



**City of Biddeford
City Council**

May 20, 2025 at 6:00 PM
City Hall Council Chambers & Zoom

[Click to Join Zoom Meeting Online](#)

Or call in by phone: +1 312 626 6799

Meeting ID: 953 3939 3136

Passcode: 766193

1. Roll Call
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
4. Recognition
 - 4.a Mayoral Recognition of Vincent Keely
5. Proclamation
 - 5.a Recognition of City Clerks, Public Works, Public Service and Emergency Medical Services weeks- Proclamation
 - 5.b 2025 AANHPI Month- Proclamation
6. Appointments
 - 6.a 2025.65 Mayoral Appointments to Citizen Committees
7. Presentation
 - 7.a Construction Update by Public Works
 - 7.b **Southern Maine Agency on Aging-** Meredith Anderson, Community Outreach Director, presentation on SMAAA's work and ongoing efforts to support older adults in our region
8. Liquor License Consideration
 - 8.a Banded Horn Brewing Catering Permit 2025 La Kermesse
9. Public Addressing the Council
(3 minute limit per speaker for up to a total of 15 minutes)
10. Consideration of Minutes

- 10.a Council Minutes 5-6-25
- 10.b Special Council Meeting Minutes 5-8-25
- 11. Second Reading
 - 11.a 2025.61 Approval Ordinance Change Use of Jake Brake Prohibited
- 12. Orders of the Day
 - 12.a 2025.51 Approval Sewer Operations FY26
 - 12.b 2025.42 Approval La Kermesse Special Events Permit
 - 12.c 2025.59 Approval LaKermesse Fee Waiver
 - 12.d 2025.64 Approval Heart of Biddeford Confetti Bazaar
 - 12.e 2025.43 Approval DEP Consent Agreement
 - 12.f 2025.66 Approval Bond for Treasurer
 - 12.g 2025.67 Approval Cupola with Bickmore Diversified
- 13. Public Addressing the Council
 - (5 minute limit per speaker)
- 14. City Manager Report
- 15. Committee Updates by Council
- 16. Other Business
- 17. Council President Addressing the Council
- 18. Mayor Addressing the Council
- 19. Executive Session
 - 19.a Executive Session 1 M.R.S. §405 6(d) Labor Negotiations
 - 19.b Executive Session 1 M.R.S. §405(6)(e) Legal Matters
- 20. Adjourn

City of Biddeford



PROCLAMATION

RESOLUTION RECOGNIZING PUBLIC SERVANTS

WHEREAS, the week of May 4–10, 2025, is designated as Professional Municipal Clerks Week, a time to honor the vital contributions of Municipal Clerks, whose roles include maintaining public records, supporting democratic processes, and ensuring transparency in local government; and

WHEREAS, the week of May 4–10, 2025, also recognized as Public Service Recognition Week, honoring the contributions of public servants at all levels of government who serve with integrity, efficiency, and dedication to the public good and we celebrate all of Biddeford’s public servants who keep our city safe, healthy, informed, and functioning through their expertise and tireless efforts; and

WHEREAS, the week of May 18–24, 2025, is observed as National Public Works Week, recognizing the critical importance of public works professionals in planning, building, operating, and maintaining the public infrastructure and services that sustain our community and enhance our quality of life and recognize the Biddeford Public Works Department’s vital role in providing clean streets, reliable waste management, safe roadways, and emergency response operations that directly benefit every resident, visitor, and business in our city;

WHEREAS, the week of May 18-24, 2025, is observed as Emergency Medical Services Week, recognizing that Biddeford Fire Department Emergency Medical Services is ready to provide lifesaving care to those in need 24 hours a day, seven days a week and that access to quality emergency medical services teams is critical to the health and well-being of our community as their services drastically improve the survival and recovery rate of those who experience sudden illness or injury;

*In Witness Whereof, We the undersigned have herewith affixed
our signatures this 20th day of May 2025.*

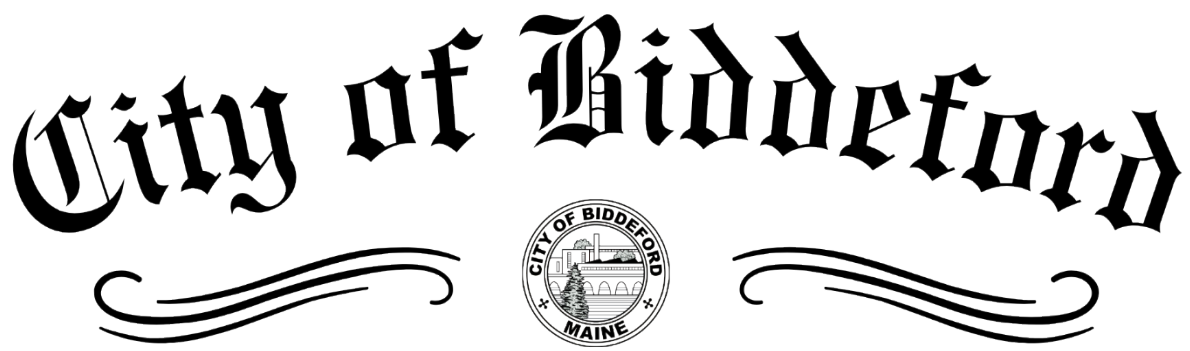
Mah Goshman

Mayor
Thank you!



[Signature]

City Clerk



PROCLAMATION

Whereas, the month of May is nationally recognized as Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Heritage Month, honoring the heritage, achievements, and cultural contributions of AANHPI communities across the United States; and

Whereas, Asian Americans, Native Hawaiians, and Pacific Islanders represent a vibrant and growing part of Maine's population. Approximately 1.5% of Maine's population identifies as Asian American or Pacific Islander, with Biddeford itself home to a steadily increasing number of families from AANHPI backgrounds; and

Whereas, AANHPI communities have enriched every facet of American society from arts and sciences to education, business, public service, and continue to play a vital role in shaping our collective future; and

Whereas, cultures celebrated under the AANHPI umbrella include peoples from more than 75 countries across the Asian continent including East Asia, Southeast Asia, and South Asia, as well as the Pacific Islands of Melanesia, Micronesia, and Polynesia; and

Whereas, the City of Biddeford is committed to recognizing and celebrating the diverse heritage of all its residents and fostering a welcoming, inclusive community for all.

Therefore, Now I, Martin Grohman, Mayor of the City of Biddeford, do hereby proclaim May 2025 as Asian American, Native Hawaiian, and Pacific Islander Heritage Month in the City of Biddeford and encourage residents to learn more about and celebrate the history, culture, and contributions of AANHPI communities both locally and nationally.

*In Witness Whereof, We the undersigned have herewith affixed
our signatures this 20th day of May 2025.*

Mayor

City Clerk

City of Biddeford



PROCLAMATION

*In Witness Whereof, We the undersigned have herewith affixed
our signatures this 20th day of May 2025.*

Mayor

City Clerk

City of Biddeford



2025.65 IN BOARD OF CITY COUNCIL... , MAY 20, 2025

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

David Axel Kurtz

Ward 5

To the Recycling and Solid Waste Commission
for a term to expire December 31, 2027

Andy Kaherl

Ward 1

To the Recreation Commission for a term
to expire December 31, 2028

Attest by: _____
Robin Patterson, City Clerk

Committee, Board, and Commission Application Form

Application

Name David Axel Kurtz

Pronouns he/him

Ward 5

Need to find your Ward?

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

(Section Break)

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

Biddeford Citizens Advisory Committee, Planning Board, Policy Committee

If other, please list below. Field not completed.

Why are you interested in serving the City of Biddeford? As Councilman Lessard says: "I've seen Biddeford when it wasn't doing well. I don't want to see that again." That's going to involve a lot of work from a lot of citizens. I'm ready to help out, if there are any ways for me to be of use.

I grew up in downtown Biddeford. I confess I didn't think it was the sort of place where I wanted to make my life. But that was a very different Biddeford. The city here is a walkable small city, growing ever more vibrant and diverse, with character and also with flexibility, with an economy driven by tourism and industry and the service economy of a bedroom community. It's got just *so much potential*! I'm so glad I decided to buy a home in downtown Biddeford and commit to helping the city grow.

There are important discussions to be had about how the city will grow. How it will balance the needs of its people with the benefits of encouraging new residents and gentrification? How it will maintain its history as it develops? How it will encourage the lucrative tourism industry while making sure that it is not reliant (again) on a single industry? How can we get The Lincoln to actually make a cocktail that is actually worth the seventeen dollars they charge? I'd like to be a part of these discussions!

And - to be perfectly honest - I work from home, and it would be fun to have a group of people to work on projects with. Yes, this is me admitting that I really want more meetings to go to.

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve. I'm an attorney (Maine Law class of 2016). My practice is in finance and corporate restructuring. My scholarship focused on land-use and planning law. I have done a fair amount of pro bono work in immigration and trans rights in southern Maine.

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates). I have never served public governance. I've done a lot of work with various nonprofits, including serving on the board of the Bicycle Coalition of Maine (2014-16). I currently advise the board of Congregation Etz Chaim here in town. And I was very involved in student government at my university, which was approximately one thousand years ago and is probably not relevant :)

Committee, Board, and Commission Application Form

Application

Name Andy Kaherl

Pronouns Field not completed.

Ward 1

Need to find your Ward?

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

(Section Break)

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

Recreation Commission

If other, please list below. Field not completed.

Why are you interested in serving the City of Biddeford? I am a current Resident of Biddeford and have been since June of 2020. My wife and are are expecting our first child in July and will hopefully one day, participate in Biddeford Recreation Programs.

I am interested in becoming more of an active participant in the community.

Please list any experience that may be pertinent to the Board or Committee in which you are requesting to serve. I have worked in the Parks & Recreation field for 20 years, both in Maine and NH. I am currently the Recreation Coordinator for the Town of York where I oversee and coordinate over 100 programs a year. I have worked for the Town of York for nearly 7 years and was the Assistant Director of the Bath Parks & Recreation Dept. for 5 years prior to my employment in York.

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates). Bath Parks & Rec. Rec. Commission (2013-2018)

Safety Committee

Interview Committees

Union Rep.



Southern Maine
AGENCY
On AGING
EMPOWERING OLDER ADULTS
AND THEIR CAREGIVERS

The Southern Maine Agency on Aging

is the focal point in Cumberland and York counties for resources, services and information to empower older adults, adults with disabilities, and their caregivers to live to their fullest potential.



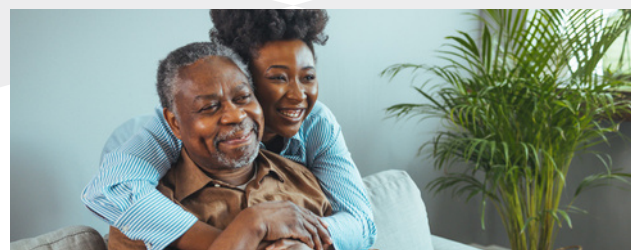
Adult Day Program. For older adults living with dementia, the ADP provides person-centered care while encouraging socialization, brain-stimulating activities, and maximum independence.

Nutrition. We deliver nutritious and delicious meals to homebound older adults and offer nutrition and socialization opportunities through community programs.



Wellness. Nationally recognized workshops and screening events help older adults maintain healthy, active lifestyles free from falls and related injuries and improve overall wellness.

Caregiver Support. We support caregivers as they explore options and plan for care needs, connect with available resources, and learn how to best care for themselves.



Medicare, Money Minders, Phone Pals. SMAA is here to help Mainers understand everything they need to know about Medicare. Our volunteers are also available to help organize finances for older adults or become their weekly Phone Pal.

Community Resources. Resource Specialists connect clients with resources pertaining to transportation, in-home support, housing, benefit screenings, life alerts, and so much more.



How we're making a difference

Over the last year, SMAA delivered 237,454 meals via our Meals on Wheels program and provided Medicare Counseling to 1,219 individuals

We provided 19,173 hours of care and services to older adults at our Adult Day Center and 27,749 hours of respite to family caregivers

Our Resource Specialists offered information and support to the 8,378 people who called our Information and Referral line

Four ways to get involved

Donate. Support from local businesses, community partners, and individuals is critical in helping SMAA meet its mission. Join us in ensuring more older adults have access to the services they need for the next fifty years.



Spread the word. Maine's aging population is growing rapidly, and there's never been a more important time for Mainers to be aware of SMAA programs and services as they age. Let your friends, neighbors, and loved ones know how SMAA might be able to support them.

Volunteer. In addition to our robust community of SMAA volunteers who make our programs possible, we also connect adults 55+ with volunteer opportunities in their communities.



Reach out. If you're ready to explore how you or a loved one can benefit from our services, we'd love to speak with you. Call 1.800.427.7411 or 207.396.6500 to get started.

207.396.6500 • smaaa.org

This checklist is designed to help direct you to benefits you may be eligible for.

For more information or for help completing an application, please contact one of our friendly Resource Specialists at 207.396.6500 or 1.800.427.7411.

You can also visit our website at www.smaaa.org.

Interpreters or accommodation available by request.

Food Resources

Commodity Supplemental Food Program

(A 30lb box of food every month – various pick-up locations)

- Be at least age 60
- Learn more and apply through Wayside at 207.775.4939 or www.waysidemaine.org.

Maine Senior FarmShare

(\$50 voucher to use at participating farms and farmstands)

- Be at least age 60; age 55 if Native American; or if under 60, living in a senior housing building with a cafeteria.
- Income is less than \$2,322 for a one-person household or \$3,151 for a two-person household.
- You must apply through a participating farm. You can find a list of participating farmers by reaching out to us or the Department of Agriculture, at 207.287.3491 or online at <https://www.maine.gov/dacf/ard/food-assistance/farmshare/olderadults.shtml>.

Supplemental Nutrition Assistance Program (SNAP)

A benefit that is used like a debit card to purchase food at the grocery store

- You or someone in your household are at least age 60 or disabled and have a monthly income of less than \$2,609 if single or \$3,525 if married. There are no asset limits. If you need assistance with food, you are encouraged to apply regardless of income. Some living expenses may be considered when determining eligibility.
- Department of Health and Human Services (DHHS) determines eligibility, please call 1.855.797.4357 or visit online at www.mymaineconnection.gov.

Medical Insurance

MaineCare (Insurance under Medicaid Expansion)

- Monthly income is less than \$1,800 if single, less than \$2,433 if married, and under age 65 and not on Medicare. There are no asset limits.

MaineCare (Insurance)

- Monthly income is less than \$1,305 for singles and \$1,763 for married couples and at least age 65 or disabled. Liquid asset of \$10,000 for singles and \$15,000 for married couples.

Medicare Savings Program (MSP - assistance with your Medicare costs)

- Monthly income is less than \$3,261 if single and less than \$4,407 if married and enrolled in Medicare.
- Effective 1/1/2024, there are no longer asset limits. DHHS determines eligibility for these programs, call 1.855.797.4357 or visit online at www.mymaineconnection.gov.

Medication

- If you need assistance paying for medications, there may be programs available with higher income guidelines. Please call us to learn more 207.396.6500.

Family Caregiver State Respite Care Program - Section 68

Provides financial support for in-home care, Adult Day Programs, respite at a facility, and home modifications

- Written diagnosis of Alzheimer's disease/dementia from a physician.
- Liquid assets not to exceed \$50,000 for one person, or \$75,000 for a couple.
- Not receiving assistance from any other state subsidized programs.
- Care recipient must be at least 18 years old and a Maine resident.
- The Caregiver Respite program is supported by funds allocated by the State of Maine Office of Aging and Disability Services. Please note that there is often a waiting list for these funds. For more information, call us at 207.396.6500 or visit our website at www.smaaa.org.

Heating Assistance

Home Energy Assistance Program formerly LIHEAP (A credit paid to your oil/heating company)

- If your monthly income is less than \$2,945 for 1 person in the household or \$3,851 for two people. Out-of-pocket medical expenses may be factored into eligibility. If heat is included in your rent, you can still apply.
- Cumberland County residents: Call Opportunity Alliance at 207.553.5900 or 1.877.429.6884.
- York County residents: Call York County Community Action at 207.459.2950 or 1.800.965.5762.
- Apply online through MainHousing at <https://www.mainehousing.org/programs-services/energy/energydetails/liheap>
- *Note - there is currently a waitlist for heating assistance.

Property Taxes

Property Tax Fairness Credit (A reimbursement for rent or property tax paid as well as sales tax credit)

- Income guidelines apply (vary by year), you are able to apply for the previous 3 years. If you live in subsidized housing, you may be eligible for sales tax credit.
- Learn more at www.maine.gov/revenue/taxes/tax-relief-credits-programs/income-tax-credits/property-tax-fairness-credit or by calling Maine Revenue Services at 207.624.9784.

Homestead Exception Program (A reduction in assessed property for taxes)

- Learn more at www.maine.gov/revenue/faq/homestead-exemption-program or by calling Maine Revenue Services Tax Division at 207.624.5600. You only need to apply once.

Supplemental Security Income (SSI)

- Unearned monthly income is less than \$967 if single or \$1,450 if married and are at least age 65 or disabled. Liquid assets are less than \$2,000 if single or \$3,000 if married.
- If you have earned income, it can be higher. Please refer to Social Security as they determine eligibility.
- Saco Office: 1.877.253.4715 - Portland Office: 1.877.319.3076 - Portsmouth NH Office: 1.888.397.9796 - TTY: 1.800.325.0778.

Utilities

- If you are found eligible for programs based on your income, there may be other programs available to help pay for your utilities. Please call us at 207.396.6500 to learn more.

For more information or for help completing an application, please contact one of our friendly Resource Specialists at 207.396.6500 or 1.800.427.7411.

You can also visit our website at www.smaaa.org.

Interpreters or accommodation available by request.

Disclaimer: The Southern Maine Agency on Aging does not determine eligibility for programs. Income guidelines are provided for programs in the State of Maine only. Information about resources is provided as a service of Southern Maine Agency on Aging. We do not license, endorse or recommend any provider, nor can we guarantee the quality of service from any provider.

