFAC, the Mayor and City Council shall seek to appoint members from a cross-section of all citizens. The BFAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council

Sec. 2-327. Purpose.

The purpose of the Committee is to provide an organized forum for two-way communication between the Biddeford Fire Department and the community. Responsibilities shall include:

(1) Where appropriate, make recommendations to the City Council and Fire Department on substantive issues, with the goal of improved fire services. For the purpose of this article, "substantive" issues are defined as matters of major or practical importance to all concerned. It shall not include personnel issues involving individual members or officers of the Fire Department, or daily Fire operations and implementation.

(2) Assist in identifying potential Fire Department community partnerships to address public safety related issues within the community.

(3) Identify community resources and support for public safety activities (such as parking, and traffic); and give input to the City Council and the Fire Department regarding perceived effectiveness.

(4) Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.

(5) Make reports to the City Council at such times as may be requested by the City Council or as the BFAC determines is necessary.

Sec. 2-328. Membership.

Members shall be appointed by the Mayor and confirmed by a majority of the City Council for staggered three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or written resignation to the BFAC Chair, or upon the vote of the City Council to remove a member. Members of the Committee shall serve without pay and at the discretion of the City Council. The Biddeford Fire Chief, or his designee, shall serve as the administrator, advisor and ex-officio member, and shall provide assistance to the BFAC.

Sec. 2-329. Organization of the Fire Advisory Committee.

The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three (3) members. The Chair shall be counted in determining a quorum and shall have one (1) vote.

The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair, or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one (1) vote.

The ex-officio member of the BFAC is a nonvoting member and shall serve in an advisory capacity.

The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.

A quorum consisting of three (3) members shall be necessary to take any BFAC action authorized or required by this article. An issue shall carry by a majority of those voting.

Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.

The BFAC may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provisions of this article.

Sec. 2-330. Meetings.

Meetings of the Biddeford Fire Advisory Committee shall be established by the BFAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff forty-eight (48) hours in advance of said meeting.

All regularly scheduled and special meetings shall have an agenda approved by the Chair.

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

Vote: Unanimous.

2016.119

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

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 2, ADMINISTRATION, Article IV BOARDS, COMMITTEES, COMMISSIONS, DIVISION 12, BIDDEFORD POLICE ADVISORY COMMITTEE (BPAC), is amended by adding new Sections to read as follows:

Sec. 2-341. Establishment.

There is hereby created and established the Biddeford Police Advisory Committee, herein after BPAC, comprised of five (5) members and a member of the Biddeford Police Department to serve as an ex-officio member. All members shall be citizens and reside within the corporate limits of the City of Biddeford, with the exception of the ex-officio member who may reside outside of the City. In appointing members to the BPAC, the Mayor and City Council shall seek to appoint members from a cross-section of all citizens. The BPAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council

Sec. 2-342. Purpose.

The purpose of the Committee is to provide an organized forum for two-way communication between the Biddeford Police Department and the community. Responsibilities shall include:

(1) Where appropriate, make recommendations to the City Council and Police Department on substantive issues, with the goal of improved police services. For the purpose of this article, "substantive" issues are defined as matters of major or practical importance to all concerned. It shall not include personnel issues involving individual members or officers of the police department, or daily police operational enforcement and implementation.

(2) Assist in identifying potential Police Department community partnerships to address public safety related issues within the community.

(3) Identify community resources and support for public safety activities (such as parking, and traffic); and give input to the City Council and the Police Department regarding perceived effectiveness.

(4) Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.

(5) Make reports to the City Council at such times as may be requested by the City Council or as the BPAC determines is necessary.

Sec. 2-343. Membership.

Members shall be appointed by the Mayor and confirmed by a majority of the City Council for staggered three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or written resignation to the BPAC Chair, or upon the vote of the City Council to remove a member. Members of the Committee shall serve without pay and at the discretion of the City Council. The Biddeford Police Chief, or his designee, shall serve as the administrator, advisor and ex-officio member, and shall provide assistance to the BPAC.

Sec. 2-344. Organization of the police advisory committee.

The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three (3) members. The Chair shall be counted in determining a quorum and shall have one (1) vote.

The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair, or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one (1) vote.

The ex-officio member of the BPAC is a nonvoting member and shall serve in an advisory capacity.

The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.

products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the proposed Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications;

WHEREAS, the outcome of the State-wide referendum vote is yet to be finally determined and the City's current Code of Ordinances does not include any regulations related to retail marijuana establishments or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments and retail marijuana social clubs within the City of Biddeford raises legitimate and substantial questions about the impact of such establishments and social clubs on the City, including questions about the compatibility of retail marijuana establishments and social clubs with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the City's Police Department and Fire Rescue Department; and the adequacy of the City's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana social clubs within the City has potentially serious implications for the health, safety and welfare of the City and its residents; and

WHEREAS, the City needs time to review the proposed Act and to review its own Code of Ordinances to determine the implications of future proposed retail marijuana establishments and/or social clubs to develop reasonable ordinances governing the location and operations of such establishments and social clubs to address the concerns cited above; and

WHEREAS, the City's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and social clubs and other uses authorized by the proposed changes in law voted on in the November 8, 2016 referendum election, thereby necessitating a moratorium; and

WHEREAS, the City Council, the Administration and the Planning Board, with the professional advice and assistance of the Police Department, shall study the City's current Code of Ordinances to determine the land use and other regulatory implications of retail marijuana establishments and social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and social clubs and other uses authorized by the proposed changes in law, voted on in the November 8, 2016 referendum election, being located in the City; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the City enacts this Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Biddeford, that the following Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs be, and hereby is, enacted, and, in furtherance thereof, the City Council does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the City. This Moratorium Ordinance shall take effect, once enacted by the City Council, in accordance with the provisions of the City Charter and Code of Ordinances, but shall be applicable as of December 6, 2016, as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the City Council, for the express purpose of drafting an amendment or amendments to the City's current Code of Ordinances to protect the public from health and safety risks including, but not limited to, compatibility

of retail marijuana establishments and social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments and social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the proposed “Marijuana Legalization Act;” the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the City in responding to the same; and the adequacy of the City’s infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs in the City.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the proposed “Marijuana Legalization Act” to be codified, if passed, at 7 M.R.S.A. §§ 2442 (36), (38), (39), (40) (41), that may be proposed to be located within the City on or after the December 6, 2016 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or social clubs for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other City official or board prior to December 6, 2016, the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or social club within the City on or after the December 6, 2016 applicability date of this Ordinance without complying with whatever ordinance amendment or amendments the City Council may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana social club; and

BE IT FURTHER ORDAINED, that those provisions of the City’s current Code of Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the City shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Motion by Councilor McCurry, seconded by Councilor Laverriere to grant the first reading of the order.
Vote: 6/3; Councilors Swanton, Quattrone and Mills opposed.
Councilors McCurry, St. Cyr, Laverriere, Ready, Seaver and Lessard in favor.
Motion carries.

Motion by Councilor Quattrone, seconded by Councilor Mills to reconsider Order 2016.120.
Vote: 6/3; Councilors Ready, Laverriere and McCurry opposed.
Councilors Swanton, St. Cyr, Quattrone, Mills, Seaver and Lessard in favor.
Motion carries.

Vote on moratorium, as amended: 5/4; Councilors Seaver, Mills, Quattrone and Swanton opposed.
Councilors McCurry, St. Cyr, Laverriere, Ready and Lessard in favor.
Motion carries.

Appointments:

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

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

**Gerald J. Bernier
30 Beacon Avenue
Ward 7**

to the *Airport Commission* with a term to expire December 2019.

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

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

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

**Rick Laverriere
371 South Street
Ward 6**

to the *Airport Commission* with a term to expire December 2019.

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

Motion by Councilor McCurry, seconded by Councilor Lessard to also appointment Rick Laverriere the CHAIR of the Airport Commission.
Vote: Unanimous.

Vote on appointment: Unanimous.

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

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

**Michael Ready
6 Kennedy Drive
Ward 7**

to the *Biddeford Housing Authority* with a term to expire December 2021.

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

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

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

**Michael Tremblay
19 Mason Street, Apt. A
Ward 5**

to the *Cable T.V. Committee* with a term to expire December 2019.

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

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

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

**Emma Bouthillette
36 George Street, Apt. 1
Ward 2**

to the *Downtown Development Commission* with a term to expire December 2019.

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

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

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

**Victoria Foley
26 Mason Street
Ward 5**

to the *Downtown Development Commission* with a term to expire December 2019.

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

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

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

**Richard Potvin, II
150 Guinea Road
Ward 1**

to the *Economic Improvement Commission* with a term to expire December 2023.

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

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

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

**Matthew Boutet
43 Old Pool Road
Ward 1**

to the *Planning Board* with a term to expire December 2019.

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

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

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

**William Southwick
16 Congress Street
Ward 4**

to the *Planning Board* with a term to expire December 2019.

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

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

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

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

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

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

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

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

**Susan Driscoll
11 Ferry Lane
Ward 1**

to the *Zoning Board of Appeals* with a term to expire December 2019.
Motion by Councilor Ready, seconded by Councilor Lessard to confirm the appointment.

Motion by Councilor McCurry, seconded by Councilor Lessard to also appointment Susan Driscoll the CHAIR of the Zoning Board of Appeals.
Vote: Unanimous.

Vote on appointment: Unanimous.

City Manager Report:

City Manager, James Bennett reported the following:

- 1) January 10th, the City Council and School Committee will have a Joint Workshop to receive the Audit Report. The Workshop will be held at the Little Theater at Biddeford High School.
- 2) In the spirit of the season, City Staff adopted three different families and provided needed gifts for them for Christmas. Most of the contributions came from City Hall and Police Dept. Staff. He thanked the Human Resource Office for helping to coordinate the City Hall contributions; and he thanked the General Assistance Office for working with the three families and for the coordination of all outside contributions.
- 3) On behalf of his family, Mr. Bennett extended the warmest of holiday greetings to everyone in the community. He is appreciative to the leadership of the Mayor and Council; all City Staff; and all the Volunteers who help to make the City a better place.

Other Business:

Councilor Lessard: wished everyone in the City a Merry Christmas and Happy New Year. He thanked City Staff and associated agencies for all the work done in 2016; and also thanked the Mayor and Council for all their efforts towards what has been accomplished in the past year.

Councilor Ready: appreciates that the Fire Chief has provided the Council with some information regarding the transfers done by the Fire Dept. Councilor Ready feels that this is important information to have prior to getting into budget discussions.

Councilor Mills: is excited to be able to confirm numerous appointments to the various City committees each year about this time. He is appreciative of all the Volunteers who serve on these committees. Councilor Mills echoed the sentiments of Mr. Bennett and Councilor Lessard and expressed holiday greetings to all.

Councilor Seaver: reminded folks that the week following Christmas is one of the weeks during the year that overflow trash does not have to be in PAYT bags. Also, Public Works will be picking up Christmas trees at the beginning of January with regular trash pick up. Councilor Seaver announced that Christmas trees are still available for folks who may still need one; and the trees are free.

Councilor Laverriere: asked why Order 2016.115 had been removed from tonight's agenda. Mayor Casavant explained that that Finance Committee voted to table the purchase of an ambulance in hopes that City Staff will go back to the vendor and try to get a lower price. This item is expected to be back on both the January 3rd Finance Committee and City Council agendas. Councilor Laverriere wished everyone a Merry Christmas and Happy Holidays.

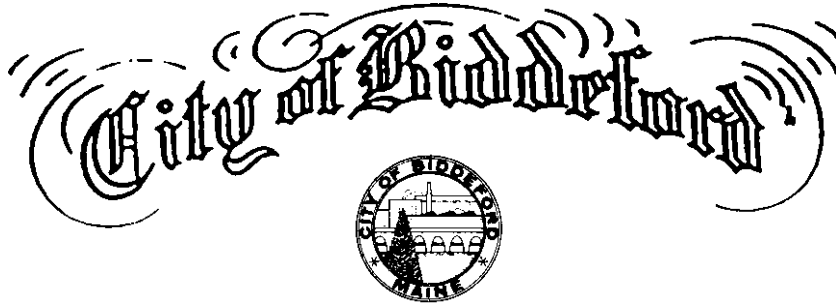
Council President Addressing the Council: Councilor McCurry agrees with Councilor Ready that the Fire Dept. transfer information needs to get to the Council prior to budget discussions. Councilor McCurry wished all a Merry Christmas and Happy Holidays.

Mayor Addressing the Council: Mayor Casavant extended a Merry Christmas to everyone.

Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.
Vote: Unanimous.

Time: 7:16 p.m.

Attest by: _____
Carmen J. Morris, City Clerk



2016.113

IN BOARD OF CITY COUNCIL..DECEMBER 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 12 (Buffers) as follows:

- A. *No structure shall be erected or any use permitted in nonresidential districts, which abut residential districts, unless a buffer strip at least 30 feet wide is provided and maintained between any adjoining residential district or use and the nonresidential structure or use. Such buffer area shall be for the purpose of eliminating or minimizing any adverse effects upon the environmental or esthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Biddeford. This requirement may be waived by the Planning Board upon request of the applicant if it can be demonstrated that the waiver is warranted or necessary due to existing conditions and/or if other means of eliminating or minimizing any adverse impacts on residential structures or uses can achieve the same purpose, such as, but not limited to, the installation of stockade fencing or noise barriers.*
- B. *No building, structure, or parking shall be erected, provided, or enlarged or use permitted within the institutional zone which abuts or is adjacent to a Suburban Residential (SR-1), Coastal Residential (CR), or Rural-Farm (R-F) Zone unless a buffer at least 50 feet wide is provided and maintained between the adjoining zone and the building, structure, parking, or use in the institutional zone. Such buffer area shall be for the purpose of eliminating or minimizing any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Biddeford, especially the residents of the surrounding neighborhoods. The buffer standards related to this subsection (Article VI,12.B) pertaining to the institutional zone may not be waived.*
- C. *Required bBuffer areas shall not include parking or loading areas, and shall consist of coniferous or deciduous trees.*

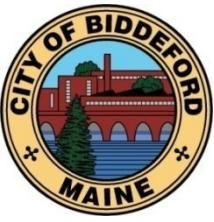
December 20, 2016

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

Vote: 6/3; Councilors Lessard, Seaver and McCurry opposed.

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

Motion carries.