Monday	Tuesday	Wednesday	Thursday	Friday
Biddeford Community Center (1st Monday)	York Center for Active Living (Every Tuesday-Friday)	Hollis Center Church (1st Wednesday) Scarborough Seniors (Every Wednesday) Sanford's Mayflower Place (1st & 3rd Wednesday)		
Kittery Community Center (2nd Monday)		New Gloucester Parks & Rec (2nd Wednesday) Yarmouth Community Center (2nd Wednesday)		SMAA Springvale Location (2nd Friday lunch)
Scarborough's Blue Point Church (3rd Monday) Westbrook Seniors (3rd Monday)	Kennebunk's Spaulding Center for Active Living (3rd Tuesday)	Windham's Unity (3rd Wednesday) Sanford's Mayflower Place (1st & 3rd Wednesday)	Portland's Equality Maine (3rd Thursday) South Portland's American Legion (3rd Thursday)	
Cumberland 55+ (4th Monday)				SMAA Springvale Location (4th Friday brunch)

Café Information

Community Cafés provide opportunities for social engagement with a delicious meal. Some cafés even include entertainment or educational programs! If you are 60 and over and would like to join us for a meal, please make a reservation 48 hours in advance.

The suggested donation for eligible clients is \$8 per meal. Specialty meals may be noted with a higher suggested donation. Donations of all sizes are accepted, and we do not turn anyone away if unable to donate the full amount.

For non-Maine residents and folks under 60, the full price of the meal is charged. The suggested minimum donation per meal is very important to the continuation of this program. Thank you!

**Community Café
is a program of
Southern Maine
Agency on Aging**

**30 Barra Rd, Biddeford
21 Bradeen St, Springvale**

207-396-6500

www.smaaa.org



Café's by Town - See Reverse for Calendar

BIDDEFORD

Community Center
189 Alfred St., Biddeford
RSVP: 207-283-2477

CUMBERLAND

Cumberland 55+
60 Val Halla Rd., Cumberland Center
RSVP: 207-829-2208

GRAY/NEW GLOUCESTER

Gray Parks & Recreation
24 Main St., Gray
RSVP: 207-926-4126

HOLLIS

Hollis Center Church
388 Hollis Rd., Hollis
RSVP: 207-283-2477

KENNEBUNK

Spaulding Center for
Active Living
175 Port Rd., Kennebunk
RSVP: 207-967-8514 ex. 4

KITTERY

Kittery Community Center
120 Rogers Rd., Kittery
RSVP: 207-475-7399

PORTLAND

Equality Maine
15 Casco St., Portland
RSVP: 207-761-3732

SANFORD

Mayflower Place
27 Mayflower Dr., Sanford
RSVP: 207-324-5181

SCARBOROUGH

Blue Point Church
236 Pine Point Rd., Scarborough
RSVP: 207-883-6540

SCARBOROUGH SENIORS

SCS Hub Community Room
418 Payne Rd., Scarborough
RSVP: 207-730-4150

SOUTH PORTLAND

American Legion #35
413 Broadway St., South Portland
RSVP: 207-767-2255

SPRINGVALE

Anderson Learning Center - SMAA
21 Bradeen St., Springvale
RSVP: 207-396-6507

WESTBROOK

Westbrook Seniors
426 Bridge St., Westbrook
RSVP 207-615-8831

WINDHAM

Unity Gardens
413 Broadway St., South Portland
RSVP: 207-892-3891

YARMOUTH

Yarmouth Community Center
20 Mill St., Yarmouth
RSVP: 207-846-6693

YORK

York Center for Active Living
36 Main St., York
RSVP: 207-363-1036

***Community Café locations may change as we establish new café's.
Please check out our website at www.smaaa.org for the most
current listing of café's!**

Elder Abuse: Signs and Resources

What is Elder Abuse?

There are various forms of elder abuse.

Elder abuse can be:

- Financial exploitation
- Neglect
- Isolation
- Physical abuse
- Sexual abuse
- Emotional abuse

Sometimes, a combination of these forms of abuse can happen at the same time.

Did you know most elder abuse is perpetrated by a family member, caregiver or anyone providing care—including professionals? Two things can be true at the same time – a person can love their partner/family member and want the abuse to stop.

What to do if you Suspect Abuse?

If you suspect that an older adult is in a life-threatening situation or immediate danger, please promptly call 911 or the local police department.

Otherwise, please report to the applicable resources located on the back of this page.

Not sure if you need to report abuse?

Call **Helping Hand** at 207.805.5555. Helping Hand can assist you with your concerns and let you know how/if you need to call Adult Protective Services (APS). They can also help make the call with you to APS if needed. These calls are anonymous.

Signs of Abuse

Financial:

- Changes in banking or spending patterns, and abrupt changes made to wills or other financial documents
- Unexplained credit charges, forged signatures, or unauthorized withdrawals

Neglect/Isolation:

- Poor hygiene, sudden weight loss, dehydration, and malnutrition
- Bedsores or unattended medical needs
- Hazardous or unsanitary living conditions

Physical:

- Unexplained injuries: bruises, broken bones, or abrasions
- Broken eyeglasses, signs of being punished or restrained

Sexual:

- Unexplained venereal disease or genital infections, vaginal or anal bleeding
- Changes in demeanor, such as showing fear when a specific person is around

Emotional:

- Withdrawal from previously enjoyed activities or unusual depression onset
- Increased agitation and unusual behavior such as biting or rocking
- Witnessing the abuser making threats, making the abused feel fear or humiliation



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Elder Abuse: Signs and Resources

Please remember that if you suspect abuse, call your local police department, Adult Protective Services (APS), or bank.

Important Resources:

Adult Protective Services (APS)/DHHS – 1.800.624.8404 or [Adult Protective Services](#) | [AccessMaine](#)

- Reports to the state about older adults who are being abused or do not have capacity. If appropriate, a case manager will be assigned to help connect to various supports and work one-on-one with the individual or family.

Through These Doors (Cumberland County) – 1.800.537.6066 or their [online form](#)

Caring Unlimited (York County) – 1.800.239.7298, mail@caring-unlimited.org, or their [online form](#)

- Both provide an array of services, including answering questions, legal advocacy, support and transitional housing.

Legal Services for Maine Elders – 1.800.750.5353 or 207.623.1797

- Legal resources and support for Maine residents, age 60 and older.

Elder Abuse Institute of Maine – 207.805.3708 or info@eaime.org

- Provides outreach, education and direct support services including transitional housing for older Maine residents who have experienced abuse and support services to Maine's older adults with APS involvement.

Immigrant Resource Center of Maine – 207.955.3229 or 207.520.7859

- Various supports for new Mainers focused on gender-based violence, domestic abuse, sexual assault and human trafficking support.

The Maine Long-Term Care Ombudsman Program – 1.800.499.0229 or 207.621.1079

- Offers advocacy and support to residents of nursing homes, assisted housing programs including residential care and assisted living, consumers receiving home care services including homemaker, Adult Day Programs, and hospice. They also provide support to those in the hospital who need assistance receiving long-term care services.

Financial Exploitation Resources:

AARP National Elder Fraud Hotline – 1.877.908.3360 or [Report Fraud to the AARP Fraud Helpline](#)

- You can report fraud, get next action steps to take if you've experienced fraud, emotional support, guidance for families, and referrals to law enforcement or other agencies.

Attorney General Office – 207.626.8800 or [Office of the Maine AG: Contact the Consumer Protection Division](#)

- You can file a complaint and also get information on next action steps.

Federal Trade Commission – 1.877.382.4357 or [Reportfraud.ftc.gov](https://reportfraud.ftc.gov)

- You can report fraud and get next action steps.



Spring Wellness Checklist ✓

“Spring Cleaning”

Some tips and tricks to follow this spring for your home and vehicle.

- ✓ Check that your fire alarm and carbon monoxide alarms are working properly! The American Red Cross can provide free fire alarm installation if needed by calling 1.800.464.6692 (option 4).
- ✓ Clean out your gutters.
- ✓ Replace or clean any filters.
- ✓ Check for any storm or weather damage like loose or rotting boards around your home. Be sure to check the status of your stairs.
- ✓ Dispose of old medications safely (do not flush down the drain). Many pharmacies and police departments participate in drug take back programs, and it is best practice to take your name off the bottle.
- ✓ Shred any unnecessary documents (there may be free shredding events in your area).
- ✓ Save money and time by canceling any unused subscriptions and unsubscribe from any unwanted e-mails.
- ✓ Wash your car to get all of the salt off.
- ✓ Check your oil, tire pressure, and fluids. Make sure your car inspection, insurance, and registration are up to date.

Social & Recreation

Spring is a time for new beginnings!

- Check out what your local town Age-Friendly, Recreation Department or Community Center has for events.
- Find a walking trail near you at mainetrailfinder.com.
- Find a state park on the State Parks and Public Lands website.
- Check out your local library. Libraries are an endless resource for knowledge, fun, and social connection.
- Join one of SMAA's Community Café's for a delicious lunch and meet new people.
- Join an Agewell exercise class or a new program on our events page at smaaa.org/events.

Mental Health

Changing seasons can be difficult. Check out these resources for support.

- The Peer Support Line is available 24/7, at 1.866.771.9276.
- The Crisis Line can be reached at 1.888.568.112 via phone or text. You can also send a chat online at: opportunityalliance.org/crisis.
- For the suicide and crisis line, text or call 988. Press 1 for veterans.
- Find various other helplines at maine.gov/dhhs/about/contact/hotlines.



Southern Maine
AGENCY
on **AGING**
EMPOWERING OLDER ADULTS
AND THEIR CAREGIVERS



Spring Wellness Checklist ✓

FarmShare

Starting in April, the Maine Senior FarmShare program (MSFP) offers a voucher for \$50 that can be used at participating Maine farms and farmstands.

To be eligible you must:

- Be a Maine resident
- Be 60 years old or older, or 55 years old or older for Native Americans or 18 years old or older for disabled adults living in congregate housing with a cafeteria
- Meet the 2024-2025 Income Guidelines (\$2,322 per month for a one-person household; \$3,151 per month for a two-person household)

Interested participants must call an authorized farm directly to sign-up.

You may sign-up with one farm per year and can find a list of participating farms on maine.gov.

If you need help determining your eligibility or finding a farm, please call Southern Maine Agency on Aging at 207.396.6500 or the Maine Senior FarmShare Program at 207.287.3491.



Apply for Credits!

Property Tax Fairness Credit

Eligible Maine taxpayers may receive a portion of the property tax or rent paid during the tax year on the Maine individual income tax return whether they owe Maine income tax or not.

For eligibility requirements and to find the 1040ME form needed, visit maine.gov.

Sales Tax Credit

You may be eligible for the Sales Tax Credit even if your rent is subsidized or you live rent free! The Sales Tax Credit is based off of your income (not how much you spend for sales tax).

How much you are eligible for is based on your income range and filing status.

Reimbursements range from \$10-\$150 for singles and \$10-\$210 for married couples.

Learn more by calling Maine Revenue Services, 207.626.8475 or online at maine.gov.

Medicare Savings Program (MSP)

MSP can help pay monthly Medicare premiums and out-of-pocket costs. People who are eligible for Medicare Part A may qualify.

Monthly income is less than \$3,261 if single and less than \$4,407 if married and enrolled in Medicare. DHHS determines eligibility for these programs, 1.855.797.4357 or mymaineconnection.gov.

The Southern Maine Agency on Aging can help you apply over the phone! Please call us at 207.396.6500 or 1.800.427.7411 to learn more.



City Council

Meeting Date: May 20, 2025
Meeting Time: 6:00 PM
Agenda Item No: 8.a
Item Description: Banded Horn Brewing Catering Permit 2025 La Kermesse
Submitted By:

Supporting Information/Documentation:

Banded Horn 2025 La Kermesse, BandedBrewing, BBdiagram

Key Terms:

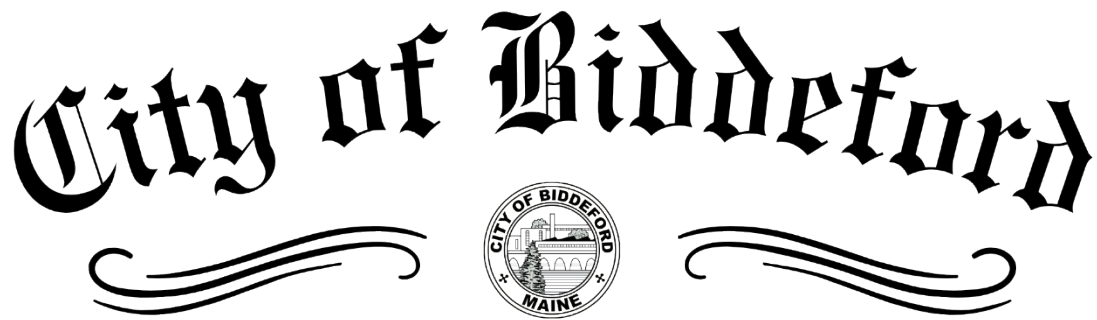
Executive Summary:

Banded Horn Brewing is applying for a State of Maine Catering Permit to sell and serve alcohol during the annual La Kermesse Festival at St. Louis Field. The permit requires local approval.

Detailed Review:

Funding Source:

Staff Recommendation:



2025.63

IN BOARD OF CITY COUNCIL... May 20, 2025

BE IT ORDERED, that the City Council of the City of Biddeford does hereby grant local approval of a State of Maine Catering Permit for Banded Horn Brewing Company LLC. The permit is for the La Kermesse Franco-Americaine on June 19th , 20th , 21st and 22nd , 2025 at St. Louis Field; and

BE IT FURTHER ORDERED, that in accordance with the provisions set forth under Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property, that the City Council approves the sale of alcohol to be sold and served within clearly defined restricted areas at St. Louis Field that have been approved by the State of Maine Bureau of Alcoholic Beverages and providing that Banded Horn Brewing remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

Attest by:_____



Application Copy

File Number: 69417

Job Type: New Application

LICENSE TYPE / EVENT TYPE Catering Permit Special Event	APPLICATION DATE RECEIVED 2025-05-05
LICENSEE Banded Horn Brewing Company, LLC	LICENSEE TYPE Limited Liability Company

PARENT LICENSE(S)

LICENSE

License CAL-18-111804 (Active) - On-Premises: Beer, Wine & Spirits
Banded Brewing Co (Banded Horn Brewing Company, LLC)

MANAGED BY AGENT Yes	
AGENT NAME Ian Asher McConnell	AGENT TYPE Individual
BIRTHDATE 1980-02-24	GENDER Male
SPOUSE	PREFERRED CONTACT METHOD Email
CONTACT PHONE (207) 944-5026	ALTERNATE PHONE
FAX	EMAIL ian@bandedbrewing.com

CORRESPONDENCE ADDRESS

MAILING ADDRESS

PHYSICAL ADDRESS

LOCATION

St Louis Field, Biddeford, Maine

EVENT DATE(S)

June 19-22

NUMBER OF EVENT DAYS

4

EVENT HOURS OF OPERATION

June 19,20 - 4PM-10PM, June 21st
- 12PM-10PM, June 22nd - 12PM-
3PM

EVENT CONTACT INFORMATION

Ian McConnell - 207 944 5026, ian@bandedbrewing.com

Nick Faulise - 564 208 0710, nick@bandedbrewing.com

EVENT ADDRESS

39 West Street Biddeford ME 04005

Municipality

Biddeford

County

York

QUESTIONS

Catering Permit

1. What is the purpose of the event?
Biddeford's annual Franco-American Festival
2. Is the event open to the public?
Yes
3. Will the event be outdoors?
Yes
(document uploaded)
4. How many people are expected at the event?
5000
5. Is your services requested by an individual or for-profit business?
Yes
Scott Gagne, La Kermesse
P.O. Box 289
Biddeford, Maine 04005
(207) 604-4790
SRGAGNE@yorkcountymaine.gov
6. Is your services requested by a non-profit organization?
Yes
Scott Gagne, La Kermesse
P.O. Box 289
Biddeford, Maine 04005
(207) 604-4790
SRGAGNE@yorkcountymaine.gov

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Event Area Description and Diagram	kermesse.pdf	diagram of festival grounds and service area

APPLICANT

Ian McConnell

DECLARATION

- ☒ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

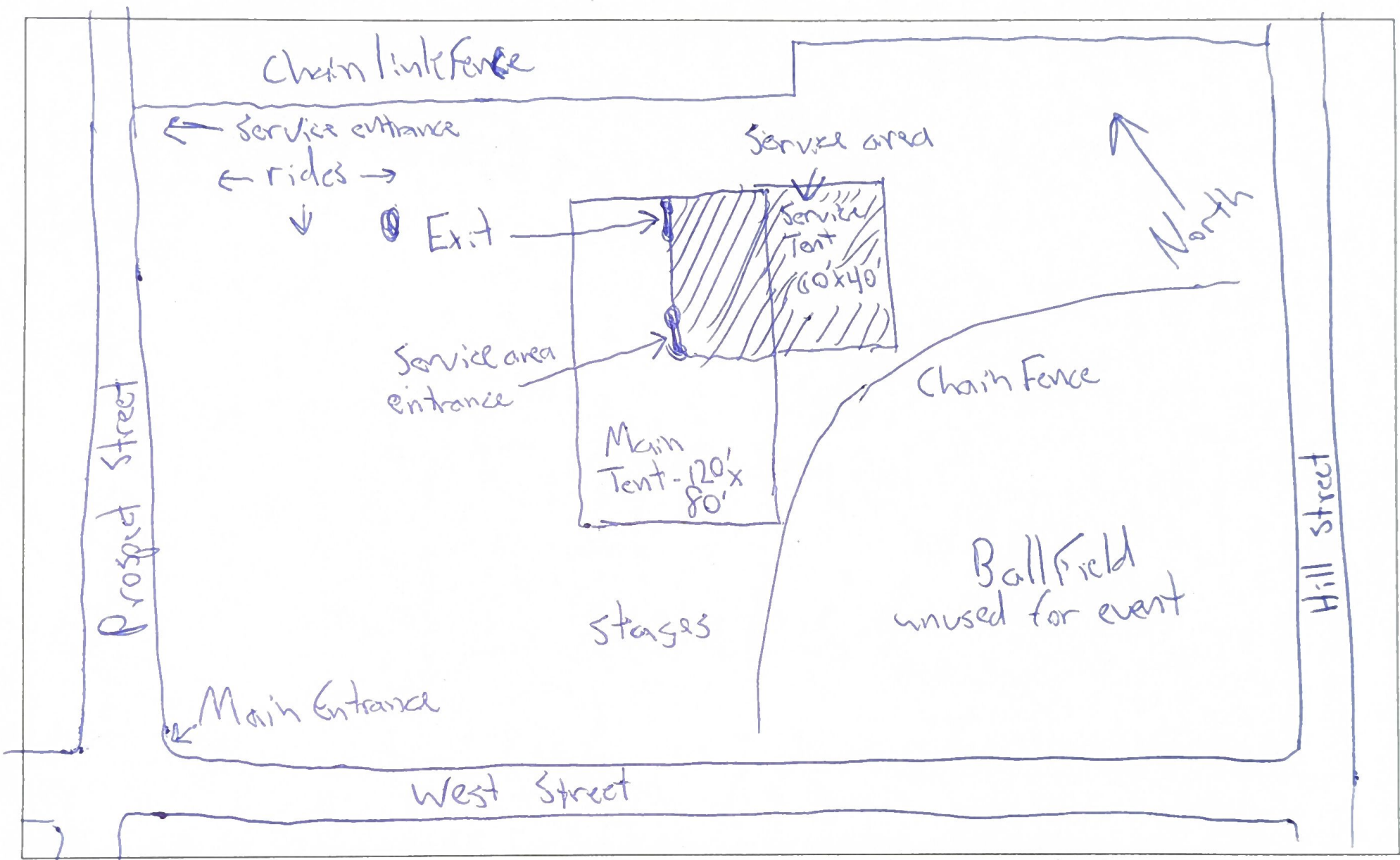
All information provided in this application is accurate and correct. I understand that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Section F: Catering Permit Diagram for Outdoor Events

The following restrictions apply to outdoor events:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating “No alcohol beyond this point”.
- There must be sufficient employees at the event to control and monitor the area.

In an effort to clearly define the area that consumption and storage of liquor will occur during this outdoor event, diagrams must be submitted on this form and should be as accurate as possible. Be sure to label the areas of consumption and storage on your diagram.



For Division Use Only

Date Filed: _____	
☐ Approved	☐ Not Approved
Date Approved: _____	
Approved By: _____	

License No: _____
Deposit Date: _____
Amt. Deposited: _____
Payment Type: _____

City of Biddeford
City Council
May 6, 2025 at 6:00 PM
City Hall Council Chambers & Zoom

1. Roll Call

Council President LaFountain - present
Councilor Lessard - present
Councilor Ortiz - present
Councilor Emhiser - present
Councilor Whiting - excused
Councilor Beaupre - present
Councilor Gross - present
Councilor Belanger - present
Councilor Doughty - present

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

Item 11.c will be moved to the 5-20-25 agenda.

Item 11.m. will be moved to the 5-8-25 agenda.

4. Public Hearing

4.a Public Hearing City Budget

The public hearing was opened at 6:21 pm.

Two citizens spoke in support of the library budget.

One citizen spoke about the holiday lighting budget.

One citizen spoke about the community gardens program.

One citizen spoke about the overall budget and requested reductions.

The Public Hearing was closed at 6:34 pm.

5. Recognition

5.a Mayor Recognition Peter Bickford

Mayor Grohman spoke about Peter Bickford's retirement from the Biddeford Post Office.

6. Proclamation

6.a National Police Week 2025

6.b 2025 National Bike Month

Mayor Grohman read the proclamations.

7. Appointments

7.a 2025.36 Approval Mayoral Appointments to Citizen Committees

Motion: Councilor Emhiser

Second: Councilor Belanger

Councilor Lessard asked for the pronouns on the application to be listed as optional.

Vote: Unanimous in favor.

Motion passed.

7.b 2025.62 Approval Mayoral Council Committee Appointment

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

8. Presentation

8.a Lead-Based Paint Hazard Reduction Program update

Jessica Wilson, Community Development & Grants Manager, gave an update on the 2019 and 2022 lead grant programs.

9. Public Addressing the Council

One person spoke in favor of the library, community gardens and school budget items.

One person praised the outstanding job that Public Works, the Police and Fire Departments, are doing to manage the Elm Street construction project.

10. Consideration of Minutes

10.a Council Minutes 4-15-25

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

10.b Special Council Meeting Minutes 4-22-25

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

11. Orders of the Day

11.a 2025.39 Approval PW Pick Up

Motion: Councilor Beaupre

Second: Councilor Lessard.

Councilor LaFountain commented that this item passed unanimously in the Finance Committee meeting.

Vote: Unanimous in favor.

Motion passed.

11.b 2025.41 Approval Monarch Pledge and No Mow May

Motion: Councilor LaFountain

Second: Councilor Lessard

Holly Culloton, Director of Biddeford Community Gardens gave an update on the Spring Pollinator Festival happening on Saturday, May 31st from noon – 4:00 pm at Rotary Park.

Vote: Unanimous in favor.

Motion passed.

11.c 2025.43 Approval DEP Consent Agreement - item moved to the 5-20-25 Council Agenda

11.d 2025.60 Approval Maine Water Quarterly Billing

Motion: Councilor Beaupre

Second: Councilor Lessard

Public comment – one citizen asked about the cost savings.

Councilor LaFountain requested that information be provided to customers before the change.

Vote: Unanimous in favor.

Motion passed.

11.e 2025.61 Approval Ordinance Change Use of Jake Brake Prohibited

Motion: Councilor Beaupre

Second: Councilor Lessard

Councilor Lessard asked about the enforcement of the current ordinance.

Councilor Beaupre said this came from the Traffic Committee and there were several citizen complaints.

Police Chief JoAnne Fisk spoke about enforcement. The proposed language is comparable to surrounding communities. Signs would be placed at the entrances to the city. Initial stops would create an opportunity for education.

Vote: 7 yeas – Councilors Ortiz, Belanger, Gross, Doughty, Beaupre, Emhiser and LaFountain.

1 nay – Councilor Lessard.

Motion passed.

11.f 2025.44 Approval City Government Appropriations FY26

Motion: Councilor Beaupre

Second: Councilor Lessard

Public Comment – one citizen asked about the contingency fund.

The councilors discussed the fund and the affordable housing fund.

Vote: 7 yeas – Councilors Ortiz, Belanger, Gross, Doughty, Beaupre, Emhiser and LaFountain.

1 nay – Councilor Lessard.

Motion passed.

11.g 2025.45 Approval Revenues City FY26

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: 7 yeas – Councilors Ortiz, Belanger, Gross, Doughty, Beaupre, Emhiser and LaFountain.

1 nay – Councilor Lessard.

Motion passed.

11.h 2025.46 Approval Airport Operations Fund FY26

Motion: Councilor Beaupre

Second: 7 yeas – Councilors Ortiz, Belanger, Gross, Doughty, Beaupre, Emhiser and Lessard.

1 nay – Councilor LaFountain.

Motion passed.

11.i 2025.47 Approval Ambulance Fund FY26

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: 7 yeas – Councilors Ortiz, Belanger, Gross, Doughty, Beaupre, Emhiser and LaFountain.

1 nay – Councilor Lessard.

Motion passed.

11.j 2025.48 Approval Mooring Fund FY26

Motion: Councilor Beaupre

Second: Councilor Lessard

Councilor Emhiser explained that this fund is now in balance.

Councilor LaFountain commented that it no longer needs \$15,000 from the general fund.

Vote: Unanimous in favor.

Motion passed.

11.k 2025.49 Approval Pool Beach Permit Fund FY26

Motion: Councilor Beaupre

Second: Councilor Lessard

Public Comment – one citizen commented that the fund should balance.

Councilor LaFountain spoke about the fee increases several years ago and the services that the fund covers.

Vote: Unanimous in favor.

Motion passed.

11.l 2025.50 Approval Recreation Programs Fund FY26

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

11.m 2025.51 Approval Sewer Operations FY26 - moved to the 5-8-25 Council agenda.

11.n 2025.52 Approval Property Tax Dates and Interest FY26

Motion: Councilor Beaupre

Second: Councilor Belanger

Councilor Lessard – motion to amend to change the date from November 1, 2025 to October 15, 2025.

Second: Councilor Belanger

Vote on the amendment: Unanimous in favor.

Amendment passed.

Vote on the order as amended: Unanimous in favor.

Motion passed.

11.o 2025.53 Approval School Essential Programs and Services FY26

Motion: Councilor Beaupre

Second: Councilor Lessard

Superintendent Jeremy Ray gave an update on the school budget and the recent reductions.

Vote: Unanimous in favor.

Motion passed.

11.p 2025.54 Approval School Construction Projects FY26

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

11.q 2025.55 Approval School Additional Funds Raised FY26

Motion: Councilor Beaupre

Second: Councilor Lessard

Public Comment – one citizen asked about the additional funds.

Superintendent Ray explained the funding formula.

Vote: Unanimous in favor.

Motion passed.

11.r 2025.56 Approval School Appropriations FY26

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

11.s 2025.57 Approval School Adult Education FY26

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

11.t 2025.58 Approval School Food Service FY26

Motion: Councilor Belanger

Second: Councilor Lessard

Councilor LaFountain asked about the total cost.

Superintendent Ray explained that the number of meals has increased as well as the cost of food.

Vote: Unanimous in favor.

Motion passed.

12. Public Addressing the Council

One citizen commented that they appreciated the hard work on the budget and there is still time to adjust it before Thursday.

13. City Manager Report

Acting City Manager Brian Phinney gave an update on the FY23 and FY24 audits and also on the Elm Street project.

Councilor Lessard requested a fund balance update.

Councilor LaFountain asked for a follow-up with the Laconia Street no trespassing signs and the details of the easement.

14. Committee Updates by Council

Councilor Beaupre said the Veterans Committee meeting has been moved from Memorial Day to 5-19-25.

15. Other Business

Councilor Beaupre asked the Personnel Committee to review the City Hall hours. Councilor Emhiser said it will be added to the next agenda.

Councilor Beaupre asked about Executive Sessions during committee meetings. City Solicitor Harry Center explained that only committee members can be present for the executive sessions.

Councilor Lessard will be attending the York County Budget meeting tomorrow in Alfred.

16. Council President Addressing the Council

Council President LaFountain said that the Capital Projects committee has started touring all of the city owned buildings and they will have recommendations for the Council in June.

He also thanked everyone involved in the Earth Day clean up activities and the Biddeford Hall of Honor event.

17. Mayor Addressing the Council

Mayor Grohman congratulated everyone involved with the Music Hall of Fame. He mentioned the Biddeford Rising event next week. He recently toured the York County training facility. He is working with the housing huddle and local businesses to come up with a summer stipend work program. He mentioned the parking report.

18. Executive Session

18.a Executive Session 1 MRS 405 (6) a Personnel Matters

Councilor Belanger - motion to enter executive session at 8:14 pm

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

Councilor Emhiser - motion to exit executive session at 8:56 pm

Second: Councilor Belanger

Vote: Unanimous in favor.

Motion passed.

19. Adjourn

Motion: Councilor Emhiser at 8:56 pm

Second: Councilor Belanger

Vote: Unanimous in favor.

Meeting adjourned.

City of Biddeford
Special City Council Meeting
May 8, 2025 at 6:00 PM
City Hall Council Chambers & Zoom

1. Roll Call

Council President LaFountain - present
Councilor Lessard - present
Councilor Ortiz - present
Councilor Emhiser - present
Councilor Whiting - present
Councilor Beaupre - via zoom
Councilor Gross - present
Councilor Belanger - present
Councilor Doughty - excused

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

Item 5.a. 2025.51 will move to the 5-20-25 Council agenda

Item 6.a. Executive Session is cancelled.

4. Second Reading

4.a 2025.44 Approval City Government Appropriations FY26

Motion: Councilor Emhiser
Second: Councilor Whiting

Public Comment – one citizen suggested several scenarios to reduce the budget.
Councilor Belanger – motion to suspend the council rules to allow the citizen to speak longer.
Second: Councilor LaFountain.
Vote: Unanimous in favor; Councilor Beaupre yea via zoom.
Motion passed.
Public comment – one person spoke in favor of the library request.

Councilor Belanger: motion to amend to fully fund 6 of the vacant Police Department positions and half fund 2 of the vacant positions until January 2026.

Second: Councilor Beaupre

Police Chief JoAnn Fisk spoke about these positions and recruitment efforts.

Councilors spoke about the challenges; public safety is a priority and voiced concerns about potential changes in the new year.

Vote on the amendment: 2 yeas – Councilors Belanger and Emhiser
5 nays – Councilors Ortiz, Gross, Whiting, LaFountain; Councilor Beaupre nay via zoom.
Amendment failed.

Councilor Beaupre – motion to reduce the Public Access position budget by \$85,393.
Second: Councilor Belanger

Councilor LaFountain said there would be a process with the City Manager and staff to make this change.

Acting City Manager Brian Phinney spoke about the potential timeline.

Vote on the amendment: 5 yeas – Councilors Belanger, Gross, Whiting, Emhiser; Councilor Beaupre yea via zoom.
3 nays – Councilors LaFountain, Ortiz and Lessard.
Amendment passed.

Councilor Belanger – motion to reduce the Contingency Fund by \$200,000.
Second: Councilor Beaupre

Mayor Grohman spoke about an alternative funding source.

Councilor Lessard – motion to reduce the Municipal Services budget by \$200,000, keep the Contingency Fund at \$700,000 and back fill Services if funds come in.
Second – Councilor Ortiz.

Councilor Whiting – Point of Order, is it allowed to have a motion to a motion? The response was yes.

Vote on the amendment – 3 yeas – Councilors Lessard, Gross; Councilor Beaupre yea via zoom.
5 nays – Councilors Ortiz, Belanger, Whiting, Emhiser and LaFountain.
Amendment failed.

Vote on the previous amendment to reduce the contingency fund- unanimous against.
Amendment failed.

Vote on the order as amended: Unanimous in favor; Councilor Beaupre yea via zoom.
Motion passed.

4.b 2025.45 Approval Revenues City FY26
Motion: Councilor LaFountain

Second: Councilor Belanger

Vote: Unanimous in favor; Councilor Beaupre yea via zoom.

Motion passed.

4.c 2025.46 Approval Airport Operations Fund FY26

Motion: Councilor Emhiser

Second: Councilor Belanger

Vote: 6 yeas – Councilors Ortiz, Belanger, Gross, Whiting and Emhiser; Councilor Beaupre yea via zoom.

2 nays – Councilors Lessard and LaFountain.

Motion passed.

4.d 2025.47 Approval Ambulance Fund FY26

Motion: Councilor Emhiser

Second: Councilor LaFountain

Fire Chief Best explained the billing process and the bad debt portion. Our percentage of collections is better than the average.

Councilor Emhiser explained the insurance billing process.

Vote: Unanimous in favor; Councilor Beaupre yea via zoom.

Motion passed.

4.e 2025.48 Approval Mooring Fund FY26

Motion: Councilor Emhiser

Second: Councilor LaFountain

Vote: Unanimous in favor; Councilor Beaupre yea via zoom.

Motion passed.

4.f 2025.49 Approval Pool Beach Permit Fund FY26

Motion: Councilor Emhiser

Second: Councilor LaFountain

Public Comment – one citizen commented about the fund balance and fees.

Councilor Belanger suggested that they look at this in the fall to make any fee adjustments before the season starts.

Vote: 7 yeas – Councilors Ortiz, Belanger, Gross, Whiting, Emhiser, LaFountain; Councilor Beaupre yea via zoom.

1 nay – Councilor Lessard.

Motion passed.

4.g 2025.50 Approval Recreation Programs Fund FY26

Motion: Councilor Emhiser

Second: Councilor LaFountain

Vote: Unanimous in favor; Councilor Beaupre yea via zoom.

Motion passed.

4.h 2025.52 Approval Property Tax Dates and Interest FY26

Motion: Councilor Emhiser

Second: Councilor LaFountain

Vote: Unanimous in favor; Councilor Beaupre yea via zoom.

Motion passed.

4.i 2025.53 Approval School Essential Programs and Services FY26

Motion: Councilor Emhiser

Second: Councilor LaFountain

Vote: Unanimous in favor; Councilor Beaupre yea via zoom.

Motion passed.

4.j 2025.54 Approval School Construction Projects FY26

Motion: Councilor Emhiser

Second: Councilor LaFountain

Public comment – one citizen asked about savings from closing the JFK building. Superintendent Jeremy Ray explained that those are already in the budget.

Councilor Lessard requested a chart of the bonds and payoff timelines and suggested that they use that to consider the timing of future projects.

Vote: Unanimous in favor; Councilor Beaupre yea via zoom.

Motion passed.

4.k 2025.55 Approval School Additional Funds Raised FY26

Motion: Councilor Emhiser

Second: Councilor LaFountain

Vote: Unanimous in favor; Councilor Beaupre yea via zoom.

Motion passed.

4.l 2025.56 Approval School Appropriations FY26

Motion: Councilor Emhiser

Second: Councilor LaFountain

Vote: Unanimous in favor; Councilor Beaupre yea via zoom.

Motion passed.

4.m 2025.57 Approval School Adult Education FY26

Motion: Councilor Emhiser

Second: Councilor LaFountain

Vote: Unanimous in favor; Councilor Beaupre yea via zoom.

Motion passed.

4.n 2025.58 Approval School Food Service FY26

Motion: Councilor Emhiser

Second: Councilor LaFountain

Vote: Unanimous in favor; Councilor Beaupre yea via zoom.

Motion passed.

5. Orders of the Day

5.a 2025.51 Approval Sewer Operations FY26

Moved to 5-20-25 Council meeting

6. Executive Session

- a. Executive Session - 1 MRS 405 (6) e - Legal Matters - cancelled

7. Adjourn

Motion: Councilor Belanger at 7:29 pm

Second: Councilor LaFountain

Vote: Unanimous in favor.