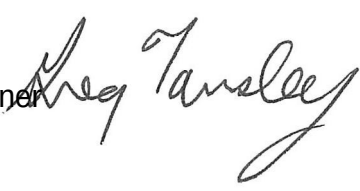
CITY OF BIDDEFORD

PLANNING DEPARTMENT

Greg D. Tansley, AICP
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115
gtansley@biddefordmaine.org

MEMORANDUM

To: Mayor Casavant
Council President McCurry & Members of City Council
J. Bennett, City Manager

From: Greg Tansley, A.I.C.P., City Planner 

Date: December 9, 2016

Re: Proposed Zoning Ordinance Amendments related to "Buffers"

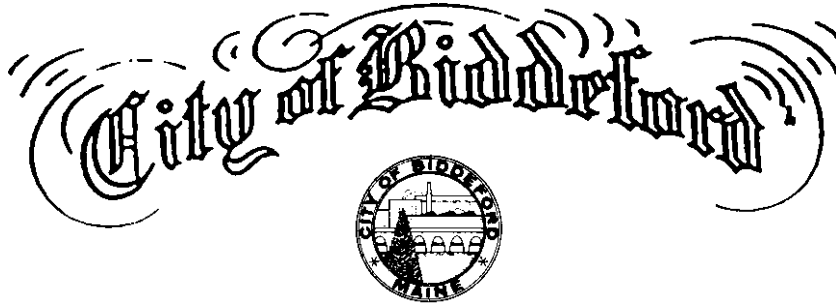
The purpose of this amendment is to provide a waiver provision to Part III (Land Development Regulations), Article VI (Performance Standards), Section 12 (Buffers) allowing the Planning Board to waive the requirement for a vegetated buffer strip of at least 30 feet wide between nonresidential districts which abut residential districts where it can be demonstrated that the waiver is warranted or necessary due to existing conditions and/or if other means of eliminating or minimizing any adverse impacts on residential structures or uses can achieve the same purpose, such as, but not limited to, the installation of stockade fencing or noise barriers. The concept behind this is that a "one size fits all" requirement of this nature does not provide the Planning Board, applicants, and property owners any flexibility to consider alternatives or site context on a case-by-case basis. This would provide such flexibility.

The Planning Board held a duly noticed Public Hearing on the proposal on December 7, 2016. The only public comment provided was from Ms. Pat Boston from Hills Beach. Her comment related to the potential confusion regarding subsection B related to the institutional zone buffer requirements and whether or not they could be waived. The Planning Board then voted that subsection B be amended to include the language that is in the attached order identifying that the requirements of subsection B could not be waived.

The Planning Board voted unanimously (4-0) to recommend the City Council approve this zoning amendment.

Please let me know if you have any questions about this item before the December 20, 2016 Council meeting.

Cc: File



2016.114

IN BOARD OF CITY COUNCIL..DECEMBER 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 II (Definitions) as follows:

DWELLING

5. DWELLING UNIT

A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities, and be designed for and used or held ready for use as a permanent residence by one family. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Part III (Land Development Regulations), Article VI (Performance Standards), Section 40 (Hotels/motels and inns) as follows:

~~A. Design requirements.~~

~~1. For traffic safety on and immediately adjoining each motel, hotel or inn and to assure the health, safety and welfare of the occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be complied with. For the purposes of this section, the terms hotel, motel and inn, and rental cabins, cottages and housekeeping units are used interchangeably.~~

~~(a) The minimum lot size for any hotel, motel, or inn shall contain not less than one acre of total area and not less than 200 feet lot width at the street and throughout the first 200 feet of depth of said lot back from the street.~~

~~(b) No part of any building on a motel lot shall be closer than 40 feet to the front lot line, rear lot line or either side line of such lot. A green space, not less than 20 feet wide, shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, and the front line of such lot, except for~~

~~entrance and exit driveways. The green space shall not be used for automobile parking.~~

- ~~(c) Buildings on a hotel lot shall not cover more than 15% of the area of the lot.~~
- ~~(d) If cooking or eating facilities are provided in hotel rental units, each rental unit shall be considered a dwelling unit and the hotel shall be required to meet all the standards for multifamily developments in this ordinance including the residential density requirements of the appropriate district.~~
- ~~(e) Each motel rental unit shall contain not less than 250 square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than 12 feet by 15 feet horizontal dimensions, exclusive of baths. Each rental unit shall include private bathroom facilities.~~
- ~~(f) On each hotel lot, one apartment may be provided for a resident owner, manager, or other responsible staff person, provided that it shall meet the standards for a unit in a multifamily dwelling unit.~~
- ~~(g) Hotel building construction plans shall be reviewed and approved by the State Fire Marshal's office.~~
- ~~(h) Each motel structure shall contain not less than five, nor more than 10 individual motel rental units, unless each section of 10 units is separated from any additional sections by an unbroken firewall. Each motel structure may be connected with other similar structures by a covered walkway, if the walkway is constructed of fire resistive materials. Whether or not so connected, the nearest parts of the walls or corners of such structure shall be separated by an open, undeveloped land area, of not less than 30 feet, and in which there shall be no automobile parking or loading.~~
- ~~(i) All hotels shall be connected to the public sewer and water systems.~~
- ~~(j) All hotels shall be subject to the parking standards of this ordinance.~~

December 20, 2016

Motion by Councilor Mills, seconded by Councilor Quattrone to grant the first reading of the ordinance amendment.

Vote: Unanimous.



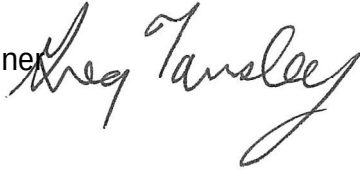
CITY OF BIDDEFORD

PLANNING DEPARTMENT

Greg D. Tansley, AICP
205 Main Street
PO Box 586
Biddeford, ME 04005
(207) 284-9115
gtansley@biddefordmaine.org

MEMORANDUM

To: Mayor Casavant
Council President McCurry & Members of City Council
J. Bennett, City Manager

From: Greg Tansley, A.I.C.P., City Planner 

Date: December 9, 2016

Re: Proposed Zoning Ordinance Amendments related to "Hotels, motels and inns"

In reviewing the performance standards related to "Hotels, motels and inns" staff identified that the standards were not only outdated but simply not conducive to allow a new such uses or the expansion of existing such uses throughout the city. Staff is of the opinion that through Site Plan Review on a case-by-case basis all such issues can be adequately addressed.

The most glaring concern staff had in reviewing these standards was that they would effectively inhibit the ability for new such facilities to locate in the downtown area which is something that I believe the city is trying to achieve.

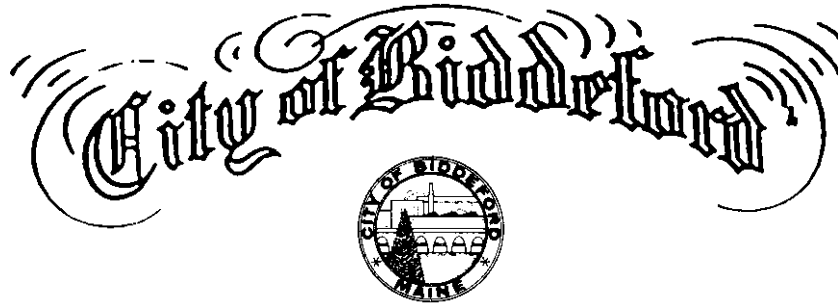
This amendment also clarifies that rooms in "Hotels, motels and inns" are not considered "Dwelling Units" since they are not intended as permanent residences.

The Planning Board held a duly noticed Public Hearing on the proposal on December 7, 2016. There was no public comment for or against this amendment.

The Planning Board voted unanimously (4-0) to recommend the City Council approve this zoning amendment.

Please let me know if you have any questions about this item before the December 20, 2016 Council meeting.

Cc: File



2016.118 IN BOARD OF CITY COUNCIL...DECEMBER 20, 2016
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 2, ADMINISTRATION, Article IV BOARDS, COMMITTEES, COMMISSIONS, DIVISION 11, BIDDEFORD FIRE ADVISORY COMMITTEE (BFAC), is amended by adding new Sections to read as follows:

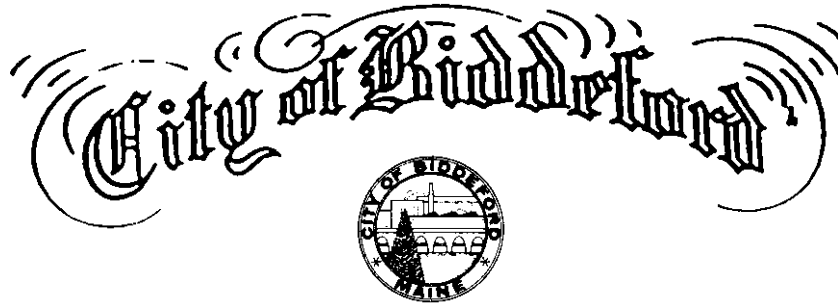
Sec. 2-326. Establishment.

There is hereby created and established the Biddeford Fire Advisory Committee, herein after BFAC, comprised of five (5) members and a member of the Biddeford Fire Department to serve as an ex-officio member. All members shall be citizens and reside within the corporate limits of the City of Biddeford, with the exception of the ex-officio member who may reside outside of the City. In appointing members to the BFAC, the Mayor and City Council shall seek to appoint members from a cross-section of all citizens. The BFAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council

Sec. 2-327. Purpose.

The purpose of the Committee is to provide an organized forum for two-way communication between the Biddeford Fire Department and the community. Responsibilities shall include:

- (1) Where appropriate, make recommendations to the City Council and Fire Department on substantive issues, with the goal of improved fire services. For the purpose of this article, "substantive" issues are defined as matters of major or practical importance to all concerned. It shall not include personnel issues involving individual members or officers of the Fire Department, or daily Fire operations and implementation.
- (2) Assist in identifying potential Fire Department community partnerships to address public safety related issues within the community.
- (3) Identify community resources and support for public safety activities (such as parking, and traffic); and give input to the City Council and the Fire Department regarding perceived effectiveness.



(4) Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.

(5) Make reports to the City Council at such times as may be requested by the City Council or as the BFAC determines is necessary.

Sec. 2-328. Membership.

Members shall be appointed by the Mayor and confirmed by a majority of the City Council for staggered three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or written resignation to the BFAC Chair, or upon the vote of the City Council to remove a member. Members of the Committee shall serve without pay and at the discretion of the City Council. The Biddeford Fire Chief, or his designee, shall serve as the administrator, advisor and ex-officio member, and shall provide assistance to the BFAC.

Sec. 2-329. Organization of the Fire Advisory Committee.

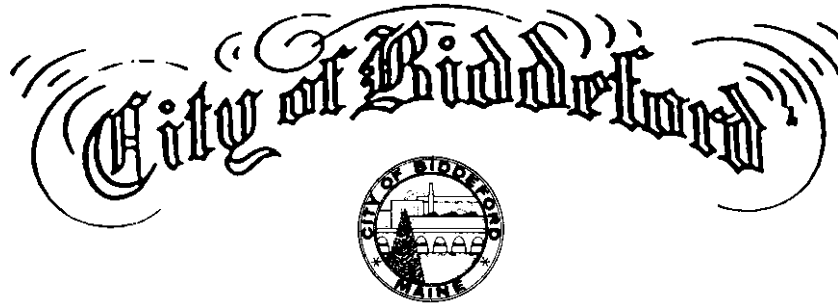
The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three (3) members. The Chair shall be counted in determining a quorum and shall have one (1) vote.

The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair, or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one (1) vote.

The ex-officio member of the BFAC is a nonvoting member and shall serve in an advisory capacity.

The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.

A quorum consisting of three (3) members shall be necessary to take any BFAC action authorized or required by this article. An issue shall carry by a majority of those voting.



Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.

The BFAC may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provisions of this article.

Sec. 2-330. Meetings.

Meetings of the Biddeford Fire Advisory Committee shall be established by the BFAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff forty-eight (48) hours in advance of said meeting.

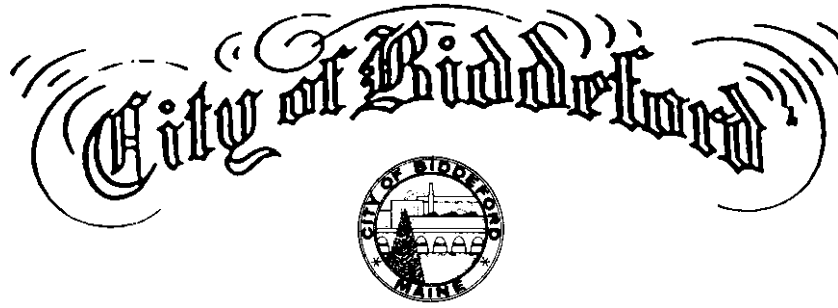
All regularly scheduled and special meetings shall have an agenda approved by the Chair.

Sections 2-331 to 2-340 reserved.

December 20, 2016

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

Vote: Unanimous.



2016.119 IN BOARD OF CITY COUNCIL...DECEMBER 20, 2016
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 2, ADMINISTRATION, Article IV BOARDS, COMMITTEES, COMMISSIONS, DIVISION 12, BIDDEFORD POLICE ADVISORY COMMITTEE (BPAC), is amended by adding new Sections to read as follows:

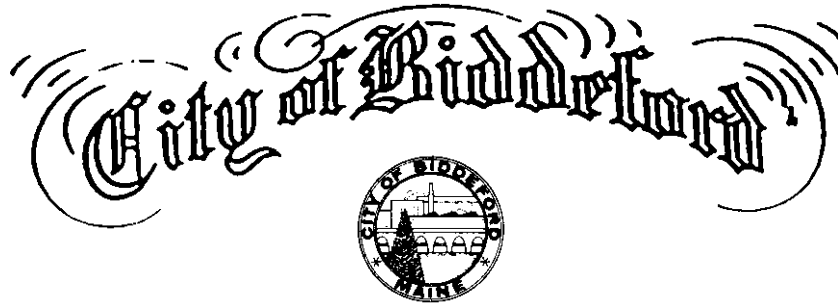
Sec. 2-341. Establishment.

There is hereby created and established the Biddeford Police Advisory Committee, herein after BPAC, comprised of five (5) members and a member of the Biddeford Police Department to serve as an ex-officio member. All members shall be citizens and reside within the corporate limits of the City of Biddeford, with the exception of the ex-officio member who may reside outside of the City. In appointing members to the BPAC, the Mayor and City Council shall seek to appoint members from a cross-section of all citizens. The BPAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council

Sec. 2-342. Purpose.

The purpose of the Committee is to provide an organized forum for two-way communication between the Biddeford Police Department and the community. Responsibilities shall include:

- (1) Where appropriate, make recommendations to the City Council and Police Department on substantive issues, with the goal of improved police services. For the purpose of this article, "substantive" issues are defined as matters of major or practical importance to all concerned. It shall not include personnel issues involving individual members or officers of the police department, or daily police operational enforcement and implementation.
- (2) Assist in identifying potential Police Department community partnerships to address public safety related issues within the community.
- (3) Identify community resources and support for public safety activities (such as parking, and traffic); and give input to the City Council and the Police Department regarding perceived effectiveness.