Meeting adjourned

City of Biddeford



2025.61 IN BOARD OF CITY COUNCIL... May 6, 2025

BE IT ORDERED, that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article II OPERATION,

Section 42-33 Use of compression release engine brakes prohibited, be amended by adding or deleting to read as follows:

Sec. 42-33 Use of compression release engine brakes prohibited; exemptions.

(a) It is a traffic violation for the operator of a motor vehicle equipped with a compression release engine braking system (jake brake) to activate or use this braking system within the City of Biddeford. ~~between the hours of 9:00 p.m. to 6:00 a.m.~~

(b) The following vehicles are exempt: Fire Department vehicles, or vehicles used in emergency construction or repair work by state, municipal or public utilities are exempt.

May 6, 2025

Motion: Councilor Beaupre

Second: Councilor Lessard

Vote: 7 yeas, Councilors Ortiz, Belanger, Gross, Doughty, Beaupre, Emhiser and LaFountain.

1 nay – Councilor Lessard.

Motion passed.

May 20, 2025

Attest by: _____
Robin Patterson, City Clerk



City Council

Meeting Date: May 20, 2025
Meeting Time: 6:00 PM
Agenda Item No: 12.a
Item Description: 2025.51 Approval Sewer Operations FY26
Submitted By: Brian S. Phinney, Acting City Manager

Supporting Information/Documentation:

2025.51) Sewer Operations Fund FY26 - ORDER

Key Terms:

Executive Summary:

FY26 Sewer Operations Budget for Adoption

Detailed Review:

The FY26 Sewer Fund Budget is presented to Council for review and approval. The Sewer Fund is Fund 601 and includes: 35102-Sewer Operations, 35103 - Industrial Pretreatment Program, and 35104-New Sewer Operations Expense.

Fund 601 is a enterprise account. For audit purposes, the Fund is evaluated on a cash basis. Using the values presented in Order 2025.51 it is estimated that the net change in position will be \$100,000 (to the positive). It should be noted that the next change is based on fully estimating the FY24 actuals due to the fact that the FY24 ACFR has yet to be completed. As directed, the anticipated revenues should equal expenses plus \$100,000 for capital expenditures.

The sewer billing rates for monthly invoicing are calculated at a factor of three (3) for the quarterly billing schedule. Moving monthly bills to the quarterly cycle should be a direct comparison. For example, the minimum charge for residential monthly is \$18.72. The minimum quarterly charge is \$56.16 (\$18.72 x 3). The threshold for the monthly charge is <393 units. The minimum threshold for the quarterly charge is <1,175 units (393 x 3 approx). For both categories the unit rates are equivalent.

The Budget as presented reflects a 6.7% increase to the user rates in order to equate revenue

to the estimated expenses plus \$100,000 threshold.

Funding Source:

This is a budget approval. Expenses are \$4,983,382. Depreciation is estimated at \$1,137,760. Revenue is estimated at \$4,538,175.

Staff Recommendation:

N/A - FY26 Budget Approval

City of Biddeford



2025.51

IN BOARD OF CITY COUNCIL... MAY 20, 2025

BE IT ORDERED, that the City Council of the City of Biddeford does hereby accept the recommendation of the Budget Committee for expenses within the WASTEWATER FUND for the fiscal year commencing July 1, 2025 and ending June 30, 2026, as follows:

Sewer Operations:	\$3,737,062
Industrial Pretreatment:	\$44,950
Maintenance:	\$1,201,370
Total	\$4,983,382
Depreciation:	\$1,137,760
Total:	\$1,137,760

BE IT FURTHER ORDERED, that the City Council of the City of Biddeford does hereby accept the recommendation of the Budget Committee for revenues within the WASTEWATER FUND for the fiscal year commencing July 1, 2025 and ending June 30, 2026, as follows:

Sewer User Fees:	\$4,213,027
Other Revenue:	\$175,148
Transfer from General Fund:	\$150,000
Total:	\$4,538,175

Note: The overall financial condition of the WASTEWATER FUND is defined on so-called Statement 08 and Statement 09. The estimated change in net position using these values is +\$100,000, fully estimating FY24 in the absence of an FY24 ACFR.

Attest by: _____



City Council

Meeting Date: May 20, 2025
Meeting Time: 6:00 PM
Agenda Item No: 12.b
Item Description: 2025.42 Approval La Kermesse Special Events Permit
Submitted By: Roby Fecteau

Supporting Information/Documentation:

La Kermesse 2025, Council order May 20th Kermesse

Key Terms:

Executive Summary:

Approval of a Special Events Application for La Kermesse to hold its annual Festival located on St. Louis Filed (June 19th-22nd) Further, La Kermesse is seeking approval for the sale and possession of liquor during the event.

Detailed Review:

Funding Source:

Staff Recommendation:

APPLICATION NUMBER: _____

EFFECTIVE 7-18-2024 THE FOLLOWING

FEES WILL APPLY:

Administrative fee	\$100.00
Tier one	\$100.00
Tier two	\$200.00
Tier three	\$500.00

Any person, firm, corporation, business or organization seeking a permit to hold a special event within the City of Biddeford must file an application with the permitting authority at least 30 days prior to the beginning of the event; or in cases related to activities protected by the First Amendment to the United States or Maine Constitution, other than commercial speech, two business days prior to the beginning of the event. Permit applications are available on the City's website or at the City Clerk's Office.

All vendors must obtain proper licenses/permits from the City Clerk's office (284-9307).
Indemnification agreement/insurance certificate must be attached to this application at the time of submission.
Site Plan Sketch may be accompanied by a separate map, if necessary

CITY OF BIDDEFORD **SPECIAL EVENT APPLICATION**

City of Biddeford
P.O. Box 586
Biddeford, ME 04005

Name of Event La Hermine Festival Location of Event St. Louis field #2
Date of Event: June 19-20 Start Time June 19 4:00 Finish Time June 20 4:50 PM

Organization (Applicant) Information

Name of Organization or Name of Applicant if NOT an Organization

La Hermine Festival

Physical Address: _____

Mailing Address: P.O. Box 289

Business Telephone 207-229-2024 Fax _____ E-mail BFPPLAGNE2054

Income Tax Exempt: Yes: ☒ No: _____ Tax Exempt Number: 01-6075283 EMAIL.COM

Contact Person/Event Coordinator

Name & Address

PAUL N. GAGNE

Telephone 207-229-2024 Cellular 207-229-2024 E-Mail see above

Relationship Organization: TREASURER

APPLICATION NUMBER: _____

Detailed and specific description of Event (attached separate sheet if necessary)

Estimated # of Participants 30 Estimated Attendance 7,500

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.) Please explain:

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing:

Sign showing Time & Location of festival

Type of Event:

Special events may fall under three categories:

☐

Tier 1 Special Events involve the use of Recreation Department facilities for functions involving 100 or less people. **The Recreation Director or their designee is the permitting authority**

☒

Tier 2 Special Events include street closure requests, parades, road races, walks or other single-day functions involving 100 or less people. **The Police Chief and Public Works Director or their Designees are the permitting authority**

☐

Tier 3 Special Events are functions that involve a street closure or the use of a City facility for a single-day function involving 100-999 people. **The Coordinating Committee shall be the permitting authority**

APPLICATION NUMBER: _____

PLEASE NOTE: The City Council shall be the permitting authority for events to be held in City of Biddeford parks, recreation, public buildings, grounds and streets which it could reasonably be assumed that 1,000 or more persons might gather or participate; or any event which is proposed to last longer than two consecutive days, regardless of the number of persons anticipated to gather or participate.

FURTHER: If alcohol is being sold, or otherwise available, permission must be obtained through application at City Clerk's Office, and must be approved by the City Council. If alcohol is sold, this requires applicable State of Maine Liquor license to sell alcohol. List contact name and address of licensee:

General Service Questions

Department of Public Works

Is the use of barricades necessary/requested for this event? Y

If yes, number needed 6

Will it be necessary to cover street and/or parking signs for this event? NO If yes, please note on diagram.

What is your plan for cleanup and debris disposal for this event?

We have a dumpster

Is any other Public Works assistance anticipated?

YES.

Recreation Department

Will this event take place in a Public Right of Way, Public Way, City Park or athletic field? Y

If yes, where

St Lawrence field #2

APPLICATION NUMBER: _____

Will tenting/staging be utilized for this event? Y If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc.?

Work with Biddeford Wash

Any Parks and Recreation assistance required?

YES

Fire Department

Will the Fire Department have access to all sites in the event of an emergency?

YES

Will any fire hydrants be obstructed? NO Will you have access to E 9-1-1?

YES

Will you have First Aid or medical staff present?

YES

***** If First aid or Medical Staff is needed, The Biddeford Fire Department may provide for a fee. Please Contact the Biddeford Fire Department at 207-282-6632 for details.*****

Police Department

Is traffic control necessary for this event? NO If yes, who will provide it?

Is crowd control necessary for this event? NO If yes, who will provide it?

We have security on field

APPLICATION NUMBER: _____

INDEMNIFICATION AND RELEASE PROVISIONS
CITY OF BIDDEFORD SPECIAL EVENT PERMIT

A. In consideration for being permitted to use the facilities and/or rights-of-way of the City of Biddeford, (hereinafter "City"), La Kermesse Festival
(insert name of person/entity seeking permission to use facilities and/or right-of-way, hereinafter "Applicant") agrees to indemnify and hold harmless the City, its officers, employees, and insurers, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity on account of damage, loss, or injury, including without limitation claims arising from property loss, or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities and/or rights-of-way, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City, its officers, or its employees, or from any other cause whatsoever.

B. By signing below, Applicant agrees that in the event of damage, loss or injury to the facilities or to any property or equipment therein or to the City rights-of-way, the City may deduct from any damage deposit the full amount of such damage, loss, or injury. Applicant further agrees that if such damage, loss, or injury exceeds the amount of the damage deposit, Applicant will promptly reimburse the City for all costs associated therewith upon billing by the City.

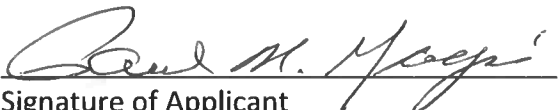
C. In addition, in consideration for being permitted or allowed to use the facilities and/or right-of-way, Applicant on behalf of itself and its officers, employees, members, and participants, hereby expressly exempts and releases the City, its officers, employees, insurers, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability claims and demands result from the act, omission, negligence, or other fault on the part of the City, its officer, or its employees, or from any other cause whatsoever.

D. In addition, La Kermesse has furnished and attached two copies of certificates of insurance with the City of Biddeford named as an additional insured in the amount of \$400,000 unless a greater amount is warranted.

E. In Addition, Depending upon the size and nature of the event, the City may require that City employees, including Police, Fire, Public Works, Code Enforcement and/or Parks and Recreation, are present at or assist with the event. The City shall determine the number of personnel necessary to ensure the safety of the public and participants, minimize the inconvenience to residents, and reduce public liability exposure to the event sponsor and the City. The cost associated with the use of any such personnel, including City equipment, is the responsibility of the event sponsor. A deposit of thirty percent (30*%) of the estimated personnel cost for the event will be required with the submittal of the application. The City

APPLICATION NUMBER: _____

shall provide a good faith estimate of the total personnel within 10 days after the approval of the application. The complete fee must be submitted to the City prior to the day of the event. Fees may be waived in whole or in part by the City Council prior to the special event.

 _____
Signature of Applicant Date

PAUL M. GAGNE
Printed Name of Applicant

REVIEW BY SPECIAL EVENTS PERMITTING AUTHORITY:

Having completed a review of the application, the proposal itself, the location of the vent and its impact upon services and resources, this application is:

- ☐ APPROVED WITH MODIFICATIONS AND/OR RESTRICTIONS: _____ DATE: _____
- ☐ APPROVED AS SUBMITTED: _____ DATE: _____
- ☐ DENIED: _____ DATE: _____

Modifications / Restrictions:

REASON(S) FOR DENIAL:

Police Chief

Fire Chief

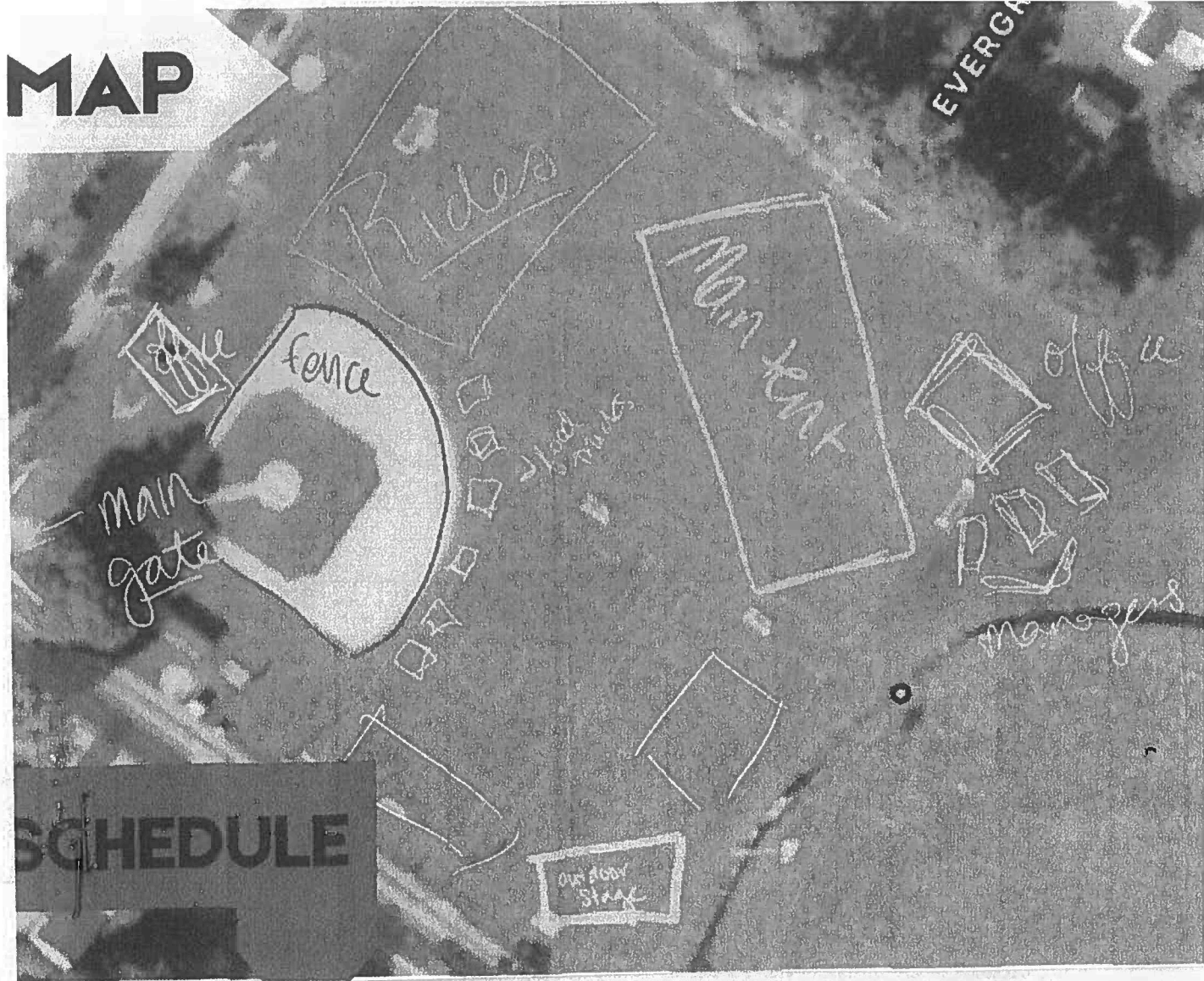
APPLICATION NUMBER:_____

Public Works Director

Codes Enforcement Officer

Recreation Director

MAP



SCHEDULE



LAKERME-01

MBOLDUC

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/6/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Clark Insurance 1945 Congress Street, Bldg A PO Box 3543 Portland, ME 04104-3543	CONTACT NAME: PHONE (A/C, No, Ext): (207) 774-6257 E-MAIL ADDRESS: info@clarkinsurance.com FAX (A/C, No): (207) 774-2994														
INSURED La Kermesse Franco-Americaine De Biddeford, Inc. PO Box 289 Biddeford, ME 04005	<table border="1"><tr><td>INSURER(S) AFFORDING COVERAGE</td><td>NAIC #</td></tr><tr><td>INSURER A : Philadelphia Insurance Company</td><td></td></tr><tr><td>INSURER B :</td><td></td></tr><tr><td>INSURER C :</td><td></td></tr><tr><td>INSURER D :</td><td></td></tr><tr><td>INSURER E :</td><td></td></tr><tr><td>INSURER F :</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Philadelphia Insurance Company		INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A : Philadelphia Insurance Company															
INSURER B :															
INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY						
	☐ CLAIMS-MADE ☒ OCCUR	X		EV142204	6/10/2024	7/1/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC						
	OTHER:						
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY ☐						
	UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐						EACH OCCURRENCE \$ AGGREGATE \$
	DED ☐ RETENTION \$ ☐						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ☐ Y/N ☐ N/A						PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The following entity is named additional insured for general liability by execution of a written contract for on-going operations of the insured only.

The City of Biddeford Maine
205 Main St
Biddeford, ME 04005

CERTIFICATE HOLDER

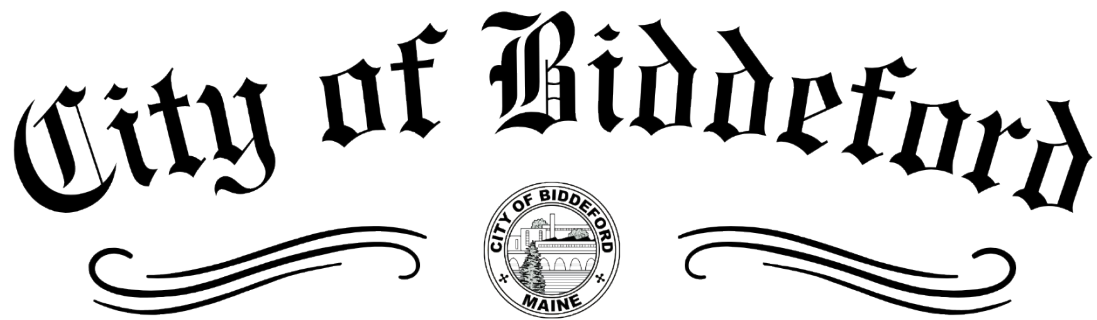
CANCELLATION

The City of Biddeford Maine
205 Main St
Biddeford, ME 04005

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

[Signature]



2025.42

IN BOARD OF CITY COUNCIL... May 20, 2025

BE IT ORDERED, that the City Council of the City of Biddeford does hereby grant approval of a Special Event Permit for LaKermesse Franco-Americaine to have their festival on June 19th , 20th , 21st and 22nd , 2025 at St. Louis Field; and

BE IT FURTHER ORDERED, that in accordance with the provisions set forth under Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property, that the City Council approves beer/wine to be sold and served within clearly defined restricted areas at St. Louis Field that have been approved by the State of Maine Bureau of Alcoholic Beverages and providing that the LaKermesse Franco-Americaine is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

Attest by: _____



City Council

Meeting Date: May 20, 2025
Meeting Time: 6:00 PM
Agenda Item No: 12.c
Item Description: 2025.59 Approval LaKermesse Fee Waiver
Submitted By:

Supporting Information/Documentation:

Letter From La Kermesse For Fees, Council order May 20th Kermesse waiver request

Key Terms:

Biddeford Code of Ordinances (Chapter 6 Article IV):

Permit Required sec 6-143

Any person who desires to conduct or sponsor an event at a public park, public ground, or street of the City in which it could reasonably be assumed that 100 or more persons might gather or participate shall first apply for and obtain a permit from the Codes Enforcement Office. After collecting the fee described below, the application will be processed in coordination with the permitting authority as defined under Section 6-144. Special event permit fees shall not be waived without City Council approval.

Executive Summary:

La Kermesse Franco- Americaine is requesting a waiver for special event fees associated with this year's festival.

Detailed Review:

Permitting Fee: \$500.00- PD- \$500.00- FD-\$500.00 and DPW- \$1,500.00. TOTAL FEE= \$3,000.00

Funding Source:

Staff Recommendation:



La Kermesse Franco-Américaine

P. O. Box 289
Biddeford, ME 04005-0289

April 23, 2025

La Kermesse Franco-Americaine Festival
P.O.Box 289
Biddeford, Maine 04005

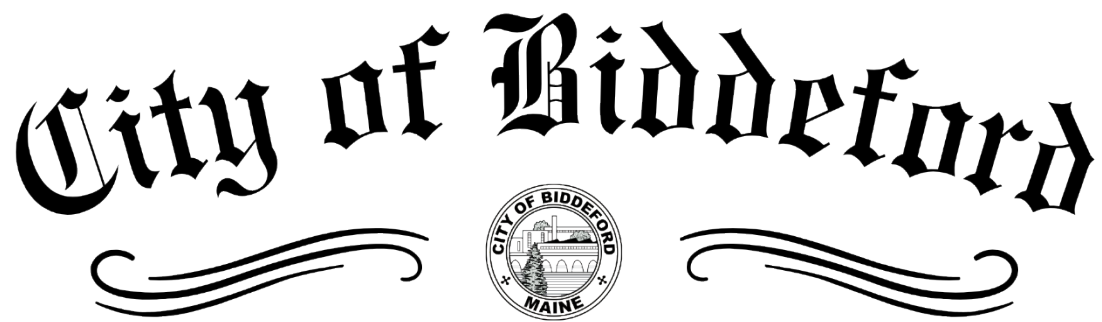
Mr. Roby Fecteau and respected City officials,

I am writing to you on behalf of the La Kermesse Board of Directors. We have learned that there has been a change in the fee structure for attaining permission to hold our festival within the City limits of Biddeford, specifically having a Carnival set up along with assistance from City Departments to help with the set up and safety of our event. As you know, our festival is held annually, and we will be celebrating our 42nd anniversary this year. We are asking to have all of these fees waived, especially given that we are non-profit organization. We are hopeful given our long-standing history with the City, that we will be grandfathered from this new fee structure and that we will be approved to have them waived.

We the Board of Director of La Kermesse thank you for your time and efforts in this matter.

Sincerely,

Jessica J. Quattrone,
La Kermesse President



2025.59

IN BOARD OF CITY COUNCIL... May 20, 2025

BE IT ORDERED, that the City Council of the City of Biddeford does hereby grant a waiver request for permit and department costs associated with a Special Event for LaKermesse Franco-Americaine. The total waiver amount is \$3,000.00 for costs related to permitting, Police, Fire and Public Work services. Pursuant to Biddeford Code of Ordinances Chapter 6 Article IV Special Events sec 6-143

Attest by: _____



City Council

Meeting Date: May 20, 2025
Meeting Time: 6:00 PM
Agenda Item No: 12.d
Item Description: 2025.64 Approval Heart of Biddeford Confetti Bazaar
Submitted By:

Supporting Information/Documentation:

Confetti Bazaar 6-7-25, Council order Confetti Bazaar

Key Terms:

Executive Summary:

Heart of Biddeford is requesting a Special Event Permit to host Confetti Bazaar. The event will be located adjacent to the parking garage. Further, Heart of Biddeford is seeking permission for the sale and possession of liquor during this event.

Detailed Review:

Funding Source:

Staff Recommendation:

APPLICATION NUMBER: 25-04-026

EFFECTIVE 7-18-2024 THE FOLLOWING

FEES WILL APPLY:

B050 Administrative Fee	\$100.00
B051 Tier One	\$100.00
B052 Tier Two	\$200.00
<u>B053 Tier Three</u>	\$500.00

Any person, firm, corporation, business or organization seeking a permit to hold a special event within the City of Biddeford must file an application with the permitting authority at least 30 days prior to the beginning of the event; or in cases related to activities protected by the First Amendment to the United States or Maine Constitution, other than commercial speech, two business days prior to the beginning of the event. Permit applications are available on the City's website or at the City Clerk's Office.

All vendors must obtain proper licenses/permits from the City Clerk's office (207-284-9307). Indemnification agreement/insurance certificate must be attached to this application at the time of submission. Site Plan Sketch may be accompanied by a separate map, if necessary

CITY OF BIDDEFORD

SPECIAL EVENT APPLICATION

City of Biddeford
P.O. Box 586
Biddeford, ME 04005

Name of Event Confetti Bazaar Location of Event Pearl Street after parking garage and lot next to garage
Date of Event 6/7/25 Start Time 10am (7am set up) Finish Time 4pm (5pm break down)

Organization (Applicant) Information

Name of Organization or Name of Applicant if NOT an Organization
Heart of Biddeford

Physical Address 205 Main Street Suite 103 Biddeford, ME 04005

Mailing Address see above

Business Telephone 207-284-8520 Fax _____ E-mail office@heartofbiddeford.org

Income Tax Exempt: Yes ☒ No ☐ Tax Exempt Number 34-2003673

Contact Person/Event Coordinator

Name & Address
Delilah Poupore, 205 Main Street Suite 103, Biddeford, ME 04005

Telephone 207-284-8520 Cellular 207-251-5695 E-Mail director@heartofbiddeford.org

Relationship Organization Executive Director

Revised 7/18/2024

APPLICATION NUMBER: _____

Detailed and specific description of Event (attach separate sheet if necessary)

Free craft fair on the developing lot next to parking garage (with permission) with food trucks on Pearl Street and more vendors in Pearl Point Park along the path to Upper Falls Road. Road closure of Pearl Street after the parking garage, leaving garage accessible.

Estimated # of Participants 60 Estimated Attendance 1000 over course of the day

What impact will this have upon the surrounding neighborhood? (Noise, Traffic, etc.)

Please explain:

Small amount of noise from live music and shopping, road closure of Pearl Street with notice to residents 30+ days out.

Describe the means by which the neighborhood (residents and businesses) will be notified of this event and its public hearing:

Mailing to residents and businesses in the affected area, public notification online or in print at least 30 days before the event

Type of Event:

Special events may fall under three categories:

- ☐ **Tier 1** Special Events involve the use of Recreation Department facilities for functions involving 100 or less people. **The Recreation Director or their designee is the permitting authority**
- ☐ **Tier 2** Special Events include street closure requests, parades, road races, walks or other single-day functions involving 100 or less people. **The Police Chief and Public Works Director or their Designees are the permitting authority**
- ☒ **Tier 3** Special Events are functions that involve a street closure or the use of a City facility for a single-day function involving 100-999 people. **The Coordinating Committee is the permitting authority**

APPLICATION NUMBER: _____

PLEASE NOTE: The City Council shall be the permitting authority for events to be held in City of Biddeford parks, recreation, public buildings, grounds and streets which it could reasonably be assumed that 1,000 or more persons might gather or participate; or any event which is proposed to last longer than two consecutive days, regardless of the number of persons anticipated to gather or participate.

FURTHER: If alcohol is being sold, or otherwise available, permission must be obtained through application at the City Clerk's Office, and must be approved by the City Council. If alcohol is sold, this requires applicable State of Maine Liquor license to sell alcohol.

List contact name and address of licensee:

N/A

General Service Questions

Department of Public Works

Is the use of barricades necessary/requested for this event? Yes

If yes, number needed 3

Will it be necessary to cover street and/or parking signs for this event? Yes If yes, please note on diagram.

What is your plan for cleanup and debris disposal for this event?
volunteer/ staff clean up

Is any other Public Works assistance anticipated?

Trash and recycling cans

Recreation Department

Will this event take place in a Public Right of Way, Public Way, City Park or athletic field? Yes

If yes, where

Pearl Street, Pearl Point Park, lot next to parking garage

APPLICATION NUMBER:_____

Will tenting/staging be utilized for this event? Yes If yes, what is your plan to repair any damage caused by stakes, tie-downs, etc.? stakes will only be installed where DPW gives the ok

Any Parks and Recreation assistance required?
No

Fire Department

Will the Fire Department have access to all sites in the event of an emergency?
Yes

Will any fire hydrants be obstructed? No Will you have access to E 9-1-1?
Yes

Will you have First Aid or medical staff present?
No

******* If First Aid or medical staff is needed, the Biddeford Fire Department may provide for a fee. Please contact the Biddeford Fire Department at 207-282-6632 for details.*******

Police Department

Is traffic control necessary for this event? No If yes, who will provide it?

Is crowd control necessary for this event? No If yes, who will provide it?

APPLICATION NUMBER:_____

SITE PLAN SKETCH OF SPECIAL EVENT (Completed by Event Coordinator)

In the space below, please provide the following information. Attach a separate map if necessary.

General Map of Location
Event Coordinator's Booth
Tents/Stages/Grandstands
Rest Facilities

Vender Locations
Garbage Cans
Water Sources

Street Closures/Parking Information
Water/Electricity Sources
Loudspeakers

See attached

APPLICATION NUMBER:_____

INDEMNIFICATION AND RELEASE PROVISIONS
CITY OF BIDDEFORD SPECIAL EVENT PERMIT

A. In consideration for being permitted to use the facilities and/or rights-of-way of the City of Biddeford, (hereinafter "City"), Heart of Biddeford

(insert name of person/entity seeking permission to use facilities and/or right-of-way, hereinafter "Applicant") agrees to indemnify and hold harmless the City, its officers, employees, and insurers, from and against all liability, claims, and demands, which are incurred, made, or brought by any person or entity on account of damage, loss, or injury, including without limitation claims arising from property loss, or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the use of the facilities and/or rights-of-way, whether any such liability, claims, and demands result from the act, omission, negligence, or other fault on the part of the City, its officers, or its employees, or from any other cause whatsoever.

B. By signing below, Applicant agrees that in the event of damage, loss or injury to the facilities or to any property or equipment therein or to the City rights-of-way, the City may deduct from any damage deposit the full amount of such damage, loss, or injury. Applicant further agrees that if such damage, loss, or injury exceeds the amount of the damage deposit, Applicant will promptly reimburse the City for all costs associated therewith upon billing by the City.

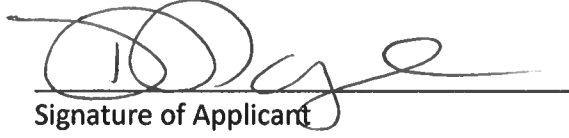
C. In addition, in consideration for being permitted or allowed to use the facilities and/or right-of-way, Applicant on behalf of itself and its officers, employees, members, and participants, hereby expressly exempts and releases the City, its officers, employees, insurers, from and against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation claims arising from property loss or damage, bodily injury, personal injury, sickness, disease, or death, that Applicant may incur as a result of such use, whether any such liability claims and demands result from the act, omission, negligence, or other fault on the part of the City, its officer, or its employees, or from any other cause whatsoever.

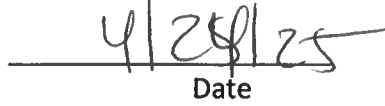
D. In addition, Heart of Biddeford has furnished and attached two copies of certificates of insurance with the City of Biddeford named as an additional insured in the amount of \$400,000 unless a greater amount is warranted.

E. In addition, Depending upon the size and nature of the event, the City may require that City employees, including Police, Fire, Public Works, Code Enforcement and/or Parks and Recreation, are present at or assist with the event. The City shall determine the number of personnel necessary to ensure the safety of the public and participants, minimize the inconvenience to residents, and reduce public liability exposure to the event sponsor and the City. The cost associated with the use of any such personnel, including City equipment, is the responsibility of the event sponsor. A deposit of thirty percent (30*%) of the estimated personnel cost for the event will be required with the submittal of the application. The City

APPLICATION NUMBER: _____

shall provide a good faith estimate of the total personnel within 10 days after the approval of the application. The complete fee must be submitted to the City prior to the day of the event. Fees may be waived in whole or in part by the City Council prior to the special event.


Signature of Applicant


Date


Printed Name of Applicant

APPLICATION NUMBER:_____

REVIEW BY SPECIAL EVENTS PERMITTING AUTHORITY:

Having completed a review of the application, the proposal itself, the location of the vent and its impact upon services and resources, this application is:

☐ **APPROVED WITH MODIFICATIONS AND/OR RESTRICTIONS** **DATE:**

☐ **APPROVED AS SUBMITTED** **DATE:**

☐ **DENIED** **DATE:**

Modifications / Restrictions:

REASON(S) FOR DENIAL:

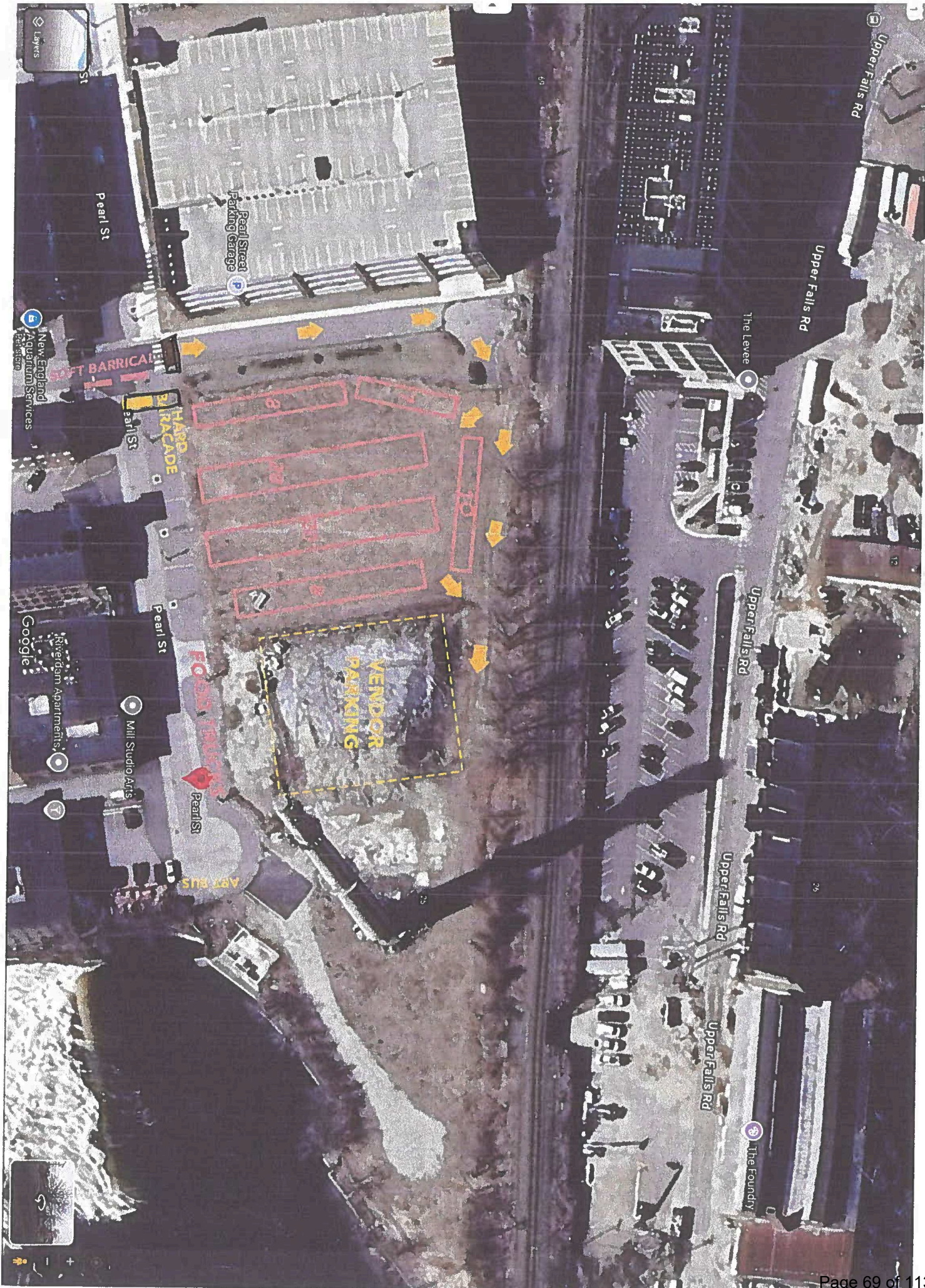
Police Chief

Fire Chief

Public Works Director

Codes Enforcement Officer

Recreation Director



Event set up 7am-10am
Event open to public 10-4pm
Breakdown 4-5pm

73 vendors set up on the lawn
4 food trucks on lower Pearl
The Art Bus, picnic tables and musicians on the very end of Pearl St

Two soft barricade and one hard barricade blocking the lower part of Pearl St after the cross road. Would any more be required? Lower Pearl can be blocked off once food trucks and the Art Bus are in place. Hard barricade (Subaru forester and Lucky Pigeon van) will be put in place as shown on map. Soft barricades in-front of that. Vendors will not need to access lower Pearl for set up or break down.