(4) Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.

(5) Make reports to the City Council at such times as may be requested by the City Council or as the BPAC determines is necessary.

Sec. 2-343. Membership.

Members shall be appointed by the Mayor and confirmed by a majority of the City Council for staggered three-year terms. All subsequent appointments, except to fill a vacancy, shall be for three-year terms. A vacancy is created upon the death or written resignation to the BPAC Chair, or upon the vote of the City Council to remove a member. Members of the Committee shall serve without pay and at the discretion of the City Council. The Biddeford Police Chief, or his designee, shall serve as the administrator, advisor and ex-officio member, and shall provide assistance to the BPAC.

Sec. 2-344. Organization of the police advisory committee.

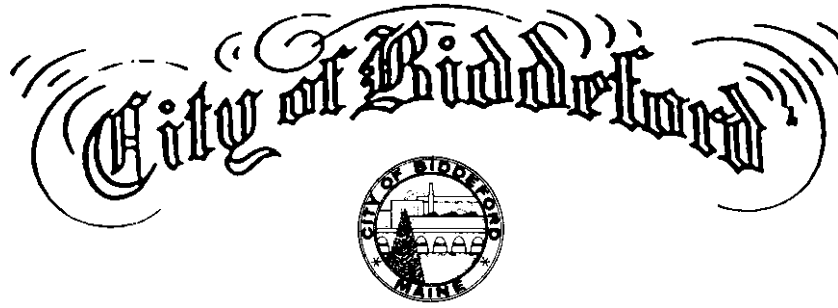
The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three (3) members. The Chair shall be counted in determining a quorum and shall have one (1) vote.

The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair, or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one (1) vote.

The ex-officio member of the BPAC is a nonvoting member and shall serve in an advisory capacity.

The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.

A quorum consisting of three (3) members shall be necessary to take any BPAC action authorized or required by this article. An issue shall carry by a majority of those voting.



Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.

The BPAC may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provisions of this article.

Sec. 2-345. Meetings.

Meetings of the Biddeford Police Advisory Committee shall be established by the BPAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff forty-eight (48) hours in advance of said meeting.

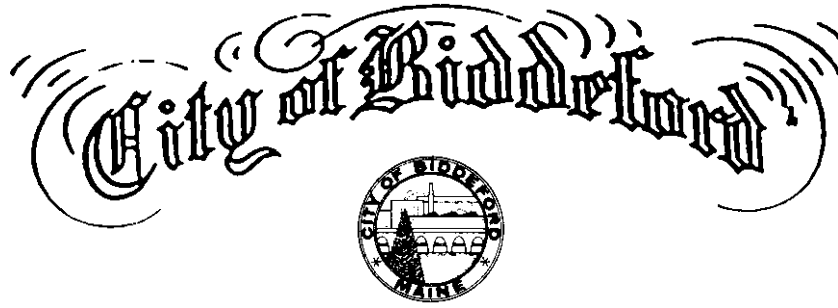
All regularly scheduled and special meetings shall have an agenda approved by the Chair.

Sections 2-346 to 2-350 reserved.

December 20, 2016

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

Vote: Unanimous.



2016.121

IN BOARD OF CITY COUNCIL..DECEMBER 20, 2016

**MORATORIUM ORDINANCE ON RETAIL MARIJUANA STORES,
FACILITIES, AND SOCIAL CLUBS**

BE IT ORDAINED, that the City of Biddeford, Maine hereby adopts the following Moratorium Ordinance on retail marijuana stores, facilities, and social clubs:

WHEREAS, a ballot initiative to legalize, regulate and tax marijuana for non-medicinal purposes known as the “Marijuana Legalization Act,” proposed to be codified in the Maine Revised Statutes in Title 7, chapter 417, was voted on by a State-wide referendum election on November 8, 2016; and

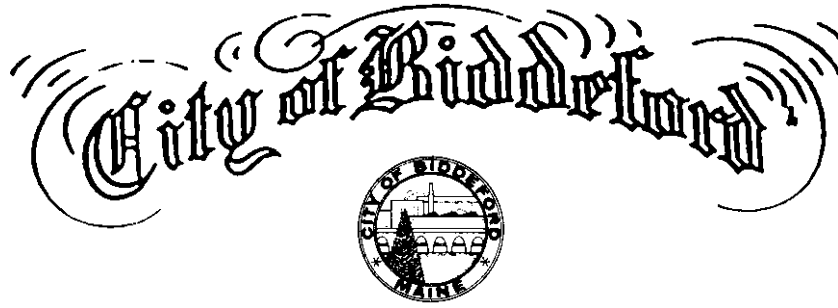
WHEREAS, while it was reported that the voters approved the proposed Act, a recount of the referendum ballots will be conducted, and

WHEREAS, the proposed Act authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the proposed Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications;

WHEREAS, the outcome of the State-wide referendum vote is yet to be finally determined and the City’s current Code of Ordinances does not include any regulations related to retail marijuana establishments or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments and retail marijuana social clubs within the City of Biddeford raises legitimate and substantial questions about the impact of such establishments and social clubs on the City, including questions about the compatibility of retail marijuana



establishments and social clubs with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the City's Police Department and Fire Rescue Department; and the adequacy of the City's streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs; and

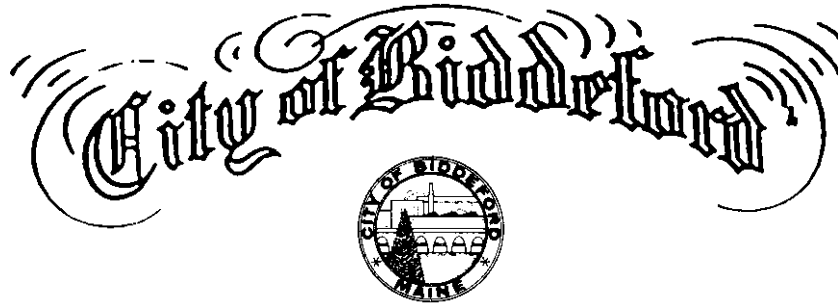
WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana social clubs within the City has potentially serious implications for the health, safety and welfare of the City and its residents; and

WHEREAS, the City needs time to review the proposed Act and to review its own Code of Ordinances to determine the implications of future proposed retail marijuana establishments and/or social clubs to develop reasonable ordinances governing the location and operations of such establishments and social clubs to address the concerns cited above; and

WHEREAS, the City's current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and social clubs and other uses authorized by the proposed changes in law voted on in the November 8, 2016 referendum election, thereby necessitating a moratorium; and

WHEREAS, the City Council, the Administration and the Planning Board, with the professional advice and assistance of the Police Department, shall study the City's current Code of Ordinances to determine the land use and other regulatory implications of retail marijuana establishments and social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

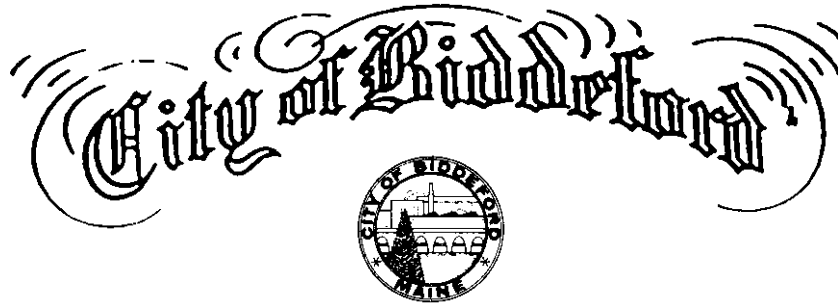
WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and social clubs and other uses authorized by the proposed changes in law, voted on in the November 8, 2016 referendum election, being located in the City; and



WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the City enacts this Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Biddeford, that the following Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Social Clubs be, and hereby is, enacted, and, in furtherance thereof, the City Council does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the City. This Moratorium Ordinance shall take effect, once enacted by the City Council, in accordance with the provisions of the City Charter and Code of Ordinances, but shall be applicable as of December 6, 2016, as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the City Council, for the express purpose of drafting an amendment or amendments to the City's current Code of Ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments and social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments and social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the proposed "Marijuana Legalization Act;" the potential adverse health and safety effects of retail marijuana establishments and social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the City in responding to the same; and the adequacy of the City's infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or social clubs in the City.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the proposed "Marijuana Legalization Act" to be codified, if passed, at 7 M.R.S.A. §§ 2442 (36), (38),



(39), (40) (41), that may be proposed to be located within the City on or after the December 6, 2016 applicability date of this Ordinance; and

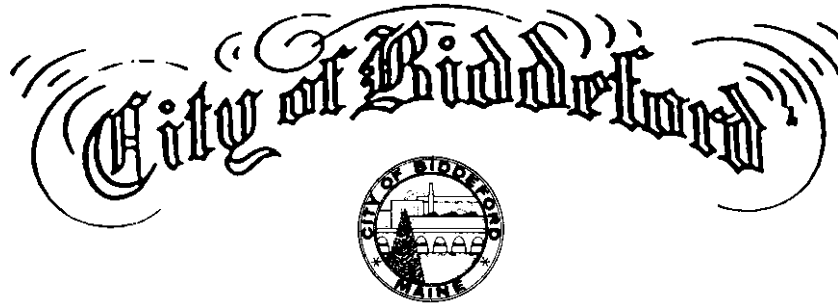
BE IT FURTHER ORDAINED, that notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or social clubs for which an application for a building permit, Certificate of Occupancy, site plan or any other required approval has not been submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other City official or board prior to December 6, 2016, the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or social club within the City on or after the December 6, 2016 applicability date of this Ordinance without complying with whatever ordinance amendment or amendments the City Council may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana social club; and

BE IT FURTHER ORDAINED, that those provisions of the City's current Code of Ordinances that are inconsistent or conflicting with the provisions of this Ordinance, are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the City shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney's fees and costs in prosecuting any such violations; and



BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

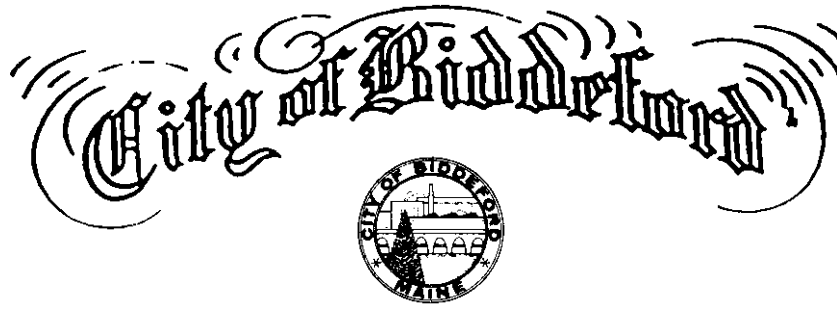
December 20, 2016

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

Vote: 6/3; Councilors Swanton, Quattrone and Mills opposed.

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

Motion carries.



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 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.

Approval for Ambulance Purchase

Last year we went out to bid to purchase a new ambulance and the bid that was approved was a PL Custom from Sugarloaf Vehicles. In that bid there was a discount of \$4,500.00 if we purchased a second ambulance within 5 years and a \$1,000.00 discount if we prepay the chassis when it is delivered to the factory. We have been using the new Ambulance since October and we are very satisfied with that unit. We are now ready to purchase a new one under that bid with the same discounts. Sugarloaf Vehicles has also offered \$7,500.00 trade in for the rescue being replaced. We are recommending keeping the trade and using the truck throughout out the City.

This year's price:

\$222,146.00

-\$1,000.00 Prepay chassis

- \$4,500.00 Discount

\$216,646.00 Total

Last Year's price:

\$222,292.00

-

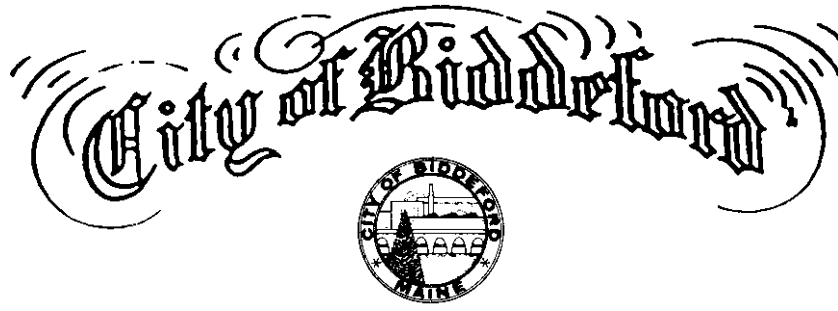
-\$1,000.00 Prepay chassis

-\$4,500.00 Discount

- \$3,500.00 Trade in

\$213,292.00 Total

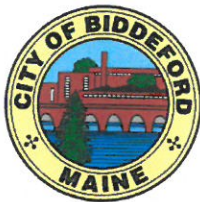
We also need to replace the two-way radios in this new ambulance because of their age. They will be bought from Dirigo Wireless in the amount of \$4,733.00; this ambulance was budgeted in the FY 17 CIP budget line item 21204-60603 as a lease.



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.



CITY OF BIDDEFORD

ECONOMIC IMPROVEMENT COMMISSION

Daniel B. Stevenson
Economic Development Director
205 Main Street
Biddeford, ME 04005
dstevenson@biddefordmaine.org
207-282-7119

MEMO

TO: Mayor Casavant;
Council President McCurry and Members of the City Council; and
James Bennett, City Manager

FROM: Daniel B. Stevenson, Economic Development Director 

DATE: December 28, 2016

SUBJECT: Proposed Sale of 511 – 515 Elm Street ("Pate Property") and 384 Hill Street

Background

The Pate Property at 511-515 Elm Street is city-owned and was submitted for consideration as a site for the proposed York County consolidated Superior and District courthouse. The site selection committee chose this site as most appropriate based on its location within York County's population center as well as its proximity to the Maine Turnpike. The site selection committee subsequently expressed interest in the adjacent parcel located at 384 Hill Street, also city-owned, which would allow the courthouse a greater degree of egress. The property located at across the street at 516-522 Elm Street is not within the scope of this agreement.

Proposal

The Maine Governmental Facility Authority proposes an investment of approximately \$65 million to construct a new facility that will bring together the existing Superior Courthouse in Alfred with three existing District courthouses now located in Springvale, York, and Biddeford. The State Court Administrator estimates 68 persons to be employed at this new facility and as many as 584 persons to visit this new courthouse each day. The timeline for investment is during the 2017 to 2018 construction season.

The Maine Governmental Facilities Authority seeks a positive recommendation from Council for approval of the purchase of the parcel located at 511-515 Elm Street and the adjacent parcel located at 384 Hill Street in the total amount of \$810,000. The proposal is contingent on several factors typical in commercial property sales agreements.