Vendors can access the lawn along the side road to drive on the lawn to get to their space.
Vendor parking on the gravel lot between the show and smoke stack.

Patron parking in the parking garage and though out the city.

City of Biddeford



2025.64 IN BOARD OF CITY COUNCIL... May 20, 2025

BE IT ORDERED, that the City Council of the City of Biddeford does hereby grant approval of a Special Events for Heart of Biddeford to host Confetti Bazaar (June 7, 2025) located at vacant lot adjacent to the Pearl Street parking garage.

BE IT FURTHER ORDERED, that in accordance with the provisions set forth under Article V Sales, Possession and Consumption of liquor at and during Special Events on City Public Property. The City Council of the City of Biddeford does hereby grant approval for the Heart of Biddeford to sponsor the service of liquor (beer/wine/hard cider) provided by local breweries at Confetti Bazaar on June 7, 2025

Attest by: _____



City Council

Meeting Date: May 20, 2025
Meeting Time: 6:00 PM
Agenda Item No: 12.e
Item Description: 2025.43 Approval DEP Consent Agreement
Submitted By: Brian S. Phinney, Acting City Manager

Supporting Information/Documentation:

20250520 Administrative Consent Agreement - ORDER, 20250507 Combined Sewer Overflow Administrative Consent Agreement

Key Terms:

Executive Summary:

This item seeks City Council acknowledgment and support for the execution of an Administrative Consent Agreement (ACA) between the City of Biddeford and the Maine Department of Environmental Protection (DEP). This agreement resolves long-standing compliance issues related to the City's Combined Sewer Overflow (CSO) Master Plan, establishes enforceable obligations through 2037, and avoids further enforcement actions from the State.

Detailed Review:

Since 2015, the City has been in non-compliance with its Maine Pollutant Discharge Elimination System (MEPDES) permits due to the absence of an approvable and completed CSO Master Plan Update (MPU). As a result of multiple submittals, revisions, and discussions with DEP between 2015 and 2023, the City has submitted a MPU fully meeting the regulatory requirements of Chapter 570 and permit Special Conditions J(4) and J(6).

The proposed Administrative Consent Agreement:

- Formalizes resolution of permit violations cited by DEP.
- Commits the City to implement a 10-year CSO abatement schedule (based on the

December 12, 2023 revised plan).

- Requires substantial completion of projects #0–5 by December 31, 2030, and projects #6–10 by December 31, 2036.
- Requires the submittal of an interim MPU by December 31, 2031, and a new 10-year MPU by December 31, 2036 (finalized by 2037).
- Includes enforceable deadlines and stipulates penalties for non-compliance, including a \$20,000 upfront penalty and potential additional penalties.
- Does not constitute DEP acceptance of a CSO plan until financial commitments are affirmed and milestones are met.

Although this agreement identifies past compliance issues, it recognizes Biddeford’s continued CSO abatement progress and recent infrastructure investments (2020–2024). Signing the ACA avoids immediate further legal or regulatory actions while preserving the City’s access to funding and its compliance pathway.

Funding Source:

There is a \$20,000 civil penalty associated with the Administrative Consent Agreement, plus continued annual capital investments as outlined in the CSO project plan through FY2036.

Staff Recommendation:

Staff recommends approval and support for the City’s execution of the Administrative Consent Agreement with the Maine Department of Environmental Protection. This agreement affirms Biddeford’s commitment to responsible environmental management and establishes a realistic, enforceable path toward long-term CSO compliance.

City of Biddeford



2025.43 IN BOARD OF CITY COUNCIL... MAY 20, 2025

BE IT ORDERED, that the City Manager sign and submit to the Maine Department of Environmental Protection the Administrative Consent Agreement by and among the City of Biddeford and the State of Maine, Department of Environmental Protection, as approved by the Maine Board of Environmental Protection and the Office of the Attorney General, to resolve permit violations and set a path for implementation of the 10-year CSO Master Plan Update.

BE IT FURTHER ORDERED, that the City Manager is authorized to process and pay a civil monetary penalty in the amount of \$20,000 as referenced under Item 32.a., of the Administrative Consent Agreement.

Note: The expense code for the civil penalty shall be 21111-60301 *Legal Services*.

Attest by: _____



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

-IN THE MATTER OF:

CITY OF BIDDEFORD	)	ADMINISTRATIVE CONSENT
BIDDEFORD, YORK COUNTY, MAINE	)	AGREEMENT
PROTECTION AND IMPROVEMENT OF	)	
WATERS	)	(38 M.R.S. § 347-A)
2020-169-W	)	

This Agreement, by and among the City of Biddeford (“City”) and the State of Maine, Department of Environmental Protection (“Department” or “DEP”), as approved by the Maine Board of Environmental Protection (“Board”) and the Office of the Attorney General (“OAG”) is entered into pursuant to the laws concerning the Department’s *Organization and Powers*, 38 M.R.S. §§ 347-A(1) and 341-D(6).

THE PARTIES AGREE AS FOLLOWS:

1. The City is a municipal corporation that is organized and exists under the laws of the State of Maine.
2. Throughout the period of time addressed by this Agreement, the City was subject to Maine’s *Water Pollution Control Laws*, 38 M.R.S. § 413, et seq.
3. The Department authorized the City to discharge treated sanitary wastewater and combined sanitary wastewater and stormwater, subject to conditions, in Waste Discharge License W000683-5M-L-M/Maine Pollutant Discharge Elimination System Permit #ME0100048, issued on June 18, 2014 (“2014 Permit”) and renewed by the Department on April 16, 2021 (“2021 Permit”).
4. Throughout the period of time addressed by this Agreement, the City was subject to, among other things, the following license conditions in the 2014 and 2021 Permits:

Permit Special Condition J(4) of the City’s 2014 Permit, which states in relevant part:

The permittee must implement [Combined Sewer Overflow, or “CSO”] control projects in accordance with an approved CSO Master Plan and abatement schedule. The CSO Master Plan entitled Phase II Combined Sewer Overflow Master Plan for the City of Biddeford, Maine dated June 2008 and revised January 2009 with abatement project schedule was approved on January 22, 2009. The abatement schedule may be amended from time to time based on mutual agreements between the permittee and the Department. The permittee must notify the Department in writing prior to any proposed changes to the

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

implementation schedule. Based on the approved abatement schedule, the permittee must comply with the following schedule dates:...

On or before December 31, 2015, the permittee shall complete an update to the CSO Master Plan which reflects findings from the [Sewer System Evaluation Study, or “SSES”] and submit the report to the Department for review and approval.

Permit Special Condition J(6) of the City’s 2014 Permit, which states in relevant part:

The permittee must conduct block testing or flow monitoring according to an approved Compliance Monitoring Program on all CSO points, as part of the CSO Master Plan. Annual flow volumes for all CSO locations must be determined by actual flow monitoring, or by estimation using a model such as USEPA’s Storm Water Management Model (SWMM).

*Results must be submitted annually as part of the annual CSO Progress Report (see below), and must include annual precipitation, CSO volumes (actual or estimated) and any block test data required. Any abnormalities during CSO monitoring must also be reported. The results must be reported on the Department form “CSO Activity and Volumes” (**Attachment D** of this permit) or similar format and submitted electronically to the Department.*

CSO control projects that have been completed must be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement must not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

Permit Special Condition J(4) of the City’s 2021 Permit, which states in relevant part:

The permittee must implement CSO control projects in accordance with an approved CSO Master Plan and abatement schedule. The last CSO Master Plan approved by DEP was entitled Phase II Combined Sewer Overflow Master Plan for the City of Biddeford, Maine dated June 2008 and revised January 2009. A subsequent CSO Master Plan Update was submitted by the City on October 28, 2016 and received conditional approval, contingent upon confirming the plan’s viability via hydraulic modeling.

The plan was proven non-viable due to street level flooding predicted by the model runs. Since the plan was rejected, Biddeford is currently without an approved CSO Master Plan. The City is currently implementing several abatement activities which should have a significant impact on CSO discharge from CSO 005 and 006. The agreed upon CSO Master Plan Update, to be submitted on the schedule shown below, will provide a summary of these efforts, as well as charting a course forward for the City.

The abatement schedule may be amended from time to time based on mutual agreements between the permittee and the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule. Based on the agreement reached at our meeting in Biddeford on 10/24/19, the permittee must comply with the following schedule dates:

*On or before **June 30, 2023**, the permittee must complete an update to Biddeford's CSO Master Plan. The Master Plan Update must be submitted to the Department for review and approval.*

5. Throughout the period of time addressed by this Agreement, the City was also subject to, among other things, the following Department regulatory requirements related to the CSO Master Plans and updates:

Combined Sewer Overflow Abatement Rule, 06-096 C.M.R. ch. 570, § 3, which states in relevant part:

3. ***Elements of a CSO Master Plan.*** *The following elements must be included in a CSO Master Plan by the licensee.*

- A. ***CSO assessment and monitoring.*** *The complexity of sewerage systems and CSO discharge situations varies greatly from one community to another. Consequently, it is recognized that the scope and magnitude of assessment and monitoring needs must be adapted to each individual community. The description of activities below is intended to reflect the magnitude and nature of assessment and monitoring which may be done in a comprehensive study. Depending on individual community needs, a licensee may expect to tailor an individual program. Not all activities will be required of all licensees.*

...

- (2) *CSO discharge points must be observed and either flow monitored or modeled over a period of time sufficient to reflect a wide range of storm events and antecedent conditions in order to determine CSO activity. Additionally, flow monitoring must be conducted at a number of locations adequate to allow estimation of flows within the entire sewer system. Flow monitoring must be representative of the sewerage system's drainage area and include varied land uses, unless otherwise approved by the department. The number and location of flow monitoring points will vary with characteristics of individual systems and the means used to evaluate the system. Also, the period of monitoring time needed to obtain sufficient data will vary depending on the weather conditions. Typically, the use of computer modeling of a system will reduce the need for flow monitoring.*

- (3) *In conjunction with flow monitoring, testing is to be conducted on flow-weighted, composite samples, or grab samples, depending on applicability, to determine pollutant loads. Samples must be collected to characterize the so-called first flush, and the total discharge volume. Samples must be analyzed for total suspended solids, biochemical oxygen demand and bacteria. The department, on the basis of receiving water sensitivity, known discharge constituents of concern, or local concerns, may specify analysis for other pollutants. Normally, samples must be collected during four separate discharge events, two in the spring and two in the summer, at each location.*

...

- (5) *Concurrent with CSO monitoring, evaluation of the sewer system must be conducted to identify sources of extraneous water entering the system. To the extent they are available, previous inflow/infiltration analyses or other sewer system studies may be used when appropriate.*

...

B. Prioritization and alternative analysis. *A major element of a CSO Master Plan is the identification of existing and potential high value uses. The involvement of the public is essential during this identification and prioritization process. The Master Plan must place high priority on abatement of combined sewer overflows that affect waters having the greatest potential for public use or benefit and attempt to relocate any remaining discharges to areas where minimal impacts or losses of uses would occur. Another major element of a CSO Master Plan is a thorough analysis of alternatives for CSO abatement, which includes a financial capability analysis to determine user cost of the recommended alternative, and an implementation schedule for the recommended abatement program.*

- (1) *Prioritization of CSO discharge abatement must be based on data from the CSO assessment and monitoring program, and any other existing relevant data. Priorities for abatement include, but are not limited to the following list, shown in order of importance. The order and number of items may change, as determined by the department, if a licensee shows justification for the change.*

- (a) *Discharges that occur during dry weather periods;*
- (b) *Discharges that may impact public drinking water intakes;*
- (c) *Discharges that may impair water contact recreational uses or create public health concerns in the receiving waters;*
- (d) *Discharges that discharge into areas determined to have redeemable shellfish resources or important fish or wildlife habitat;*
- (e) *Discharges that contain industrial or medical wastes;*
- (f) *Discharges that function during the months of June through September;*
- (g) *Discharges that cause localized nuisance conditions; and*

(h) All other CSO discharges.

(2) The licensee shall conduct an evaluation of a full range of control alternatives.

(a) These alternatives must include, but are not limited to:

- (i) Pollution prevention practices to reduce, control, or eliminate pollutants at their source and prior to entry into the sewerage system;*
- (ii) Removing sources of uncontaminated water introduced into the sewerage system from private and public sources;*
- (iii) Maximizing the existing sewerage system for storage, transport and treatment of wastewater;*
- (iv) Off-line storage or retention of excess flow for addition to the sewerage system as its capacity allows;*
- (v) Sewer separation to remove stormwater from sanitary wastewater;*
- (vi) Full elimination of CSOs;*
- (vii) Treatment of CSOs (see Section 4); and*
- (viii) Discharge point relocation to less sensitive receiving waters.*

(b) This evaluation process consists of the following steps:

- (i) Developing a list of available control measures; and*
- (ii) Screening the list to eliminate those measures that for various reasons would not warrant further consideration for the given application. The list of available control measures must be developed by evaluating each measure's ability to reduce pollutants of concern that would cause violations of water quality standards. The pollutants would have previously been identified during the CSO Assessment and Monitoring Phase (see Section 3(A)).*

The list of available control measures must be screened using appropriate criteria. Typical screening criteria can be considered under these main categories:

- a. Performance factors, relating to the effectiveness of control measures;*
- b. Implementation and operation factors, relating to the licensee's ability to implement and manage the control measures;*
- c. Environmental impacts, relating to possible negative side-effects from constructing control measures; and*
- d. Comparative capital and operation and maintenance costs, with an analysis of the licensee's ability to pay for such costs.*

NOTE: This screening criteria, along with the use of Best Management Practices and the prioritization of high value use areas, allow the community to focus on the most appropriate control measures to solve its specific CSO control needs.

- (iii) CSO discharges that will remain following implementation of a Master Plan must be located to receive maximum dispersion and dilution or maximum environmental benefit in the receiving water. All efforts must be made to locate these discharge points away from sensitive areas or high value uses in the receiving water or where existing or expected uses may be impaired.*
 - (iv) The effectiveness of current and potential best management practices (see Section 5) must be evaluated.*
 - (v) A financial capability analysis must be completed to evaluate the impact of proposed CSO abatement alternatives on sewer user rates. The analysis must show the proposed residential user charge as a percentage of the Medium Household Income (MHI) for the community.*
 - (vi) A plan must be included that accommodates projected additions to the sewer system while maintaining CSO abatement goals and implementation timetables.*
- (3) Adequate public participation efforts must be made during and after the planning process.*
- (a) Development of the Master Plan and subsequent reviews and updates must include public participation efforts that are adequate to inform and receive comments from persons interested in water quality or abatement issues associated with CSO discharges. These efforts must include providing the public with information on CSO assessments, water quality impacts, abatement alternatives, and costs and related issues. Public discussion of water quality, current receiving water uses, desired potential uses, priority of uses, acceptable abatement technologies and financial capability must be sought. The licensee must hold a public hearing on the Master Plan and provide the department with a record of the hearing, a list of people in attendance, copies of written testimony and the licensee's responses to the issues raised. The hearing must be advertised no less than 30 days nor more than 45 days prior to the hearing in a local newspaper of general circulation in the area affected by CSO discharges. Concurrent with the advertisement, a notice of the public hearing must be sent to all persons who have expressed an*

interest in the Master Plan. A licensee that plans to apply for State Revolving Fund (SRF) loans must comply with public hearing requirements in the State of Maine Revolving Loan Fund Rules, Chapter 595. Records of public participation efforts and the public hearing must be maintained and be available to the department.

(b) In cases where a CSO may cause continuing or future impairment of water quality criteria or uses, the licensee of these discharges must institute ongoing efforts to inform the public of those impacts. The means and frequency of notices must be specific to the geographic area and uses involved in order to gain maximum public awareness. However, a minimum notification program must consist of:

- (i) Timely annual publication of prominent notices in newspapers having general circulation in the area affected by CSO discharges;*
- (ii) Posting of permanent signs, where feasible, at locations that afford public access to water affected by CSO discharges such as parks and boat launches; and*
- (iii) Direct written contact with persons known to have particular interest in the use of land or waters affected by CSO discharges.*

In individual situations, other comparable means of public notification may be substituted for those above if they are shown to be equally effective.

All notices must include a description of the area and uses impacted by CSO discharges, the nature, times and conditions of impacts, and precautions that should be observed by the public.

C. Implementation schedule. *An implementation schedule for completion of recommended CSO abatement technologies and programs must be included. Due to the nature of emerging CSO abatement technologies, changing growth patterns and financial conditions within communities, and other unforeseen factors, the schedule must include periodic updates and reviews of the Master Plan. These updates allow the licensee to modify the implementation plan based on results of the continuing monitoring program (see Section 6) and experience gained, while keeping focused on the original goals of the Master Plan. A length of time between reviews of three to five years may be reasonable, depending on progress made on implementation of the Master Plan.*

D. Proposed Budget. *A proposed budget needed to accomplish the recommended CSO abatement implementation program must be included.*

6. On December 31, 2015, the City submitted to the Department a draft CSO Master Plan Update ("Draft 2015 MPU") in an attempt to meet the requirements of the 2014 Permit, namely those set forth in Special Condition J(4) and Chapter 570. Pursuant to Chapter

570, § 3(B), the Draft 2015 MPU was required to identify and prioritize abatement alternatives and provide an implementation schedule.