Table 1

M/L/BI	Address	Total Acres	Approx. Net Useable Acres*	Total Price	Price Per Net Useable Acre
88/5	511 – 515 Elm St.	12.7	9.0	\$650,000	\$72,222
3/66/1	384 Hill St.	15.2	2.0	\$160,000	\$80,000
		27.9	11.0	\$810,000	\$73,636

* Preliminary geotechnical work has not yet been performed. Net useable acres is an estimation based on information presently available.

Market conditions, location and site development costs are significant considerations that drive the purchase price when commercial parcels are sold. Also, please note the direct correlation to purchase price and net usable acre (sometimes referred to as developable acre). For comparison, the average purchase price for net usable acres prior to 2013 for all lots sold in Robert G. Dodge Park was \$37,164 and has increased to \$54,545 since 2013.

Both purchaser and seller warrant and represent that no commission shall be paid by Seller. This is a value to the City of up to 7% of the purchase price or \$56,700.

The Economic and Community Development Department recommends the sale of these properties to the Maine Governmental Facilities Authority, in the amount of \$810,000, for the purpose of constructing a consolidated York County courthouse.

PURCHASE AND SALE CONTRACT

This Purchase and Sale Contract (this “**Contract**”) is made as of the ____ day of December, 2016 (the “**Effective Date**”), by and between THE CITY OF BIDDEFORD, a Maine municipal corporation (“**Seller**”), and MAINE GOVERNMENTAL FACILITIES AUTHORITY, a body corporate and politic and a public instrumentality of the State of Maine, or assigns (“**Buyer**”), WHO AGREE AS FOLLOWS:

1. PREMISES: Seller agrees to sell and Buyer agrees to buy certain lots or parcels of land, with the improvements thereon, located at or near (i) 511-515 Elm Street (“**Elm Street Parcel**”), and (ii) 384 Hill Street (“**Hill Street Parcel**”), each in the City of Biddeford, County of York, and State of Maine, and more particularly described in (i) a certain deed from Richard H. Pate dated December 31, 2014 and recorded in the York County Registry of Deeds in Book 16954, Page 264 (excluding Parcel Four located on the northwesterly sideline of Elm Street), and (ii) a certain deed from Cleaveswood Capital LLC to Seller dated September 14, 2014 and recorded in the said Registry of Deeds in Book 16891, Page 21, which deed descriptions are incorporated herein by reference, together with all improvements and fixtures thereon and all rights, privileges, easements and appurtenances thereto, including without limitation, all air rights, water rights, rights-of-way or other interests in, on, under or to any land, highway, alley, street or rights-of-way abutting or adjoining said parcel, and any and all real property and rights described in or associated with the property described in the aforesaid deeds (the foregoing, including the Elm Street Parcel and the Hill Street Parcel are herein collectively referred to herein as the “**Property**”).

2. CONDITIONS PRECEDENT. This Contract, and the obligations of Buyer to purchase the Property, are expressly subject to the satisfaction (or written waiver by Buyer, in its sole discretion) of (i) the Permits and Approvals Condition set forth in Section 6 hereof, (ii) the Environmental and Engineering Condition set forth in Section 7 hereof, (iii) the Title and Survey Condition set forth in Section 8 hereof, and (iv) the Third-Party Agreements Condition set forth in Section 9 hereof (collectively, the “**Contract Conditions**”). In the event that any one or more of the Contract Conditions have not been satisfied (or waived by Buyer) on or before March 31, 2017 (the “**Due Diligence Date**”), Buyer shall have the right to cancel and terminate this Contract by giving written notice of such cancellation and termination to the Seller on or before the Due Diligence Date, and upon the giving of such notice, the Escrow Agent shall return the Deposit (as defined below) to the Buyer, and the parties shall be relieved of all further obligations hereunder except those obligations that are expressly provided to survive any termination of this Contract. It is also a condition of this Contract, and the Obligations of the Buyer to purchase the Property, that Seller vacate the Property on or before March 31, 2017.

3. PURCHASE PRICE: Subject to any adjustments and prorations contained herein, Buyer agrees to pay to Seller for the Property the sum of Eight Hundred Ten Thousand and 00/100 Dollars (\$810,000.00) in lawful currency of the United States of America (the “**Purchase Price**”), i.e., \$650,000 for the Elm Street Parcel, and \$160,000 for the Hill Street Parcel, payable as follows:

- (a) Ten Thousand and 00/100 Dollars (\$10,000.00) upon the full

execution of this Contract by both Buyer and Seller (the “**Deposit**”), to be held by Atlantic Coast Title Company, LLC (“**Escrow Agent**”). The Deposit shall be held by Escrow Agent in a non-interest bearing escrow account and credited towards the Purchase Price at the Closing.

(b) The balance of the Purchase Price plus or minus the pro-rations, shall be delivered to Seller at Closing in cash or certified funds or a cashiers, bank, law firm or title company trust account check drawn on a local Maine bank, wire transfer or other immediately available funds.

4. CLOSING: Unless otherwise agreed in writing, the closing of the transaction contemplated by this Contract (the “**Closing**”) shall take place at the offices of Seller’s counsel, Woodman Edmands Danylik Austin Smith and Jacques P.A., 234 Main Street, Biddeford, Maine at 10:00 a.m. no later than March 31, 2017, 2017. Buyer shall give Seller at least ten (10) days advance written notice of the date on which it intends to close which notice shall establish the date for the Closing. If the date for the Closing should fall on a Saturday, Sunday or nationally recognized holiday, then the Closing shall be postponed to the first business day thereafter.

5. OMITTED.

6. PERMITS AND APPROVALS CONDITION. This Contract is made upon the condition (the “**Permits and Approvals Condition**”) that Buyer shall be able to obtain, at its expense, all zoning changes and variances, environmental, land use and site plan permits and approvals, and all other governmental (federal, state and local) licenses, permits and approvals that shall be necessary for the development and construction of a new courthouse; including, without limitation, the City of Biddeford providing the Buyer (or its assigns) with setback and height variances and/or written assurances acceptable to Buyer for the new courthouse to be constructed by the Buyer (the “**Project**”) (all of such zoning changes and variances, environmental, land use and site plan permits and approvals and other governmental licenses, permits and approvals for the Project being herein referred to as the “**Development Permits**”). The Permits and Approvals Condition shall be deemed to have been satisfied when Buyer shall have obtained each of the required Development Permits, the Development Permits contain no conditions, limitations or requirements unacceptable to Buyer in its sole discretion, the Development Permits are not subject to any legal challenge or appeal, all periods within which any such legal challenge or appeal may be made have expired, and the Development Permits remain in force and unexpired on the date of the Closing. After execution of this Contract, Buyer agrees to promptly and diligently seek to obtain the Development Permits. Seller agrees to support Buyer’s efforts to obtain the Development Permits and to provide reasonable assistance at the request and expense of Buyer in such efforts.

7. ENVIRONMENTAL AND ENGINEERING CONDITION. This Contract is made upon the condition (the “**Environmental and Engineering Condition**”) that Buyer shall be satisfied, in its sole discretion, after reviewing the results of all environmental assessments and studies, engineering studies, subsurface tests, test borings, geotechnical studies, water surveys, percolation tests, topographical surveys, utility surveys, sewage disposal surveys, storm water drainage determinations, building inspections and testing and such other tests, studies,

inspections and assessments as Buyer shall desire (collectively, the “**Environmental and Engineering Studies**”), that the physical condition of the Property is suitable for development of the Project and Buyer’s proposed uses of the Property. This Condition shall be deemed satisfied when Buyer has notified Seller in writing that Buyer has completed the Environmental and Engineering Studies and is satisfied with the results of the same. Buyer agrees to diligently perform the Environmental and Engineering Studies at its sole cost and expense.

8. **TITLE AND SURVEY CONDITION.** This Contract is made upon the condition (the “Title and Survey Condition”) that Buyer shall be able to obtain, at Buyer’s expense (A) a commitment for an owner’s title insurance policy (the “**Title Commitment**”), issued by a nationally recognized title insurance company reasonably acceptable to Buyer and authorized to do business in the State of Maine, showing that Seller is the fee owner of the Property and that title to the Property (including Seller’s rights and interests in any appurtenant easements providing necessary services to the Property, including, without limitation, those for water, sewer, utilities, storm water drainage, pedestrian and vehicular access, ingress and egress and parking) is free and clear of all defects, exceptions, encumbrances and restrictions other than (i) easements, encumbrances and restrictions of record that will not materially interfere with the use and operation of the Property and the development of the Project as contemplated by this Contract (the “**Permitted Encumbrances**”), and (ii) encumbrances or liens that are to be removed and/or discharged prior to Buyer’s acquisition of title to the Property through satisfaction of the Third-Party Agreements Condition set forth in Section 9 below, and (B) an ALTA/ACSM land title survey and surveyor’s report with respect to the Property (the “Survey”) in a form satisfactory to Buyer and the above-mentioned title insurance company showing that there are no easements, claims of easement, encroachments, overlaps, boundary line disputes or other matters that would, in the sole opinion of Buyer, materially interfere with the use and operation of the Property and/or the development of the Project as contemplated by this Contract. Based on the Survey, the Buyer and Seller shall agree upon a metes and bounds property description for the conveyance deed of the Property. This Condition shall be deemed to have been satisfied when Buyer has received the Title Commitment and Survey and has either (i) notified Seller in writing that Buyer is satisfied with the Title Commitment and Survey, or (ii) notified Seller in writing of Buyer’s objections to the Title Commitment and/or Survey and received from Seller a written commitment to resolve such objections through satisfaction of the Third-Party Agreements Condition set forth in Section 9 below.

Buyer shall have until the Due Diligence Date hereof to examine title to the Property and give written notice to Seller of any objections to the status of title. The failure of Buyer to timely deliver such notice shall constitute a waiver of objection to any matters of record existing as of the date hereof. If Buyer timely objects to the status of title, then Seller shall have a reasonable period of time (not to exceed forty-five (45) days) in which to clear title of such defects and the Due Diligence Date shall be extended one (1) day for each day Seller takes to cure title of said defects. Seller agrees to use commercially reasonable efforts in good faith to cure such defects. If title cannot be cleared of such defects within such a reasonable period, then Buyer shall either elect to close and accept title “as is”, without reduction in the Purchase Price, or terminate this Contract whereupon the Deposit shall be returned to Buyer, and neither party shall have any further obligations hereunder. Seller agrees that it will not further encumber or permit to be encumbered the Property by any liens, mortgages, attachments, covenants, restrictions,

easements, leases (except as described above) or otherwise after the Effective Date.

9. **THIRD-PARTY AGREEMENTS CONDITION.** This Contract is made upon the condition (the “**Third-Party Agreements Condition**”) that Seller shall obtain and deliver to Buyer all deeds, releases, consents, amendments, instruments and/or agreements necessary to cure any title or survey matter to which Buyer has objected (each a “**Third-Party Agreement**”). This Condition shall be deemed to have been satisfied when Seller has delivered to Buyer, in form and substance satisfactory to Buyer or Buyer’s counsel, with respect to each title and survey matter to which Buyer has objected, either (i) a Third-Party Agreement duly executed by the appropriate party to be charged, or (ii) a binding commitment on the part of the appropriate third party to deliver such Third-Party Agreement at or prior to the Closing upon payment or performance of any specified obligation of Seller. Seller agrees to use its reasonable best efforts to obtain such Third-Party Agreements and/or binding commitments prior to the Due Diligence Date, and Buyer agrees to cooperate and assist in Seller’s efforts.

10. **SELLER’S DOCUMENTS.** Seller shall provide to Buyer for Buyer’s review and inspection upon execution of this Contract copies of all of the following documents relating to the Property in Seller’s possession or under Seller’s control: (a) title insurance policies; (b) environmental and/or wetlands scans, studies or reports, if any; (c) engineering and/or architectural studies, if any; and (d) a copy of the recorded Mariner Tower Easement Agreement for a portion of the Hill Street Parcel recorded in the York County Registry of Deeds in Book 16891, Page 24 (the “**Mariner Tower Easement**”).

11. **ACCESS AND POSSESSION.** Prior to the date of Closing, Buyer and its agents, servants and authorized independent contractors shall have the right at all times and from time to time to enter upon the Property for the purpose of inspecting the Property and performing thereon the Survey, the Environmental and Engineering Studies, and such other inspections and studies as contemplated hereby. Buyer agrees to provide Seller reasonable advance notice of each proposed entry upon the Property in the exercise of such right, the intended purpose thereof and the identity of the party or parties to be engaged therein and to give Seller the opportunity to have a representative present during each exercise of such right of entry. Buyer also agrees that everyone entering the building situated on the Property on behalf of Buyer shall sign Seller’s standard confidentiality agreement to protect the confidentiality of Seller’s clients. In the event any damage shall be caused to the Property through the exercise of the right of entry granted hereby, Buyer shall repair such damage and shall restore any damaged portions of the Property to substantially the condition that prevailed just prior to the occurrence of such damage. Buyer shall defend, indemnify and hold harmless Seller from and against any claims, demands, suits, proceedings, judgments, costs and liabilities resulting from any injury (including death) to any person or persons and any damaged property arising out of the exercise of its right of entry hereunder. The foregoing agreement to indemnify shall survive any subsequent termination of this Contract.

12. **DEED, TITLE:** At the Closing, Seller shall convey to Buyer good and marketable and insurable title to the Property by a Quitclaim Deed with Covenant, free and clear of all liens and encumbrances, except for (i) the Permitted Encumbrances, and (ii) any liens and encumbrances caused by Buyer, and Buyer shall deliver to Seller the balance of the Purchase

Price. Seller shall also execute and deliver at the Closing such owner's affidavits (regarding parties in possession) and indemnities (regarding mechanics' and materialmen's liens) as Buyer's title insurance company shall reasonably require in order to delete exceptions for such matters from Buyer's title insurance policy, and shall provide such other information as Buyer's title insurance company shall reasonably request. Seller and Buyer shall each execute and deliver at the Closing such transfer tax forms, Maine real estate withholding forms and other documents as are reasonably necessary to effect the conveyance of the Property and permit the recording of the deed.

13. COLLATERAL DOCUMENTS: The parties further agree to execute and deliver to each other at the Closing such evidences of authority and further documents as are reasonably necessary to effect the conveyance of the Property, in form and substance acceptable to Buyer's lender and title insurer.

14. RISK OF LOSS. All risk of loss to the Property prior to the Closing, except as provided in Section 11, shall be borne by Seller.

15. PRORATIONS: Sewer and water charges shall be prorated as of the Closing Date. Buyer shall reimburse Seller at the Closing for any heating oil and/or propane left on the Property at the cash price, as of the Closing Date, of Seller's oil/propane delivery company.