7. The Draft 2015 MPU was incomplete and deficient, and thus not approvable by the Department, due to missing flow monitoring and modeling data that was essential to the evaluation of CSO reduction methods. Early in 2016, the City also notified the Department of a number of undocumented cross-connections between a 24” sanitary sewer and a 48” stormwater line, which becomes a combined sewer during wet weather. As a result, the City had to run all flows from the 48” line through the Horrigan Court pump station to the wastewater treatment plant resulting in elevated CSO discharge levels recorded at CSO #005 (Western Avenue) and CSO #006 (Horrigan Court),. The flow monitoring and modeling information was required to be submitted by the City to the Department with the Draft 2015 MPU pursuant to Special Condition J(6) of the permit and Section 3(A)(2-3) of Chapter 570. The Department notified the City of these deficiencies with the Draft 2015 MPU during a meeting on May 2, 2016.
8. On October 26, 2016, again in an attempt to meet requirements of the 2014 Permit and Chapter 570, the City submitted revisions to the Draft 2015 MPU (“First Revised MPU”) to the Department based on information in an October 24, 2016, memorandum prepared by the City’s engineering consulting firm.
9. On November 2, 2016, the Department issued a letter conditionally approving the City’s First Revised MPU, provided the projects in that First Revised MPU were feasible and the City addressed eight items the Department set forth in the letter.
10. Due to the need for modeling to be performed by the City to determine the viability of the proposed projects included in the City’s First Revised MPU, the City’s responses to the Department’s eight items were delayed. The City’s modeling ultimately revealed that several projects identified in the City’s First Revised MPU were not feasible. Accordingly, the First Revised MPU remained deficient and could not be approved by the Department. On December 19, 2016, the City proposed revisions to the First Revised MPU.
11. On December 28, 2016, the Department conditionally approved the First Revised MPU with Biddeford’s proposed revisions contingent upon an additional condition that the City demonstrate, through further modeling, that two of the First Revised MPU’s projects, the Center Street Diversion and the Elm Street pump station projects, were hydraulically viable and would be effective by May 1, 2017. On that same date, the Department proposed a revised implementation schedule for the 2016-2020 projects including: a six-month extension for the CSO sewersheds 004, 007, 009, and 011 SSES to December 31, 2018; an extension of the Horrigan Court project to June 30, 2020; and removal of the cross-connections and private inflow and infiltration (I/I).
12. On April 27, 2017, the City requested and the Department granted an extension for the

City's completion of its planned modeling for the proposed Center Street Diversion and Elm Street pump station projects to 3 weeks after a 2.5" storm event or December 31, 2017, whichever occurred first.

13. On June 30, 2017, the Department issued a Letter of Warning ("LOW") to the City for its CSO Compliance Monitoring program, Special Condition J(6) of the Permit, due to a lack of complete and accurate CSO discharge volumes either measured or modeled for the years 2008-2010 and 2014-2016. The problematic CSO volume measurements were revealed as part of the discovery of multiple cross-connections between the old combined sewer and the sanitary-only sewer.
14. On December 28, 2017, the City submitted the modeling and other information requested by the Department regarding the viability of the proposed Center Street Diversion and Elm Street pump station projects. The City's new modeling revealed that both the Center Street Diversion and the Elm Street pump station projects would create flooding downstream in the City's Main Street interceptor and were not feasible. Although the City had completed a number of the requirements of the conditional approval in the Department's November 2, 2016, and December 28, 2016, letters, two of the four projects identified in the First Revised MPU were shown to be not feasible, and so the conditional approval of the First Revised MPU was withdrawn by the Department.
15. Between January 2018 and January 2020, the City and its consulting engineers evaluated new and different options for CSO abatement, and to meet the requirements of the 2014 Permit and Chapter 570.
16. On February 28, 2020, the City submitted a new revised MPU ("Second Revised MPU") for approval.
17. On June 12, 2020, the Department sent a letter to the City providing comments on the Second Revised MPU and withholding approval. While the Second Revised MPU was a significant improvement over the City's prior draft MPU submissions, it did not provide consistent and comprehensive information regarding collection system pipe age/condition, nor any explanation as to why the City was proposing significantly less separation work than the 2005 MPU, as required by Chapter 570, § 3(B)(2). Finally, the Second Revised MPU did not contain a proposed budget to complete the proposed projects, which is also required by Chapter 570, § 3(D).
18. On January 11, 2021, the Department issued a Notice of Violation ("NOV") for the City's lack of and failure to submit an approvable MPU by the December 31, 2015, deadline set forth in the 2014 Permit. The NOV also requested corrective actions, including evaluation of the pump station at Horrigan Court by September 31, 2021, and completion of model calibrations and mapping improvements by June 30, 2022. In the NOV cover letter, the Department notified the City that the nature of the violations and long-term compliance milestones would likely be best addressed through an

administrative consent agreement.

19. Subsequently, in response to the First Revised MPU modeling failures, the City identified data gaps regarding their sewer system infrastructure and conducted additional sewer system investigations to improve their understanding of inflow and infiltration in the combined sewer system. The City committed to submitting a comprehensive CSO abatement plan and schedule on or before June 30, 2022, to the Department that would meet the legal requirements of both the 2014 and 2021 permits and Chapter 570, as well as making significant progress toward reducing CSO volume. On June 30, 2022, the City requested a short extension of the deadline for submission, which the Department approved.
20. The City submitted to the Department its Collection System Study Report on July 12, 2022 (“CSS Report”). The CSS Report described a comprehensive evaluation by the City of its inflow and infiltration, including new information from the City on storm sewer catch basins connected to its sanitary system, and verification that removal of the cross-connections between the stormwater and sanitary systems had been effective. The CSS Report also noted that the City was not interested in pursuing the removal of private inflow and infiltration. Finally, the City’s CSS Report noted that stormwater storage would likely be required to achieve control at the 1-, 2-, and 5-year, 24-hour storm levels in some of the City’s sewersheds. The City’s CSS Report provided projected costs for the various levels of control at the separate CSO sewersheds. The City provided 5 alternatives and indicated that alternative #5 was the most cost-effective approach. The Department provided the City with comments on the CSS Report and a proposed schedule on October 3, 2022.
21. The City and the Department met on October 5, 2022, to discuss the CSS Report. The City presented their rationale for its alternative #5. The Department provided context from other communities regarding the level of CSO control and cost estimates and communicated that the timeframe for the City to complete the work proposed by the City in alternative 5 needed to be more aggressive to meet the requirements of the 2014 and 2021 Permits and Chapter 570. The City committed to submitting a counterproposal by early January 2023. In January 2023, the City requested an extension to late March 2023 to allow time for the City to conduct additional modeling. The Department approved the extension.
22. The City submitted the revised project plan, a subsection of the MPU, with a proposed fifteen-year schedule on May 30, 2023, and met with the Department and their consultant on the same day. The City’s proposed fifteen-year schedule reduced the number of catch basins that would be separated compared to alternative #5 and focused on specific drainage areas.
23. On August 7, 2023, the City and the Department met to discuss the City’s proposed project plan and schedule. At that meeting, the Department conveyed that a ten-year plan

was the longest timeframe for a CSO abatement plan that was acceptable to and could be approved by the Department based on the Department's expertise and experience with the implementation of CSO abatement plans. In addition, the Department requested that two of the City's projects proposed for years 11-16 be moved to years 6-10 to allow a one-year level of control at all CSO locations with the exception of CSO 009, which would be addressed in the next CSO MPU in 2033. The inflated nature of the City's cost estimates for the proposals was also discussed at length. At the Department's request, the City's consultant agreed to reconsider the cost estimates. The City agreed to re-submit its proposal after evaluating the Department's counterproposal.

24. On October 12, 2023, due to the lack of follow-up by the City to the August 7, 2023, meeting, the Department sent an e-mail to the City requesting a revised project plan and schedule, based on the May 30, 2023, plan, by November 1, 2023. On October 20, 2023, the City submitted a revised project plan with a ten-year schedule. The Department and the City's consultants communicated at length regarding the costs associated with the proposed plan. On November 20, 2023, the City met with the Department to discuss the revised project plan and schedule.
25. On December 12, 2023, the City resubmitted proposed project descriptions and costs to the Department, detailed in Appendix A, along with a detailed list of CSO reduction projects that the City had completed to date. A summary of the City's completed CSO reduction projects, as described in the City's December 12, 2023, submission, is provided in the table below.

Year	CSO Impacted	Work Completed
2020	CSO 004-006, 009	The last sanitary/storm sewer cross-connection was removed; the lower Main Street separation was completed; CSO 004 was officially closed; and the Foss and Emery streets separation was completed.
2021	CSO 005-006, 009	Overflow levels were raised in several locations and meters were relocated.
2022	CSO 006-007,009,013	Overflow height adjustments were made; the Center Street separation project was completed; a pump replacement, the CSO activity notification system, and the Main Street separation between Lund and Mt. Pleasant were completed; the Bradbury/Mason separation project was completed; and several catch basin cover replacements were installed.
2023	CSO 006-007, 009	Another cross-connection was discovered and then plugged; several inflow and infiltration removal projects were completed; preparatory construction work was started on Elm Street; work at the Diamond Match site was completed; and a check valve on CSO 007 was installed.

2024	CSO 006	The Horrigan Court pump station upgrade was completed; and a 100K inline storage tank between CSO 006 and a new pump station was installed.
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26. The City and the Department met to discuss the City's revised project plan on January 18, 2024. The Department agreed to the October 20, 2023, project plan and schedule proposed by the City as modified on December 12, 2023.
27. On February 12, 2024, the City and the Department met to discuss the City Manager's reduced project budget and the impact on the agreed-upon project plan. The Department committed to move forward with an administrative consent agreement containing the project and schedule detailed in the December 12, 2023, project plan and schedule. Because of the uncertainty regarding the City's funding or commitment to adhere to the latest project plan and schedule (the October 20, 2023, plan as modified on December 12, 2023), the Department has not formally approved or accepted any project plan from the City. As a consequence, the City continues to be without any approved CSO MPU, and therefore, remains in violation of its permit, State regulations, and State law. Despite operating without an approved MPU, the City continued to implement separation work in the period between the February meeting and the consent agreement negotiations.
28. By failing to conduct an adequate and complete Compliance Monitoring program, including accurate flow monitoring and modeling with the Draft 2015 MPU, as described in paragraphs 7, 10, 11 and 14, the City violated Special Condition J(6) of the permit and Section 3(A)(2-3) of Chapter 570.
29. By failing to provide consistent and comprehensive alternatives analysis, prioritization, and cost analysis, as described in paragraphs 10, 14, 17 and 24, the City violated Chapter 570, Sections 3(B)(1-2) and 3(C-D).
30. By failing to formally commit and have a plan to fund the budget for the MPU, as described in paragraphs 10, 14, 16-18, 24 and 27, the City is in violation of Special Condition J(4) of the 2014 and 2021 Permits.
31. On January 11, 2021, the Department issued an NOV to Biddeford, as described above. The parties agree that this Agreement constitutes a NOV pursuant to 38 M.R.S. § 347-A(1)(B) for all violations cited in paragraphs 4-30 of this Agreement but not previously noticed, and all parties agree that they have been adequately noticed for all violations raised therein.
32. To resolve the violations referred to in Paragraphs 28-30 of this Agreement, the City agrees to perform all of the following actions in sub-Paragraphs 32(a)-(f) to the satisfaction of the Department, as determined in its sole discretion:

- a. Immediately pay to the *Treasurer, State of Maine*, upon signing this Agreement, a civil monetary penalty in the amount of \$20,000.00.
- b. By December 31, 2030, substantially complete projects 0 through 5 as described in Appendix A, or alternative projects of equivalent CSO benefit with prior Department approval, to the Department's satisfaction. For purposes of this subparagraph, completion means a project has been substantially completed such that all new and/or rehabilitated storm drains have entered service and only aboveground punchlist items remain. CSO benefit for the projects in consideration shall be defined as the comparable linear feet of roadway or piping installed or the predicted CSO volume reduction associated with each project. The determination of whether an alternative project may be substituted or whether a project is substantially complete is at the sole discretion of the Department.
- c. December 31, 2031, submit to the Department for review and approval an interim CSO Master Plan Update summarizing the abatement work completed by the City, any proposed revisions to the City's project list, the impact on CSO activity, including all observed or anticipated CSO volume, and the level of control at each CSO location, and an updated list of year 6-10 projects as detailed in Appendix A as #6-10.
- d. By December 31, 2036, and subject to modifications to the project list provided in the Interim CSO Master Plan Update, complete all projects in Appendix A as agreed to and approved by the Department in its sole discretion.
- e. By December 31, 2036, submit a draft of the next 10-year CSO Master Plan Update to the Department outlining projects to be completed, along with a proposed schedule and the expected level of control that will be achieved, including all observed or anticipated CSO volume and/or event reductions. By December 31, 2037, and upon review of the draft 10-year CSO Master Plan Update by the Department, submit a final version of the 10-year CSO Master Plan Update to the Department for approval
- f. Pay to the Treasurer, State of Maine, upon demand by the Department, the amount of one hundred dollars (\$100.00) per day per violation for violating any provision of this Agreement, including applicable statutory interest, with all defenses waived by the City, including any defenses related to the enforcement of any stipulated penalty payment as a final administrative order and a money judgment pursuant to 14 M.R.S. § 3138.
- g. In addition to the stipulated penalties set forth in Paragraph 32(f) above, in the event that any actions in Paragraph 32(b)-(e) are not completed within the schedules specified in those paragraphs or to the satisfaction of the Department, as determined by the Department in its sole discretion, the following stipulated

penalties shall become due immediately and paid by the City upon the Department's demand (each payable to the *Treasurer, State of Maine*):

- i. For sub-paragraph (b) above: stipulated penalty of \$30,000.00;
 - ii. For sub-paragraph (c) above: stipulated penalty of \$10,000.00;
 - iii. For sub-paragraph (d) above: stipulated penalty of \$30,000.00;
 - iv. For sub-paragraph (e) above: stipulated penalty of \$10,000.00.
33. This Agreement is not effective until it is approved and signed by the Board and the OAG.
34. The Department and the OAG grant a release of their causes of action against the City for the specific violations listed in Paragraphs 4-30 of this Agreement on the express condition that all actions listed in Paragraphs 32 of this Agreement are completed to their satisfaction, and the release shall not become effective until all requirements of this Agreement are satisfied as determined by the Department and the OAG in their sole discretion.
35. Any non-compliance with any portion of this Agreement, as determined by the Department and the OAG in their sole discretion, voids the releases set forth in Paragraph 35 of this Agreement and may lead to further enforcement action(s) pursuant to 38 M.R.S. §§ 347-A(1)(A), 347-A(5), or 348, as well as the pursuit of other remedies, including those pursuant to 14 M.R.S. § 3138.
36. By signing and executing this agreement, the City knowingly, voluntarily, intentionally, permanently, and irrevocably waives any and all defenses related to the enforcement of this Agreement, including the enforcement of this Agreement as a final administrative order and a money judgment pursuant to 14 M.R.S. § 3138, and expressly agrees that it will not assert:
- a. Any claim or defense that the City obligations under this Agreement are illegal, invalid, or otherwise unenforceable;
 - b. Any claim or defense pertaining to any payment obligation;
 - c. Any claim or defense pertaining to the timing and efficacy of notice and/or process regarding this Agreement and the Department's enforcement of the terms of this Agreement; and/or
 - d. Any other circumstance which might otherwise constitute a defense available to, or a discharge of any obligation of, the City with respect to this Agreement.

CITY OF BIDDEFORD
BIDDEFORD, YORK COUNTY, MAINE
PROTECTION AND IMPROVEMENT OF
WATERS
2020-169-W

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ADMINISTRATIVE CONSENT
AGREEMENT

(38 M.R.S. § 347-A)

37. Actions taken by the City pursuant to this Agreement shall be completed in accordance with the requirements of all applicable local, state, and federal laws, rules, and orders including but not limited to licensing requirements.
38. The provisions of this Agreement shall apply to, and be binding on, the parties and their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of 18 pages:

CITY OF BIDDEFORD

BY: _____ DATE: _____
BRIAN PHINNEY, CITY MANAGER

MAINE BOARD OF ENVIRONMENTAL PROTECTION

BY: _____ DATE: _____
NAME OF BOARD CHAIR, CHAIR

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: _____ DATE: _____
JACK DAFOE, ASSISTANT ATTORNEY GENERAL

Appendix A
City of Biddeford CSO Master Plan Updated-CSO Project Narrative
11/30/2023 Memo as revised and sent to the Department of Environmental Protection updated
02/18/2025



Memorandum

Date: **11/30/2023** (Updated 02/18/2025)

Project No.: **20496A**

To: **Maine DEP**

From: **City of Biddeford, ME**
Wright-Pierce

Subject: **City of Biddeford CSO Master Plan Updated - CSO Projects Narrative**

The purpose of this memorandum is to provide a brief narrative describing each project included as part of the City of Biddeford's 10-year project list submitted to the Maine DEP on October 20, 2023 as part of their ongoing CSO mitigation work.

10-Year Plan Project Narratives

0. Cutts, Bradbury, Mason Separation

This separation project includes approximately 990 LF of new storm drain and will separate approximately 14 catch basins. This will result in the closure of the main CSO-004 diversion structure with relocation to a single relief pipe on Cutts Street.

1. Alfred Street Separation - CWSRF Project 1 (Phase 1 and 2)

This separation project includes approximately 2,475 LF of new storm drain and will separate approximately 23 catch basins. The new storm drain will begin as a 48" pipe along Alfred Street and will re-connect to the existing storm system near the intersection of Alfred Street and Main Street. This project also includes approximately 900 LF of rehabilitation/relining of an existing 24" storm drain along Main Street between Alfred Street and Water Street.

2. Alfred Street Separation - CWSRF Project 2 (Phase 3)

This separation project is the second of two projects to be completed along Alfred Street. This project includes approximately 1,800 LF of new storm drain along Alfred Street, Porter Street, and Mt. Vernon Street, and will separate approximately 22 catch basins. 15" and 18" storm drains will convey flows from the project area to a 48" storm drain beginning at Alfred Street and Mt. Vernon Street. This 48" storm drain will connect to Alfred Street CWSRF Project 1 at Summer Street and Alfred Street.