16. POSSESSION OF THE PREMISES. The Property shall be delivered to the Buyer at the time of the Closing free and clear of all tenancies or occupancies by any persons or entities. Further, Seller shall provide satisfactory evidence to Buyer on or before the date of Closing that any rights by any persons or third-parties to park at the Property shall be terminated.

17. REPRESENTATIONS AND WARRANTIES OF SELLER. Seller represents and warrants to Buyer that the following are true as of the date of this Contract and will be true as of the Closing:

(a) Seller is a Maine municipal corporation, with full capacity, power and authority to enter into and fully perform the obligations and transactions contemplated by this Contract.

(b) The execution and delivery of this Contract and the performance by Seller of its obligations hereunder are within the lawful power of Seller, have been duly authorized and approved by all necessary actions on behalf of Seller.

(c) The person executing this Contract is duly authorized to do so and to bind Seller to enter into and fully perform the obligations and transactions contemplated by this Contract.

(d) There are no litigation, liens, judgments, violations, or proceedings pending, or to the best of Seller's knowledge, threatened against or relating to the Property nor does Seller know or have reasonable grounds to know of any basis for any such action, or of any governmental investigation relating to the Property.

(e) There are no leases, rental agreements, tenancies or other rights of any person or entities to occupy any portion of the Property other than the cell tower easement interest on the Hill Street Parcel under the Mariner Tower Easement .

(f) There are no outstanding pending, or to the best of Seller's knowledge, threatened liens, claims, options, rights of first refusal, boundary disputes, or encumbrances against or encroachments by, any portion of the Property.

18. REPRESENTATIONS AND WARRANTIES OF BUYER. Buyer represents and warrants to Seller that the following are true as of the date of this Contract and will be true as of the Closing:

(a) Buyer is a body corporate and politic and a public instrumentality of the State of Maine created under 4 M.R.S.A. §1602 with full power and authority to enter into and fully perform the obligations and transactions contemplated by this Contract.

(b) The execution and delivery of this Contract and the performance by Buyer of its obligations hereunder are within the lawful power of Buyer and have been duly authorized and approved by all necessary actions on behalf of Buyer.

(c) The person executing this Contract is duly authorized to do so and to bind Buyer to enter into and fully perform the obligations and transactions contemplated by this Contract.

19. SELLER'S CLOSING DELIVERIES. On the Closing date, Seller shall deliver the following:

(a) The deed in accordance with the provisions of Section 12 hereof;

(b) Seller's executed FIRPTA Affidavit and Maine Residency Affidavit;

(c) Seller's executed Title Insurance Seller's Affidavit or similar statement, in form and substance acceptable to Buyer and its title insurer, pertaining to mechanics' liens and parties in possession;

(d) Maine Transfer Tax form;

(e) Evidence of Seller's existence and authority satisfactory to Buyer and its title insurer; and

(f) Such other documents, instruments, certifications and confirmations as may be reasonably required and designated by Buyer's title insurer or lender to fully effect and consummate the transactions contemplated hereby.

20. BUYER'S CLOSING DELIVERIES. On the Closing date, Buyer shall deliver the following:

(a) The balance of the Purchase Price;

(b) Buyer's executed affidavit or similar statement which may be required by Buyer's title insurer;

(c) Maine Transfer Tax form; and

(d) Such other documents, instruments, certifications and confirmations as may be reasonably required and designated by Buyer's Title Insurer to fully effect and consummate the transactions contemplated hereby.

21. CONDITIONS PRECEDENT TO BUYER'S OBLIGATION TO CLOSE. In addition to other conditions set forth in this Contract, the obligation of Buyer to close is subject to the satisfaction at or before the Closing of all of the following conditions:

(a) All representations and warranties of Seller contained in this Contract shall be true as of the Closing.

(b) Seller shall have fully and timely performed all of its obligations and commitments hereunder.

(c) Seller shall have delivered all items listed in Section 19 above.

(d) All Contract Conditions have been met.

In the event that any of the foregoing conditions is not satisfied prior to or at the Closing, Buyer shall have the option of terminating this Contract and, if any one or more of the conditions set forth in paragraph (a), (b) and/or (c) has not met, it shall be deemed a default of Seller.

22. DEFAULT: (a) In the event of a default by Seller hereunder which Seller fails to cure within ten (10) days after receipt of notice describing such default in reasonable detail, Buyer shall be entitled to either: (i) terminate this Contract by written notice to Seller, in which event the Deposit shall be returned to Buyer, or (ii) enforce Seller's obligations hereunder by a suit for specific performance.

(b) In the event of a default by Buyer hereunder, Seller shall be entitled to terminate this Contract by written notice to Buyer, in which event the Deposit shall be paid to Seller and neither party shall have any further rights, obligations or liabilities hereunder except as explicitly set forth herein. The parties acknowledge and agree that the actual damages in the event of a default by Buyer are uncertain in amount and difficult to ascertain, and that said amount of liquidated damages was reasonably determined.

23. REAL ESTATE BROKER: Seller and Buyer each represent and warrant to the other that it has not dealt with any agents, brokers or finders in connection in this transaction covered by this Contract. Each of the parties hereto agrees to indemnify and hold the other harmless from and against any claims, actions, liabilities, costs and expenses (including, without limitation, reasonable attorneys' fees) with respect to any breach of the foregoing representation and warranty. Seller and Buyer hereby acknowledge that the foregoing representation and warranty shall survive the Closing. Each party represents and warrants that no real estate broker has brought about or been involved in this transaction. Each party agrees to hold and indemnify the other harmless from and against any losses, damages, costs or expenses (including attorneys'

fees) that either party may suffer as a result of claims made or suits brought by any broker in connection with this transaction, the obligated party hereunder to be the party whose conduct gives rise to such claims or suits.

24. OFF MARKET. Seller may not continue to list or offer the Property for sale and shall not seek, accept, solicit or negotiate any third party offers for all or any portion of the Property while this Contract is in effect.

25. NOTICES: Any notices, elections or exercise of contingencies under this Contract shall be sufficient if in writing, and if: (a) delivered in hand, (b) sent by certified mail, return receipt requested, or (c) sent by FedEx, or similar overnight express mail service, prepaid, each to the addresses listed below:

To Buyer: Maine Governmental Facilities Authority
127 Community Drive
P.O. Box 2268
Augusta, Maine 04338-2268
Attention: Michael R. Goodwin

With a copy to: Maine Judicial Branch
State Court Administrator
125 Presumpscot Street
P.O. Box 4820
Portland, Maine 04112-4820
Attention: Dennis Corliss

With a copy to: David L. Galgay, Jr., Esquire
Verrill Dana, LLP
One Portland Square
Portland, Maine 04112-0586
Fax No.: (207) 774-1127

To Seller: City of Biddeford
Attention: James A. Bennett, City Manager
205 Main Street
Biddeford, Maine 04005

With a copy to: Keith R. Jacques, Esquire
Woodman Edmands Danylik Austin Smith & Jacques P.A.

P.O. Box 468
234 Main Street
Biddeford, Maine 04005

All such communication shall be deemed made upon the earlier of (3) business days following deposit with the U.S. Mail or the date of receipt as disclosed on the return receipt (if sent by registered or certified mail), or upon delivery (if hand delivered), or upon delivery as indicated on the proof of delivery (if sent via FedEx or similar overnight express mail service). With respect to any of the above-referenced methods of delivery, rejection or other refusal to accept or the inability to deliver because of a change of address of which no notice was given shall be deemed to be receipt of the notice sent. Either party may change its address or its Fax number for purposes of this subparagraph by giving the other party notice of the new address or Fax number in the manner described herein.

26. MERGER: This Contract represents the entire contract between Buyer and Seller and shall not be amended except by a writing executed by both the parties.

27. SURVIVAL: The representations, warranties and indemnifications set forth herein shall survive the Closing or other termination of this Contract.

28. COUNTERPARTS/FACSIMILE SIGNATURES. This Contract may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be an original, but such counterparts shall constitute one and the same instrument. This Contract may be transmitted between the parties by facsimile machine and signatures appearing on faxed instruments shall be treated as original signatures.

29. FORCE MAJEURE. In any case where either party hereto is required to do any act, the time for the performance thereof shall be extended by a period equal to any delay caused by or resulting from act of God, war, civil commotion, fire or other casualty, labor difficulties, shortages of energy, labor, materials or equipment, governmental or utility regulations, or other causes beyond such party's reasonable control, including, without limitation, litigation to delay or stop the Project and/or the Closing, whether such time be designated by a fixed date, a fixed time or a "reasonable time".

30. EFFECTIVE DATE. The Effective Date of this Contract shall be deemed to be the date first set forth above in this Contract, provided that if no date is filled in, the Effective Date shall be the last date of the signature of either Buyer or Seller.

31. MISCELLANEOUS: All dates mentioned are an essential part of this Contract. Whenever in this Contract consent or approval of any party is required, such consent or approval shall not be unreasonably withheld or delayed unless specifically otherwise provided for. This Contract shall be governed by Maine law, and shall be binding upon and inure to the benefit of the parties and their respective heirs, successors and assigns.

32. BINDING EFFECT/ASSIGNMENT. This Contract shall not become a binding contract until signed by both parties and that fact has been communicated to all parties or their agents. Buyer may assign its rights and obligations hereunder to an entity to be formed and/or controlled by Buyer.

|

[Signature Page Follows]

DRAFT

IN WITNESS WHEREOF, Buyer and Seller have executed this Contract as of the date first above written.

WITNESS:

MAINE GOVERNMENTAL FACILITIES
AUTHORITY

By: _____

Michael R. Goodwin
Its Executive Director

“Buyer”

WITNESS:

CITY OF BIDDEFORD

By: _____

Name: James A. Bennett
Title: City Manager

“Seller”

The undersigned Escrow Agent accepts the engagement to act as such agent as set forth in the above Contract.

ATLANTIC COAST TITLE COMPANY,
LLC

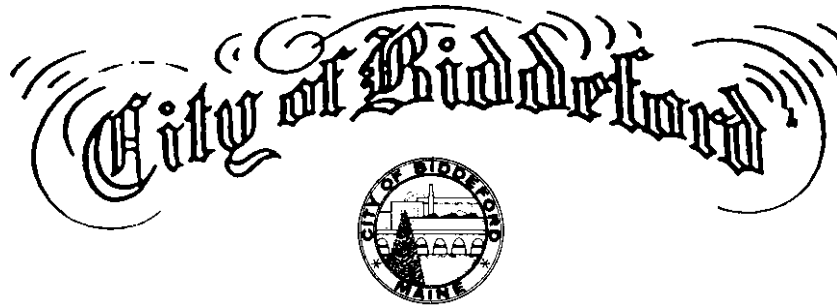
By: _____

Samuel H. Merrill
Its Commercial Counsel

Escrow Agent Contact Information:

76 Atlantic Place¹
South Portland, Maine 04106
Tel: 207-774-4400, ext. 321
Fax: 207-774-5935
E-Mail: smerrill@atlancoast.com

¹ To locate us by GPS, please use 149 Darling Avenue, South Portland, Maine



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 Section ¹	I-1	I-2	I-3
Medical Marijuana Dispensaries				C 23, 24
<u>Medical Marijuana Growing Facilities</u>		<u>C</u> <u>23</u>	<u>C</u> <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.

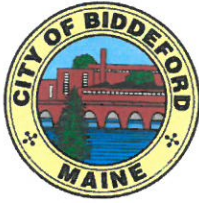
Motion by Councilor Swanton, seconded by Councilor Lessard to amend the ordinance amendment by accepting only the change to the Table A, and disregarding the rest of the proposed language.

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.



CITY OF BIDDEFORD
ECONOMIC IMPROVEMENT COMMISSION

Daniel B. Stevenson
Economic Development Director
205 Main Street
Biddeford, ME 04005
[dstevenson@biddefordmaine.org](mailto:d Stevenson@biddefordmaine.org)
207-282-7119

MEMO

TO: Mayor Casavant;
Council President McCurry and Members of the City Council; and
Jim Bennett, City Manager

FROM: Daniel Stevenson, Economic Development Director *ilb*

DATE: December 28, 2016

SUBJECT: Medical Marijuana Growing Facilities

On December 20, 2016 the Council voted to exempt medical marijuana growing facilities in the I-1 zone from the medical marijuana moratorium. In light of the Council's decision, a second action is required for it to take effect due to an error in the codification of the land use ordinance. You would have to take up the land use ordinance that was tabled on September 20, 2016 and adopt the allowance of medical marijuana growing facilities in the I-1 zone as a conditional use.

Please note that if you choose to allow ONLY medical marijuana growing facilities as a conditional use in the I-1 zone, the Council would need to adopt the following language from the September 20, 2016 Order 2016.87, Option #1.

1. Add "Medical Marijuana Growing Facilities" as a Conditional Use (C) in the I-1 ONLY.

	Article VI Section ¹	I-1	I-2	I-3
<u>Medical Marijuana Growing Facilities</u>		<u>C</u> <u>23</u>		

2. Add reference to footnote 23.

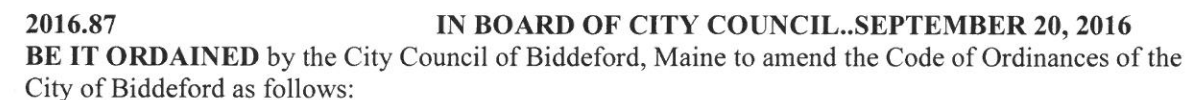
23. All medical marijuana dispensaries and growing facilities shall be governed by and subject to the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services, 10-144 CMR Chapter 122 (as amended).

3. Add medical marijuana growing facility definition.

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.

I have attached Paul Gelardi's request to exempt medical marijuana growing facilities in the I-1 zone from the proposed moratorium extension. Feel free to contact Mr. Gelardi or me with questions about his request and project proposal.

Thank you.



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.

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

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.~~

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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.

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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.



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.
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- 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

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Vote: 7/1; Councilor Swanton opposed.

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

Motion to table carries.

Stevenson, Daniel

From: Paul Gelardi [paul@gelardi.com]
Sent: Tuesday, December 6, 2016 3:46 PM
To: Stevenson, Daniel
Subject: Moratorium
Attachments: 9-20-2016 Moratorium Marijuana Grow Dispense Facilities Extension.pdf; ATT00001..htm;
4-05-2016 Moratorium-Marijuana Grow-Dispense Facilities.pdf; ATT00002..htm

Daniel,

As per our discussions, Hightech Extracts is an engineering company with a planned location at 5 Drapeau St. in Biddeford. Hightech’s focus is a technology called SuperCritical Fluid Extraction (SCFE). SCFE uses CO2 gas to extract essential oils and natural compounds from plant materials. SCFE is the best technology to do extractions because CO2 is inexpensive, inert, non-toxic and leaves no harmful residues in the extract. Essential Oils and natural compounds are being used extensively in Europe to replace synthetic chemicals because they are safer and because more and more of the synthetic compounds have been shown to have harmful effects on humans and the environment.

We have been in actively pursuing this business opportunity for 3 years and have secured an exclusive rights to the technology for North America from the SuperCritical Fluid Network (SCFN, who have developed the most advanced SCFE systems available. SCFN has experience with the extraction from over 50 different types of plant materials.

Our business plan is to sell SCFE Systems and provide a range of engineering services to customers in North America. Included in our plan is the establishment on an extraction lab where we can do training, demonstrations and rent use of extraction systems. To accomplish this we committed in the spring of last year for the equipment for the lab. We have nearly \$600,000 of equipment on premises or due for delivery in early January.

We plan on opening the extraction lab in January. We have a number of customers waiting for the lab to open. We plan on doing extractions on a variety of materials. Part of our plan is to rent the lab to existing Maine Medical Marijuana Program (MMMJ) licensed Dispensaries and Caregivers. The purpose of this is two fold, partly to generate revenue and partly to establish performance data for the sale of systems. Since the marijuana portion of the extract industry is expanding rapidly world wide, we can’t afford to exclude marijuana extraction from our research and development.

Please note that Hightech is neither a dispensary nor a growing facility. Hightech will not grow, take possession, process, nor sell marijuana. We intend to only rent use of the lab equipment and space to licensed dispensaries and caregivers within the Maine Medical Marijuana Program. Please also note that this planned activity would take place at 5 Drapeau St. where a licensed dispensary (Maine Organic Therapy,) already has a marijuana cultivation operation.

Subsequent to making a substantial financial commitment the this business, the city implemented a moratorium of the establishment of new marijuana grow facilities and dispensaries. After attending a joint session of the City Council and Planning Board, it appeared that the moratorium would expire on October 5th. The moratorium was then extended to the end of 2016. (N.B. **the copy attached was the draft version which was amended from Nov 9 to the end of the year.**)

We would greatly appreciate the City Council’s consideration to either exempt the I1 zone from the moratorium, or specifically exempt our planned Extraction Lab Rental Program at 5 Drapeau St., from the moratorium.

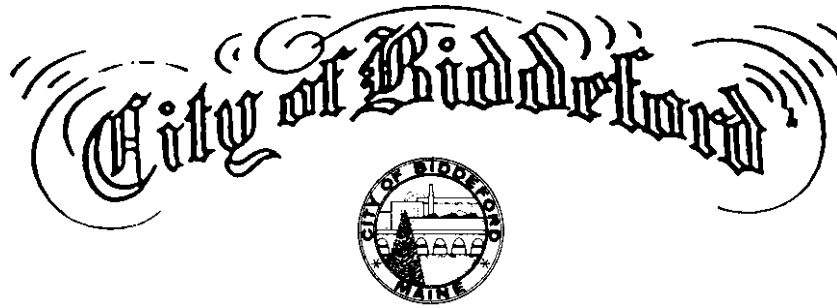
Hightech’s planned activities will place it at the forefront of this exciting new technology which will create a range of good paying technical and engineering jobs.

Best Regards,

Paul Gelardi

ESTABLISHMENT OF ZONES

- (e) Controlled lighting that does not glare onto neighboring property.
- 9. Review by the Board of Appeals required for all truck loading facilities for new buildings and for changes in tenancy.
- 10. Limited to offices for medical professionals and associated fields.
- 11. Unless otherwise stated or allowed within the provisions of this ordinance, no more than one dwelling unit shall be allowed per lot.
- 12. (Reserved)
- 13. Shall be considered as a home occupation; only products grown on the premises may be sold, unless the stand is recognized as a commercial operation.
- 14. Transportation facilities here shall be limited to facilities associated with firms or businesses serving passenger transport, such as bus terminals, taxi stations, passenger rail stations, etc.
- 15. (Reserved)
- 16. Shall be limited to internal storage in existing buildings that require no external structural changes. No loading bays shall be constructed. Off-street parking shall be available with no fewer than one space per 20 storage units. A copy of the contract that will be offered to prospective tenants shall be submitted for review.
- 17. Adult businesses are restricted to that portion of the B-2 District between Dartmouth Street and Landry Street. No adult business shall be located on any lot or parcel of land with road frontage on Elm Street.
- 18. All subdivisions in the Rural Farm Zoning District shall be clustered, and developed in accordance with Article VI, Section 16, Cluster Developments, of this ordinance.
- 19. This use does not include facilities, activities, or programs conducted by or hosted by a college or university that meet the definition of “university uses.” Such uses shall be considered as university uses and shall be permitted in the institutional zone subject to the requirements of the zone and the additional performance standards for colleges/universities.
- 20. Within that portion of the institutional zone subject to the shoreland zoning provisions of the Shoreland Protection Zone, existing buildings, structures, and roads may be maintained, modified, or replaced but no new buildings shall be built or located and no existing buildings shall be enlarged (including the replacement of existing buildings) except as follows. The existing buildings and roads may be modified to the extent necessary to meet the requirements of applicable local, state, or federal codes or regulations, the existing sewage treatment plant may be expanded or replaced, and the existing Marine Science Center may be expanded through the construction of one additional building, provided that such changes meet all shoreland requirements and the performance standards of Article XIV.
- 21. See Article V, Section 7, Main Street Revitalization Districts for land uses.
- 22. All addiction treatment facilities shall meet all applicable federal, state, and local laws and regulations. No occupancy permits shall be issued until evidence of state certification has been presented to the Code Enforcement Office.
- 23. All medical marijuana dispensaries and growing facilities shall be governed by and subject to the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services, 10-144 CMR Chapter 122 (as amended).
- 24. Medical marijuana dispensaries shall be conditional uses in the B-2 Zone only as follows:
 - (a) West of Interstate 95; and
 - (b) In the Route 1 area, south of Travers Street (i.e., the B-2 Zone south of, and including, now or formerly, Biddeford Tax Map 18, Lots 1 and 1-3, and Biddeford Tax Map 88, Lot 5).
- 25. Internal storage fully enclosed within buildings only. Loading bays shall be located on the side or rear of buildings and shall be screened from view from public streets and any abutting residential uses.
- 26. Self- storage facilities in the B-2 Zone shall not be permitted northeast of the Route 1/Dartmouth Street intersection.



2016.88

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

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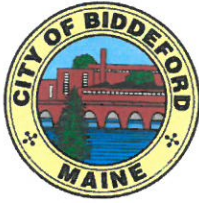
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Vote: 7/1; Councilor Swanton opposed.

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

Motion to table carries.



CITY OF BIDDEFORD
ECONOMIC IMPROVEMENT COMMISSION

Daniel B. Stevenson
Economic Development Director
205 Main Street
Biddeford, ME 04005
[dstevenson@biddefordmaine.org](mailto:d Stevenson@biddefordmaine.org)
207-282-7119

MEMO

TO: Mayor Casavant;
Council President McCurry and Members of the City Council; and
Jim Bennett, City Manager

FROM: Daniel Stevenson, Economic Development Director *ilb*

DATE: December 28, 2016

SUBJECT: Medical Marijuana Growing Facilities

On December 20, 2016 the Council voted to exempt medical marijuana growing facilities in the I-1 zone from the medical marijuana moratorium. In light of the Council's decision, a second action is required for it to take effect due to an error in the codification of the land use ordinance. You would have to take up the land use ordinance that was tabled on September 20, 2016 and adopt the allowance of medical marijuana growing facilities in the I-1 zone as a conditional use.

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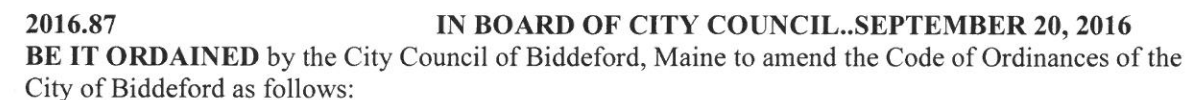
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Thank you.



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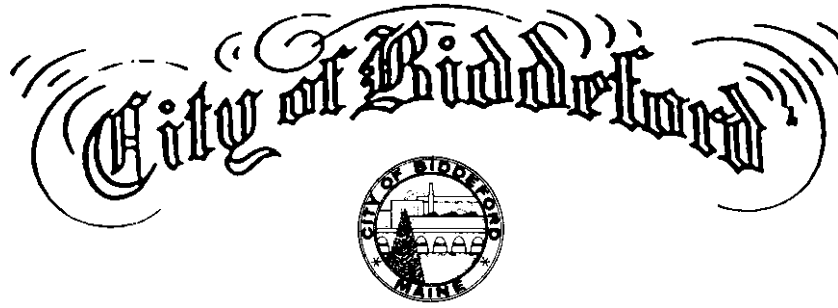
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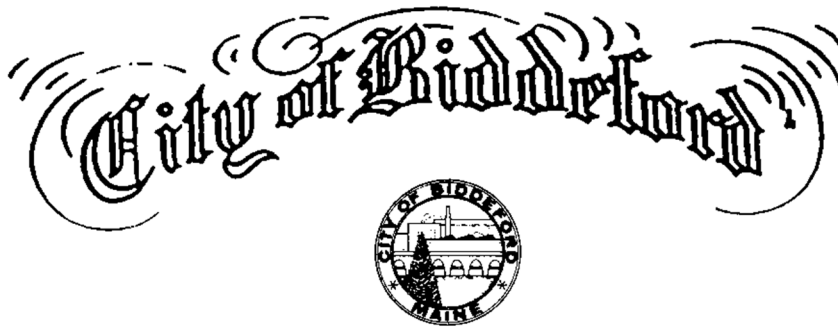
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- 18. All subdivisions in the Rural Farm Zoning District shall be clustered, and developed in accordance with Article VI, Section 16, Cluster Developments, of this ordinance.
- 19. This use does not include facilities, activities, or programs conducted by or hosted by a college or university that meet the definition of “university uses.” Such uses shall be considered as university uses and shall be permitted in the institutional zone subject to the requirements of the zone and the additional performance standards for colleges/universities.
- 20. Within that portion of the institutional zone subject to the shoreland zoning provisions of the Shoreland Protection Zone, existing buildings, structures, and roads may be maintained, modified, or replaced but no new buildings shall be built or located and no existing buildings shall be enlarged (including the replacement of existing buildings) except as follows. The existing buildings and roads may be modified to the extent necessary to meet the requirements of applicable local, state, or federal codes or regulations, the existing sewage treatment plant may be expanded or replaced, and the existing Marine Science Center may be expanded through the construction of one additional building, provided that such changes meet all shoreland requirements and the performance standards of Article XIV.
- 21. See Article V, Section 7, Main Street Revitalization Districts for land uses.
- 22. All addiction treatment facilities shall meet all applicable federal, state, and local laws and regulations. No occupancy permits shall be issued until evidence of state certification has been presented to the Code Enforcement Office.
- 23. All medical marijuana dispensaries and growing facilities shall be governed by and subject to the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services, 10-144 CMR Chapter 122 (as amended).
- 24. Medical marijuana dispensaries shall be conditional uses in the B-2 Zone only as follows:
 - (a) West of Interstate 95; and
 - (b) In the Route 1 area, south of Travers Street (i.e., the B-2 Zone south of, and including, now or formerly, Biddeford Tax Map 18, Lots 1 and 1-3, and Biddeford Tax Map 88, Lot 5).
- 25. Internal storage fully enclosed within buildings only. Loading bays shall be located on the side or rear of buildings and shall be screened from view from public streets and any abutting residential uses.
- 26. Self- storage facilities in the B-2 Zone shall not be permitted northeast of the Route 1/Dartmouth Street intersection.



2017. 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.



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)]~~

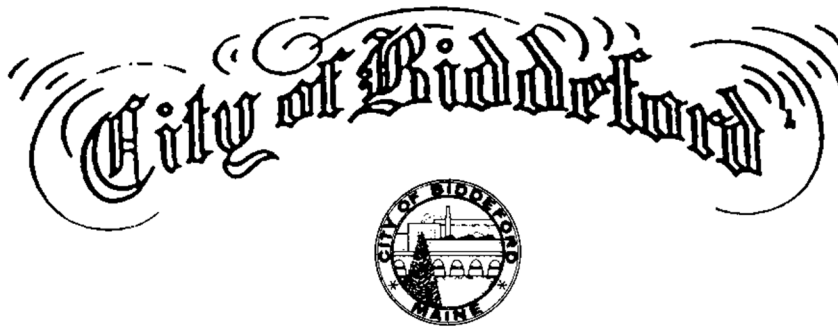
~~(a) The Recreation Director shall formulate and carry out recreation programs, with the approval of the Recreation Commission, for the benefit of the City's citizens, and cooperate with other departments and/or agencies.~~

~~(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 [\[1\]](#)]

[\[1\]](#)
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. 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:~~

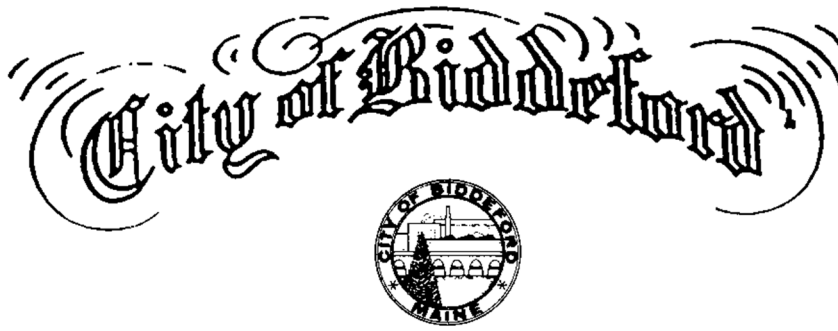
- ~~a. Banners displayed in parks and athletic facilities.~~
- ~~b. Publications.~~
- ~~c. Media.~~
- ~~d. Sponsorship of special events and teams.~~

~~(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."~~

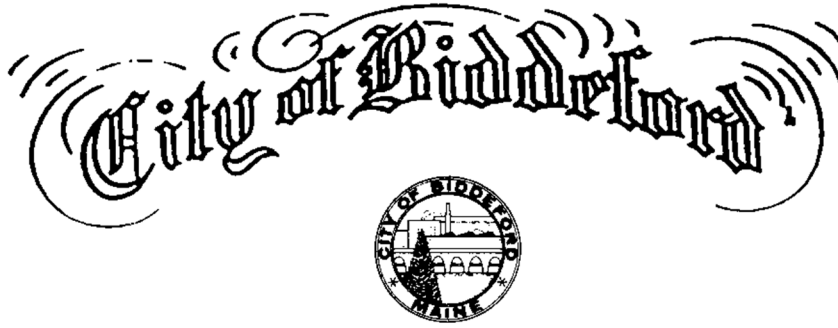
~~(b) In addition to the rules promulgated under Section 46-76 of this chapter, the following are additional rules for Cannon Plaza:~~

~~(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.~~



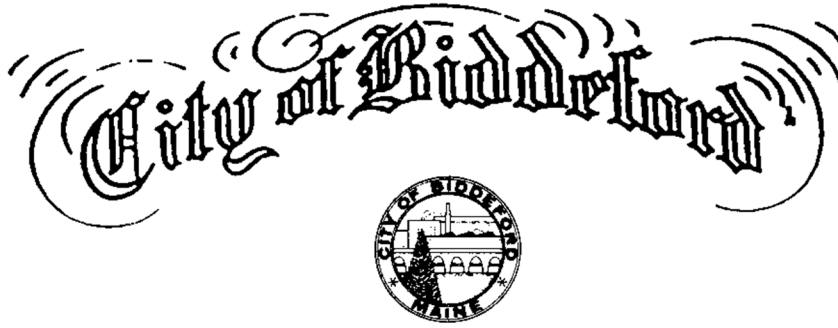
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 46, PARKS AND RECREATION, ARTICLE IV, PARKS AND RECREATION FACILITIES** be amended by adding and deleting , to read as follows

~~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:~~

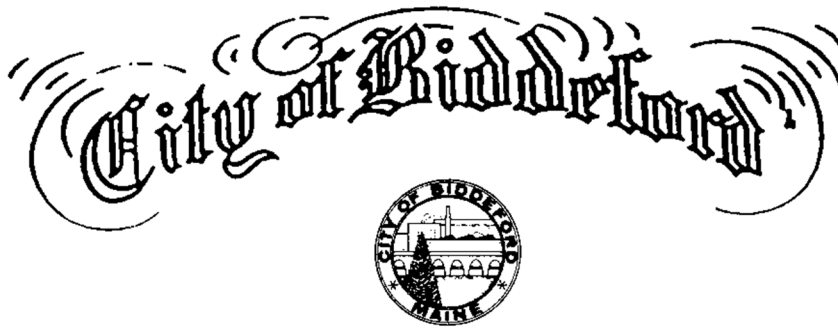
- ~~(1) Signs will be posted advising the general public that swimming is at own risk when a lifeguard is not present and on duty.~~
~~(2) Except as specifically authorized in writing by the Recreation Director, beach hours are from dawn to dusk.~~
~~(3) A person who is actively engaged in fishing at 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)]~~

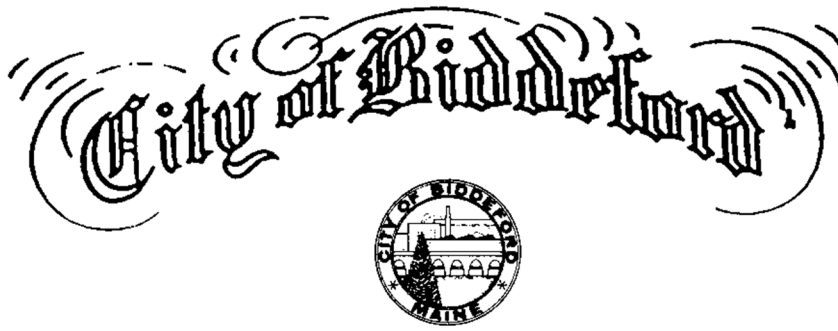
~~The J. Richard Martin Community Center located on Alfred Street shall be a public building owned by the inhabitants of the City.~~

~~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^[1]]

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

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

<u>Name</u>	<u>Assessor's Map and Lot Numbers</u>
<u>Vines Landing</u> <u>End of Lester B. Orcutt Blvd.</u>	<u>GIS 59-117</u>
<u>Washington Street School Park</u> <u>75 Washington Street</u>	<u>GIS 38-312-1</u>
<u>Williams Court Park</u> <u>South & Green Streets</u>	<u>GIS 183, 182</u> <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^[1] with regard to equipment and operations of vehicles, together with such regulations as are contained in this chapter and other City of Biddeford ordinances.^[2]

^[1] See M.R.S.A. Title 29-A.

^[2] 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.

SICK LEAVE

Sick leave is available to all regular and part-time employees as follows:

A. Hourly employees:

1. Sick leave shall accrue at the rate of one workday for each full calendar month of service, accumulative to a maximum of 120 working days. For the purposes of this section, the first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15th day of the month. Sick leave will be accumulated during the probationary period of the new employee but not available should the employee fail the probationary period.
2. Sick leave may be used only in the following cases: personal illness; to care for the sickness or disability in the employees family, meaning spouse or children living in the same household, or; physical incapacity of such degree as to render the employee unable to perform the duties of his position, unless the employee is capable of other work in his division and assigned to such other work. If requested, the employee shall furnish the Department Head a certificate from his attending physician.
3. Sick leave usage shall be recorded regularly, on weekly time and attendance sheets and the record shall be maintained by the Human Resource Department.
4. Employees failing to submit a two weeks' notice shall receive no compensation for unused sick leave.

5. Sick leave incentive: all employees shall participate in the sick leave incentive program. Employees shall have unused sick time swept into a deferred compensation retirement 457 plan, fully vested in their name, based on the following schedule:

1. Less than 240 hours 0 hours swept

2. Less than 350 hours but more than 240 hours 36 hours swept

3. Less than 350 hours but more than 600 hours 72 hours swept

4. More than 600 hours on the books 108 hours swept

5. Hours will be paid out based on the current hourly wage and factored at 25%

6. Hours will be swept on December 31 of each year and payment will be made in the employees account on about July 30th of the following year. Should employee leave in good standing prior to July 30, the funds will be deposited upon written notice of separation.

7. Any employees that have in excess of 200 hours any sick time on the books as of the November/December 1, 2016 shall have all excess hours swept up to 480 hours into a reserve sick leave (RSL) account. These hours will be carried in a separately tracked sick bank. The employee may use these hours for any reasons covered by this policy.

Any used hours left in this bank shall be paid upon employee separation in good standing based on the hourly wage the employee is receiving on November December 1, 2016 and factored at 50%. Should an employee become eligible for a higher percentage of sick leave payout at separation, the RSL balance will be also be paid at that higher percentage payout as well. While the percentage shall be increased, hourly wage amount remains at the December 1, 2016 rate. This provision is valid only onetime on NovemberDecember 1, 2016 and shall no longer be applicable after that date. The City shall keep a separate accounting for these employees and hours and cause a report to be issued annually to the Personnel Committee and the employees detailing the same.

5-6.

B. Salaried employees:

1. Sick leave may be used only in the following cases: personal illness; to care for the sickness or disability in the employees family, meaning spouse or children living in the same household, or; physical incapacity of such degree as to render the employee unable to perform the duties of his position unless the employee is capable of other work in his division and assigned to such other work. If requested, the employee shall furnish the Department Head a certificate from his attending physician.
2. Salaried employees shall be paid their weekly salary in full even if the employee was unable to attend their normal work schedule because of sick leave. Salaried employees occupy leadership roles in the organization that does not allow extensive absence from work regardless of the reasons. In the event a salaried employee is absent or shall require to be absent for an extended period of time, they shall notify their immediate supervisor and Department of Human Resources. The City will make reasonable accommodations to the extent it can, taking into consideration seniority, job performance, critical nature of the job functions, and other factors. In all circumstances, the legitimate business needs of the City shall be the determining factor in dealing with such extend or continued pattern of absences.
3. Unused sick time is not compensable upon termination of employment.

PERSONAL DAYS

Two and one-half (2 ½) personal days are granted per year to each regular and part-time employee; provided, however, that the employee shall make the request in writing to the Department Head at least seven days prior to the day requested. In the event of a request being made by two employees of the same department for the same day, personal time shall be granted according to seniority in that department. Personal days shall commence from date of hire and shall not accumulate from year to year. Unused personal time is not compensable upon termination of employment.

SICK/VACATION TIME DONATION PROGRAM

The purpose of the Sick/Vacation Time Donation Program is to permit an employee to donate accrued sick or vacation leave to another employee. This policy permits such a donation to occur when an employee has a need for additional paid leave because they have exhausted all paid leave and have a serious medical hardship or catastrophic illness or injury that poses a threat to life and/or requires

Checkout Upon Separation

Employees, who resign, retire or are removed/discharged or laid off will be required to turn in any City owned property, clothing, keys, working materials etc. no later than their final workday. The Director of Human Resources will conduct an exit interview with all regular full time and part time employees prior to termination. An appointment to conduct the exit interview shall be set up at the convenience of both parties prior to the last week of work.

Death of an Employee

Separation shall be effective as of the date of death of the employee. Any wages, stipend or other allowances due the employee as of their date of death, including vacation and/or sick time, (in no case will sick time exceed the maximum accrual allowed) shall be paid to the estate of the employee or last known beneficiary on record and in writing with the Director of Human Resources.

OTHER PAYMENTS UPON SEPARATION

Accrued Vacation Pay: All earned vacation pay will be due the employee in full upon separation

Unused Sick Time: all hourly employees shall be entitled to the following payout of unused sick time:

<u>Employment Period</u>	<u>Payout Percentage</u>
<u>Less than 10 years</u>	<u>0%</u>
<u>More than 10 years but less than 25 years</u>	<u>25%</u>
<u>More than 25 years</u>	<u>50%</u>
<u>Employees that retire or are 65 years of age</u>	<u>100%</u>

~~Retiring from the city, as determined by either reaching the age of 65 or having worked for the city for at least twenty-five (25) consecutive years:~~

~~50% of the value~~

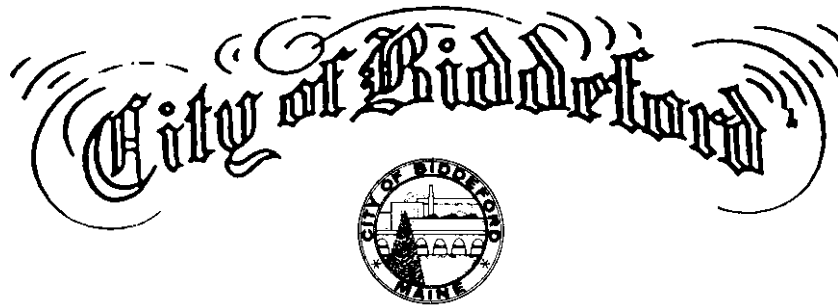
Salaried employees: no cash value

PERFORMANCE EVALUATIONS

Annual reports of each employee's performance during the preceding year are to be completed by supervisory personnel and discussed with the department head prior to presentation to the employee. It is the responsibility of the department head to see that evaluations are completed and submitted within the proper time frames. The rating supervisor will provide the employee with a copy of the evaluation report at the time of discussion with the employee. A completed, signed and dated copy will then be submitted to the City Manager for placement in the employee's personnel file.

Where rating supervisors have identified characteristics of an employee's performance needing improvement, the supervisor should be as specific as possible in describing the deficiency and the ways and means of improving to an acceptable level. Supervisors are therefore entitled to retain a copy of each of their employee's evaluation report for the purpose of follow-up to any actions required or for reference in general.

Discretionary Performance Evaluations



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.

CITY OF BIDDEFORD

**Application for
City Commissions, Committees and Boards****Date:** 12/27/16**Name:** Natalie J. Kelliher**Street Address:** 522 Main St, Apt 101, Biddeford, ME 04005**Mailing Address:**
(if different)**Phone Number(s):** (207) 214-5783**Email Address:** natalie.kelliher@gmail.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:

- | | |
|---|-----------------------------------|
| Airport Commission | Historic Preservation Commission |
| Comprehensive Plan Committee | Planning Board |
| Biddeford Housing Authority | Police Commission |
| Board of Assessment Review | Policy Committee |
| Cable T.V. Committee | Project Canopy |
| Capital Projects/Operations Committee | Recreation Commission |
| Conservation Commission | Saco River Corridor Commission |
| ☒ Downtown Development Commission | Shellfish Conservation Committee |
| Economic Improvement Commission | Solid Waste Management Commission |
| Environmental Board | Wastewater Management Commission |
| Fire Commission | Zoning Board of Appeals |
| Harbor Commission | |

Other:

Other:

Other:

Other:

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

I served as a member of the Franklin County Democratic Committee in 2005 & 2006.

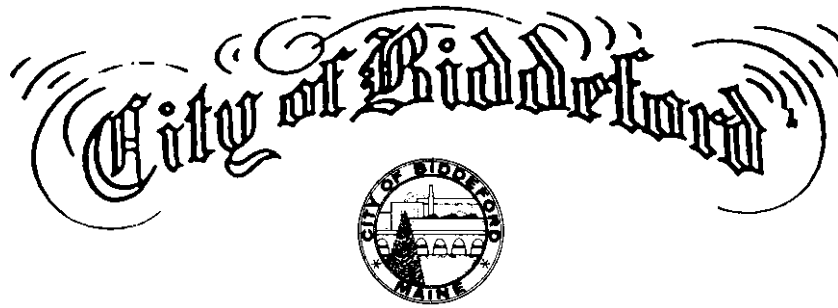
2. Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on:

I am highly motivated to get involved in local politics. I am organized and a creative thinker. I majored in History with a minor in Studio Art, and I believe both of those disciplines are useful when looking at the sense of community Biddeford is looking to foster in it's downtown.

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

As a stay at home mother I believe I can offer a unique perspective on things that would be of interest to young families downtown. I am very interested in getting involved in this community as my husband and I plan on staying here to continue raising our daughter and growing our family and want to help create a sense of community here and make Biddeford feel like home

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



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.

CITY OF BIDDEFORD

Application for City Commissions, Committees and Boards

Date:

Name:

Street Address:

**Mailing Address:
(if different)**

Phone Number(s):

Email Address:

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:

- | | |
|--|---|
| ☐ Airport Commission | ☒ Historic Preservation Commission #2 |
| ☐ Comprehensive Plan Committee | ☐ Planning Board |
| ☐ Biddeford Housing Authority | ☐ Police Commission |
| ☐ Board of Assessment Review | ☒ Policy Committee #1 |
| #3 ☒ Cable T.V. Committee | ☐ Project Canopy |
| ☐ Capital Projects/Operations Committee | ☐ Recreation Commission |
| ☐ Conservation Commission | ☐ Saco River Corridor Commission |
| ☐ Downtown Development Commission | ☐ Shellfish Conservation Committee |
| ☐ Economic Improvement Commission | ☐ Solid Waste Management Commission |
| ☐ Environmental Board | ☐ Wastewater Management Commission |
| ☐ Fire Commission | ☐ Zoning Board of Appeals |
| ☐ Harbor Commission | |

☐ Other:

☐ Other:

☐ Other:

☐ Other:

CITY OF BIDDEFORD – Committee Application

1. Please list any prior experience serving on any Public Boards, Commissions, or Committees.

Prior to my retirement, I spent my career in public education and educational advocacy, so a lot of my life was in the public arena as teacher, union leader, and principal. Although I was asked, I never had time to be in the non-education sector. (see attached resume)

Currently, I am doing the following:

Biddeford Mills Museum – volunteer staff since 2013 and Board member since 2014 with Pete Lamontagne, Don Guillerault, Jeff Cabral, Scott Joslin, Ryan Fecteau, etc.

Biddeford Democratic Committee Chair working with Bill Moriarty, Ron Paquette to help elect candidates – 2013 - present

York County Democratic Committee member 2013 – present

Maine Democratic Party Platform Committee member – 2016

University of Maine York County Extension Master Gardeners – on Board 2013 - present

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

Policy Committee – All of my life I've been interested in policy and government from both a historical perspective as a way to effect change. I taught history and civics which is basically teaching about policy through the ages, citizenship, and effective change. When students, faculty, and parents complained, I was happy to help them through the advocacy process with principal, superintendent, and school. As a union rep, I bargained and grieved policy, as an administrator, I enforced and wrote policy and as a person, I have followed and successfully changed policy. Also, all of the organizations/boards I've joined have always dealt with policy items.

Historic Preservation Committee – My love of history got me involved with the Biddeford Mills Museum which is a preservation project in itself.

Cable TV Committee – At age six when I saw my first television show, I was hooked. I spent one summer interning at NH Public Television. Although I cannot get the local station, I think it is a very important asset for any community. I was disappointed when the small local cable station in Colebrook, NH where I taught, wasn't able to keep up its filming of school events.

I'm not exactly sure what every committee does, but I would prefer one that meets regularly and is task oriented.

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

When I decided on an advanced degree, I wanted to go beyond the educational arena so I earned a Master of Public Administration. Part of my MPA was an internship under the Assistant Town Manager in Danvers, MA and I enjoyed it tremendously. Now that I'm retired, I have more time to pursue my interest in government. I want to learn more about my adopted city, meet more of its people, and fulfill my need to be useful. I've only been here since 2012, but I think that's an advantage because you'll get a fresh perspective and a person willing to learn and open to new ideas.

Priscilla R. McGuire
470-83 Cityside Drive
Montpelier, VT 05602
Cell 802-595-2599
prmcguire46@aol.com

GOAL: To work in an educational system that believes students are individuals, advocates for them, and empowers them to use their talents. To work in an administration that strongly believes in professional development, urges its staff to be life long learners, and encourages them to use the principles of differentiated teaching, multiple-intelligences, and cross- curriculum integration in order to promote optimum learning for each student.

EMPLOYMENT

Canaan School District, VT 2009 Substitute

Colebrook School District, NH 1970-2008 (leave of absence 1989-1990)

Principal of Colebrook Academy (9-12) 1999-2008

Teaching Vice Principal Colebrook Academy 1998-99

Vice Principal Colebrook Academy and Elementary(6-8) 1997-98

Social Studies Teacher 1970-97, 98-99

US History 12 (20th century), World History 1 & 2, Civics, Geography, Economics

Advisor

Senior Class 1970-2000 - class trips reinstated, Chemical-Free Graduation Party started; fundraising, homecoming, prom, graduation preparation, etc.

Student Council (newly formed) 1995-2000 - constitution written, magazine drive, community service projects

YMCA Youth & Government Program 1972-2008

Cheerleaders 1972-1980

Brewer & Lord Insurance Co. 1969-1970

Plainfield School District, CT 1968-1969

EDUCATIONAL LEADERSHIP

Principal

Professional Development centered on differentiated teaching and multiple intelligences to aid in changing the teaching culture

Cross-curriculum projects - Renaissance, Upper Connecticut River Valley, Wellness - involving the entire school. Pertinent lessons were taught by all teachers cumulating in a school -wide day of activities.

Comprehensive/long-term Bullying initiative using MainStreet Academics' program primarily, Rachel's Challenge, and the Center for the Prevention of Hate Violence. The goal, over 3-5 years, is to give the students more of a stake in the success of the school by using the leadership abilities of all of the various factions, including some of the bullies, in the school. With more input and responsibility, the students will help stop the bullying. Data indicates that a student body that has input and feels safer and will do better academically.

Developed, overnight, and implemented the plan of action to deal with a student's threat to the school/students in October of 2008 (no policy, Supt. not available) and its aftermath.

Grade Quick started

NWEA (Northwest Evaluation Association) standardized testing started

Co-wrote Social Studies Curriculum 9-12

The School-to-Work program was under my jurisdiction

New courses instituted: Media, Life Skills Foods, Running Start Writing (college course)

Began curriculum mapping

Started the mailing home of progress reports and grades, emergency calling list
 Designed the Emergency Evacuation Plan and did practice drills
 Wrote the Faculty Handbook
 Revised the Student Handbook
 Grant writing
 SAU #7 Multi-disciplinary Team
 North Country Mental Health Services School Liaison Committee
 Coordinator for 504 students for several years
 Created a positive liaison with the Elementary Principal
 Created the Colebrook Academy Foundation
 Building Committee - 1999-2001 (co-wrote the informational pamphlet and the specs for the new bldg. (built in 2001)
 District Joint Loss Committee (building inspection)
 Wellness Committee
 Founding Board member of NH Foundation for Teaching and Learning; the Children's Fund
 SAU #7 Professional Development Committee (member/chair)
 LEIP (Local Education Improvement Plan) Committee
 Organized Championship Receptions for the Booster Club
 Chaperoned European trip
 Chaperoned Dances, Athletic and other events, and the Chemical-Free Graduation Parties
 Responsible for budget, discipline, evaluation, hiring and firing recommendations, assigning duties, reports for local, state and federal authorities, and the myriad things necessary to keep a small school running when the VP is a teacher with a full load

Vice Principal

Developed with the Principal the Colebrook Academy and Elementary 6-8 presentation to the NH State Board of Education
 First to deal with a student bringing a gun on campus
 Member of Scheduling Committee
 Member of Discipline Committee
 Primarily involved with discipline, attendance, and budget
 Chaperoned class trips, dances, Chemical-Free Graduation Parties, and other events

Teacher

Initiated mock elections (state, national and primary)
 Initiated cooperative projects (research papers and presentations) with the English teachers on topics such as: the Greeks, the Renaissance, and the French Revolution.
 Developed the current schedule for mid-year exams
 Proposed to and worked with the Historical Society on the 100th Anniversary of Colebrook Academy
 Used a variety of techniques: differentiated, multiple-intelligences, critical thinking, brain based and Bloom's Taxonomy
 Incorporated the following skills: creative and critical thinking, research, writing, public speaking, debating, hands-on projects, interviews and team work into my courses.
 Integrated cultural side of history: life style, pop culture of the era (music, art, dance) to make the students more culturally literate
 Co-authored "Writing Across the Curriculum" booklet
 Co-authored the strategic plan for CA 1999-2005
 Co-wrote the Social Studies Curriculum 6-8
 Designed and chaperoned trips to Boston museums and Pops concert
 Chaperoned CA delegation to President Reagan's speech in Concord, NH
 Chaperoned dances, class trips, Chemical-Free Graduation Parties, and other school events

EDUCATION

MPA, UNH, 1990 (included an internship at the Town Manager's Office in Danvers, MA)
BA History, Framingham State College, MA, 1968
Scholarship Grants at UNH
1998 - Social Studies Institute (PSU)
1997 - Independent Study/Integrated Learning (included internship at NHPTV) (UNH)
1989 - National Endowment for the Humanities - Special Problems/Women in the 19th Century (UNH)
Various graduate courses at UNH, Plymouth State University, and Granite State College
A plethora of workshops and conferences

PROFESSIONAL AFFILIATIONS

NH Association of Secondary School Principals
North Country Principal's Association
ASCD
NH Council for the Social Studies
Founding Board member: NH Foundation for Teaching and Learning; Children's Fund 1990-2005
National Education Association-NH
Mohawk Chapter of NH Retired Teachers' Association

REFERENCES (enclosed)

Daniel Shallow, Supervisor, Superintendent, SAU # 58, 15 Preble St., Groveton, NH 03582,
603-636-1437
Mary Jolles, Principal, Colebrook Elementary School, 27 Dumont St., Colebrook, NH 03576,
603-237-4270, www.colebrook.k12.nh.us
Ronald Patterson, past SAU#7 Business Administrator, Social Studies Teacher,
13 Monadnock St., Colebrook, NH 03576, HP 603-237-5451, SP 603-237-8351
www.brunoalpha@hotmail.com
Patricia Allen, Head English Teacher, 56 Bridge St., Colebrook, NH 03576, HP 603-237-5750

Celeste Riendeau, Head Special Education Teacher, Resource Room Supervisor, 13 Pleasant St.,
Colebrook, NH 03576, HP 603-237-9828, SP 603-237-8351
William Stebbins, Jr., English Teacher, Colebrook Academy, 13 Academy St., Colebrook, NH
03576, SP 603-237-8351
Robert W. Unangst, Jr., Science Teacher, Colebrook Academy, 13 Academy St., Colebrook, NH,
03576, SP 603-237-8351
Tom Allin, Head Social Studies Teacher, Colebrook Academy, 13 Academy St., Colebrook, NH
03576, HP 603-922-5079, SP 603-237-8351
Mary Ann Lawton, World Language Teacher, Colebrook Academy, 13 Academy St., Colebrook,
NH, SP 603-237-8351

Other references upon request

CITY OF BIDDEFORD

Application for City Committees, Commissions and Boards

Date: 12-15-16

Name: PAUL B. LANIERE

Street Address: 517 Pool Rd

Biddeford

Mailing Address:
(if different)

Phone Number(s): 468^C1865 / 283^W1089 / 2824^H647

Email Address: Paul@SouthernMaineMarine.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 Commission

- ☐ Harbor Commission
- ☐ Historical Preservation Commission
- ☐ Planning Board
- ☐ Police Commission
- ☐ 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)

Harbor Commission As Assistant Harbor Master

Shellfish Commission

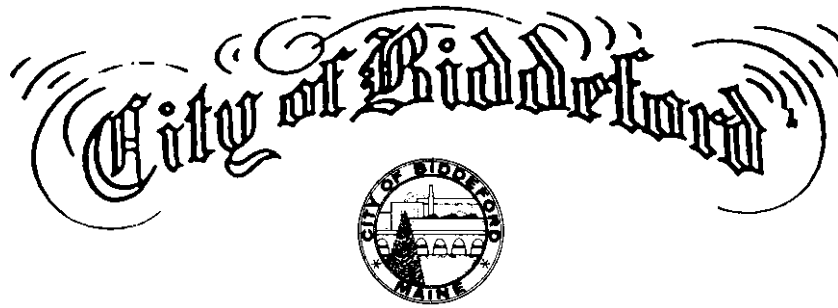
Please list any other experience that may be pertinent to the Board or Committee in which you are requesting to serve on.

Harbor Master since 1979

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

Help make things better

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

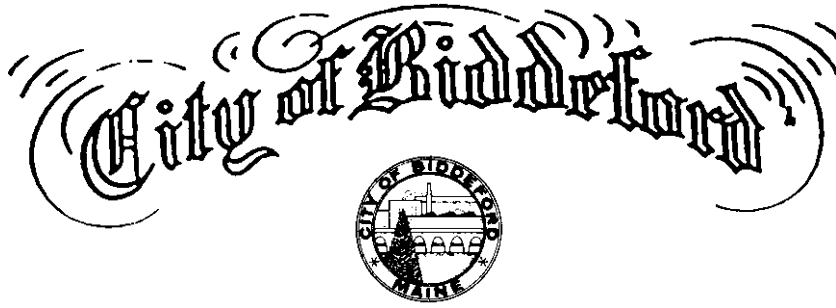


IN BOARD OF CITY COUNCIL...JANUARY 3, 2017

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.



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.

City Council Agenda Item Report

Agenda Item No. 2016-424

Submitted by: Andrea Fagan

Submitting Department:

Meeting Date: January 3, 2017

SUBJECT

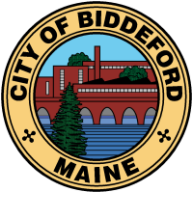
City Manager Report Cover Memo

Recommendation:

ATTACHMENTS

- [1 3 17 cover.pdf](#)

City of Biddeford, Maine



The Office of
City Manager

James A. Bennett

Email: jbennett@biddefordmaine.org

MEMORANDUM

TO:	Honorable Mayor Casavant Honorable City Council
FROM:	James A. Bennett, City Manager
DATE:	December 29, 2016
RE:	January 3, 2017 Agenda

Please find the following introductory comments regarding the upcoming meeting. Please note that you have a Council workshop at 5:30 PM for two issues. They are discussed under the separate package for the workshop.

Liquor License: Staff has no concerns with the proposed application. The owners' of operations have no issues to report.

Second readings:

There are no new or additional information that is being provided since first reading. Passage is recommended.

Orders of the day:

- 17-1. The finance committee will consider the issue during their meeting at 5 PM.
- 17-2. Included in the package is the suggested purchase and sale agreement for the so-called Pate property. It has been worked on by staff with input from the Mayor and a review by Keith. Passage is recommended.
- 17-3. This item was scheduled to come off the table by the previous vote of the Council. As you may recall, staff recommended this change to correct some issues that came to light in reviewing the current regulations on the books. It would have no significant changes in policy.
- 17-4. Like the item above, this is returning to the agenda based on the tabling motion of the Council. As you may recall, this will impact by requiring a buffer zones around facilities in relationship to certain existing uses (schools, parks, etc.). Staff did not make a recommendation on this proposal but provided as an alternative.
- 17-5. These are considered a series of changes to do house cleaning up of the ordinance. Passage is supported.

19-92. This has been reworked by the personnel committee. The recommendation before you is similar to the last recommendation with one exception. In the previous recommendation, the current employees had all sick leave hours in excess of 200 but not more than 480 moved into the 'reserve sick leave' bank (where those are hours are made whole using essentially the old rules). The current proposals moves 100% of all current hours into the reserve sick leave account

City Council Agenda Item Report

Agenda Item No. 2016-419

Submitted by: Andrea Fagan

Submitting Department:

Meeting Date: January 3, 2017

SUBJECT

1 M.R.S.A. 405(6)(A)Personnel

Recommendation:

ATTACHMENTS

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