3. Main Capacity Upgrades & Summer Street Separation

This upgrade and separation project includes two separate areas of work including a capacity upgrade project on Main Street and a sewer separation along Summer Street, for a total of approximately 1,875 LF of new or upgraded storm drain. The first work area, located near the Water Street and Main Street intersection and extending into Mechanics Park, is a capacity upgrade project and includes the installation of 270 LF of 54" storm drain, replacing the existing 36"/42" storm drain.

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City of Biddeford CSO Master Plan Updated-CSO Project Narrative
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02/18/2025

Memo: City of Biddeford CSO Master Plan Updated - CSO Projects Narrative

The second work area is located along Summer Street and includes 1,230 LF of new storm drain and the separation of approximately 27 catch basins. A 24" to 36" storm drain will connect to the proposed 48" storm main on Alfred Street. A short run of 15" storm drain is also included to allow combined basins on Windsor Lane to be separated.

4. Washington, Jefferson, Adams, Franklin Separation

This separation project includes approximately 3,150 LF of new storm drain, ranging from 15" to 30" in size. These projects will provide conveyance for the separation of approximately 41 catch basins on Adams Street, Jefferson Street, Washington Street, Franklin Street, and Main Street. This project will be tributary to the storm drain on Main Street.

5. Elm Street Capacity Upgrades and Hooper Separation

This upgrade and separation project includes approximately 2,960 LF of new storm drain, providing conveyance capacity upgrades to the Elm Street stormwater main and outfall, and providing separation of approximately 5 catch basins on Hooper Street. The proposed storm drain along Elm Street will be 42" in diameter, and the Hooper Street storm drain will be 15" to 18".

6. South, Kossuth, Maple Separation

This separation project includes approximately 2,675 LF of new storm drain on Elm Street between Mason Street and Cutts Street, along South Street & Kossuth Street, and along Maple Street (across the Saco River from Elm Street). An 18" and 24" storm drain will be installed along Elm Street, a 24" and 30" storm drain will be installed on South Street and Kossuth Street, and an 18" storm drain along Maple Street. Approximately 22 catch basins will be separated by these projects.

7. Harrison to Free Street Upgrades

This project is a capacity upgrade project and includes the installation of approximately 1,775 LF of new 54" storm drain starting at the intersection of Harrison Avenue and Hill Street and continuing to the intersection of Free Street and Leon Street, where the upgraded line meets the existing stormwater main.

8. Lambert, Clark, Tachereau Separation

This separation project includes approximately 3,590 LF of new storm drain along Alfred Street and Clark Street (24"/30"), Prospect Street (36"), and Harrison Ave (54"). In addition to separating basins along these locations, the project will include new storm drain for nearby catch basins on Lambert Street and Winter Street. Approximately 33 basins will be separated as part of this project.

9. Westland, Dental, Forest, Rathier Separation

This separation project includes approximately 1,425 LF of new storm drain across multiple small project locations at Westland Avenue, Dental Avenue, Forest Street, and Rathier Street. The project will include the installation of 15" and 24" storm drain and will separate approximately 15 catch basins.

10. Rumery Capacity Upgrades & George Separation

This capacity upgrade and separation project includes approximately 1,590 LF of new storm drain, to provide greater conveyance capacity to the Rumery Boatyard storm outfall to accommodate future upstream separation work. The proposed storm main will range from 42" to 60" in size. Additionally, a new 18" storm drain to convey flows from 3 separated catch basins will be installed on George Street.

Appendix A
City of Biddeford CSO Master Plan Updated-CSO Project Narrative
11/30/2023 Memo as revised and sent to the Department of Environmental Protection updated
02/18/2025

Memo: City of Biddeford CSO Master Plan Updated - CSO Projects Narrative



City Council

Meeting Date: May 20, 2025
Meeting Time: 6:00 PM
Agenda Item No: 12.f
Item Description: 2025.66 Approval Bond for Treasurer
Submitted By: Robin Patterson

Supporting Information/Documentation:

2025.66 Approval of Public Official Bond- ORDER, bond for Treasurer

Key Terms:

n/a

Executive Summary:

State law requires approval of this item by the Municipal Officers when a new Treasurer is appointed.

Detailed Review:

Pursuant to **Title 30-A: MUNICIPALITIES AND COUNTIES, Part 2: MUNICIPALITIES**, Subpart 9: FISCAL MATTERS, **Chapter 221: MUNICIPAL TREASURER ss 5601 Bond.**

5. Sufficiency. The municipal officers are the sole judges of the sufficiency of the bond and sureties.

6. Recorded. After the municipal officers approve the bond, the clerk shall record the bond.

A. This record is prima facie evidence of the contents of the bond.

B. Failure to record the bond is not a defense to an action on it.

Funding Source:

The total premium is \$175, account number 21111-60379 Public Official Liability.

Staff Recommendation:

Staff recommends approval as per state law.

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on a rocky shore with trees. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom. The seal is flanked by two decorative, symmetrical scroll-like flourishes.

2025.66 IN BOARD OF CITY COUNCIL... MAY 20, 2025

BE IT ORDERED, that the City Council does hereby approve of the Public Official Bond for Acting City Manager Brian S. Phinney as Treasurer, as required by MRSA Subpart 9, Chapter 221 Title 30-A Subsection 5601 in the amount of \$50,000.00.

Attest by: _____

Public Official Bond

Bond No. BOPH218677

Know all men by these presents,

That

Brian Phinney

as principal, and The Hanover Insurance Company having its executive office in Worcester, Massachusetts, as Surety, are held and firmly bound unto the City of Biddeford

in the penal sum of Fifty Thousand Dollars and Zero Cents

(\$ 50,000.00), for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the Surety being limited to said penal sum regardless of the number of years this bond remains in force or is renewed or of the number of premiums that shall be payable or paid.

The condition of this obligation is such, That, Whereas the said Principal was elected or appointed

Now, therefore, if the Principal shall, during the term of one year beginning on the twenty-third day of March, 2025, well and faithfully perform all and singular the duties incumbent upon him or her in said office or position, then this obligation shall be void; otherwise it shall be and remain in full force and virtue.

This bond may be terminated and cancelled, at any time, by the Obligee giving written notice to the Surety specifying the effective date of cancellation, or by the Surety mailing written notice to the Obligee and the effective date of such cancellation shall be at the expiration of fifteen days after the date of such notice.

In Witness Whereof, the principal has hereunto set his or her hand and seal and the Surety has affixed its corporate seal and caused these presents to be signed by its attorney-in-fact this 5th day of February, 2025.

Witness:

Shelly Ann Macdonald

By: Brian Phinney

By: Kelli E. Locke
The Hanover Insurance Company
Kelli Locke Attorney In Fact



**THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA**

POWER OF ATTORNEY

THIS Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

KNOW ALL PERSONS BY THESE PRESENTS:

That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, (hereinafter individually and collectively the "Company") does hereby constitute and appoint,

Kelli Locke

OF PAQUIN & CARROLL LLC

of BIDDEFORD

ME

each individually, if there be more than one named, as its true and lawful attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, any and all surety bonds, recognizances, undertakings, or other surety obligations. The execution of such surety bonds, recognizances, undertakings or surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company, in their own proper persons. Provided however, that this power of attorney limits the acts of those named herein; and they have no authority to bind the Company except in the manner stated and to the extent of any limitation stated below:

in the amount of: \$ 50,000.00

That this power is made and executed pursuant to the authority of the following Resolutions passed by the Board of Directors of said Company, and said Resolutions remain in full force and effect:

RESOLVED: That the President or any Vice President, in conjunction with any Vice President, be and they hereby are authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as it acts, to execute and acknowledge for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons.

RESOLVED: That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile. (Adopted October 7, 1981 – The Hanover Insurance Company; Adopted April 14, 1982 – Massachusetts Bay Insurance Company; Adopted September 7, 2001 – Citizens Insurance Company of America and affirmed by each Company on March 24, 2014)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 6th day of April, 2023



The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America

James H. Kawlecki
James H. Kawlecki, Vice President

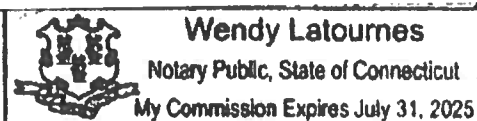
The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America

Joselyn M. Mendoza
Joselyn M. Mendoza, Vice President

STATE OF CONNECTICUT)
COUNTY OF HARTFORD)

) ss.

On this 6th day of April, 2023 before me came the above named Executive Vice President and Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



Wendy Latournes
Wendy Latournes, Notary Public
My commission expires July 31, 2025

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 5th day of February 2025.

CERTIFIED COPY

The Hanover Insurance Company
Massachusetts Bay Insurance Company
Citizens Insurance Company of America

John Rowedder
John Rowedder, Vice President



BICKMORE DIVERSIFIED LLC

449 Forest Ave Suite 219
Portland, ME 04101
(207)329-6533

Subject: ROM Estimate - Lightning Protection System for Cupola

May 5, 2025

J Richard Martin Community Center (189 Alfred Street, Biddeford, ME)

Bickmore Diversified has developed a Rough Order of Magnitude (ROM) estimate for the installation of a lightning protection system and associated ground grid for the cupola at the J. Richard Martin Community Center. This estimate is intended for budgeting purposes and reflects current market expectations and recently obtained subcontractor pricing.

Scope of Work:

- Provide and install UL-listed lightning air terminal system at the cupola peak.
- Run down conductors and bond to rooftop metallic components per code.
- Excavate and install a new ground mat/grid system compliant with NFPA 780.

This estimate is based on preliminary engineering, with pricing and assumptions informed by anticipated site conditions particularly the depth of bedrock.

ROM Estimate Range: \$65,000 - \$75,000

Sincerely

Mathias Bickmore

Mathias Bickmore

(207)329-6533

mathias@bickmorediversified.com

PO Box 673
Westbrook, ME 04098

Insured: CITY OF BIDDEFORD
Property: 189 Alfred St
Biddeford, ME 04005
Home: 188-217 Main Street
Biddeford, ME 04005

Claim Rep.: Donna McSwain
Home: PO Box 14512
Lexington, KY 40512

Home: (863) 255-5370
E-mail: vericclaimreports@sedgwickcms.com

Estimator: Dehvin Trussell
Business: PO BOX 348
BANGOR, ME 04401

Business: (781) 290-9802
E-mail: Dehvin.trussell@sedgwick.com

Claim Number: 4A2407G8YRM-0001

Policy Number: PEPKG0026001

Type of Loss: Lightning

Date Contacted: 7/17/2024 5:37 AM

Date of Loss: 7/13/2024 12:00 AM

Date Inspected: 7/19/2024 5:38 AM

Date Received: 7/24/2024 2:19 PM

Date Entered: 7/17/2024 3:13 PM

Date Est. Completed: 9/13/2024 4:08 PM

Price List: MEPO8X_APR25
Restoration/Service/Remodel
Estimate: CITY_OF_BIDDEFORD6

NOTICE: This estimated scope of damages and prices contained in this document are based upon the actual damages viewed by the Sedgwick adjuster at the time of the inspection of this loss. This document does not contain any repair cost for hidden damages that may later be discovered during repairs. This document does not constitute a settlement of any insurance claim and all estimates contained herein are subject to insurance company review and approval. This document is not an authorization to make any repairs to property. Authorization for repairs can only be given by the property owner. Any guarantee of payment must come from the property owner. No insurance adjuster has authority to authorize any work or guarantee any payments for repairs made to an insured risk. Neither Sedgwick nor the insurance company assumes responsibility for the sufficiency or quality of repairs made.

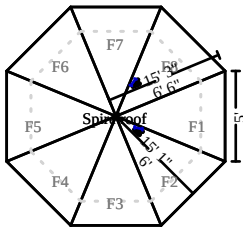
PO Box 673
Westbrook, ME 04098

CITY_OF_BIDDEFORD6

Roof

Roof

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
31. Boom or spider lift - 50'-60' reach (per day) rental for several lifts to work on high roof and cupola	20.00 DA	631.88	0.00	2,527.52	15,165.12	(0.00)	15,165.12
Total: Roof			0.00	2,527.52	15,165.12	0.00	15,165.12



Spire roof

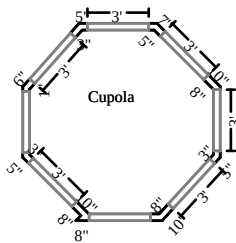
299.79 Surface Area
39.76 Total Perimeter Length
122.26 Total Hip Length
3.00 Number of Squares

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
1. Tear off, haul and dispose of comp. shingles - 3 tab	3.00 SQ	79.37	0.00	47.62	285.73	(0.00)	285.73
2. Remove Additional charge for high roof (2 stories or greater)	3.00 SQ	6.21	0.00	3.72	22.35	(0.00)	22.35
3. Additional charge for high roof (2 stories or greater)	3.00 SQ	30.88	0.00	18.52	111.16	(0.00)	111.16
4. Laminated - comp. shingle rfg. - w/ felt	3.00 SQ	382.89	25.28	234.80	1,408.75	(782.63)	626.12
5. Remove Additional charge for steep roof greater than 12/12 slope	3.00 SQ	32.04	0.00	19.22	115.34	(0.00)	115.34
6. Additional charge for steep roof greater than 12/12 slope	3.00 SQ	138.95	0.00	83.38	500.23	(0.00)	500.23
7. R&R Hip / Ridge cap - Standard profile - composition shingles	122.00 LF	11.84	19.86	292.88	1,757.22	(628.12)	1,129.10
8. Crane and operator - 115 ton capacity	24.00 HR	345.63	0.00	1,659.02	9,954.14	(0.00)	9,954.14
9. Roofer - per hour	40.00 HR	196.85	0.00	1,574.80	9,448.80	(0.00)	9,448.80
Extra roofing labor for height, difficult access, safety equipment							
10. Carpentry - General Laborer - per hour	12.00 HR	51.43	0.00	123.44	740.60	(0.00)	740.60
Extra labor for difficult access, height and safety set up							
11. Scrape more than the perimeter & prep for paint	79.53 SF	0.89	0.04	14.16	84.98	(70.82)	14.16
12. Paint exterior soffit - wood - 1 coat	79.53 SF	1.96	1.31	31.44	188.63	(157.19)	31.44
13. Finish Carpenter - per hour	32.00 HR	67.81	0.00	433.98	2,603.90	(0.00)	2,603.90
Labor for soffit, fascia and trim repairs							
14. Materials for trim, soffit and fascia repairs*	1.00 EA	600.00	0.00	120.00	720.00	(150.00)	570.00

CONTINUED - Spire roof

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
Totals: Spire roof			46.49	4,656.98	27,941.83	1,788.76	26,153.07
Total: Roof			46.49	7,184.50	43,106.95	1,788.76	41,318.19

Bell Tower



Cupola

Height: 8'

110.04 SF Walls	65.00 SF Ceiling
175.04 SF Walls & Ceiling	65.00 SF Floor
7.22 SY Flooring	5.38 LF Floor Perimeter
29.38 LF Ceil. Perimeter	

Missing Wall - Goes to Floor	3' X 5'	Opens into Exterior
Missing Wall - Goes to Floor	3' X 5'	Opens into Exterior
Missing Wall - Goes to Floor	3' X 6' 8"	Opens into Exterior
Missing Wall - Goes to Floor	3' X 5'	Opens into Exterior
Missing Wall - Goes to Floor	3' X 5'	Opens into Exterior
Missing Wall - Goes to Floor	3' X 5'	Opens into Exterior
Missing Wall - Goes to Floor	3' X 5'	Opens into Exterior
Missing Wall - Goes to Floor	3' X 5'	Opens into Exterior

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
15. R&R T & G paneling - double beaded vee (unfinished)	65.00 SF	9.22	21.13	124.08	744.51	(394.56)	349.95
16. Scrape the walls & prep for paint	110.04 SF	0.89	0.06	19.60	117.60	(98.00)	19.60
17. Seal/prime (1 coat) then paint (2 coats) the walls and ceiling	175.04 SF	1.76	3.56	62.34	373.97	(311.63)	62.34
18. Finish Carpentry - General Laborer - per hour	16.00 HR	51.43	0.00	164.58	987.46	(0.00)	987.46
Extra labor for difficult access, height and safety set up							
19. R&R Crown molding - 2 1/4"	29.38 LF	4.69	2.62	28.08	168.49	(78.14)	90.35
Totals: Cupola			27.37	398.68	2,392.03	882.33	1,509.70
Total: Bell Tower			27.37	398.68	2,392.03	882.33	1,509.70

PO Box 673
Westbrook, ME 04098

Systems

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
20. Repair to interior access equipment - see invoice from Minuteman Security*	1.00 EA	4,870.00	0.00	0.00	4,870.00	(0.00)	4,870.00
21. Repair to fire suppression equipment - see invoice from Maine State Security*	1.00 EA	3,485.79	0.00	0.00	3,485.79	(0.00)	3,485.79
Totals: Systems			0.00	0.00	8,355.79	0.00	8,355.79

General

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
22. Debris chute hopper - (per week) - 30" x 4' section	30.00 WK	35.00	0.00	210.00	1,260.00	(0.00)	1,260.00
23. Dumpster load - Approx. 12 yards, 1-3 tons of debris	1.00 EA	580.60	0.00	116.12	696.72	(0.00)	696.72
24. Engineering consult - see invoice from L&L Structural Engineering*	1.00 EA	425.00	0.00	0.00	425.00	(0.00)	425.00
Totals: General			0.00	326.12	2,381.72	0.00	2,381.72
Line Item Totals: CITY_OF_BIDDEFORD6			73.86	7,909.30	56,236.49	2,671.09	53,565.40

Grand Total Areas:

110.04 SF Walls	65.00 SF Ceiling	175.04 SF Walls and Ceiling
65.00 SF Floor	7.22 SY Flooring	5.38 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	29.38 LF Ceil. Perimeter
65.00 Floor Area	75.22 Total Area	110.04 Interior Wall Area
163.81 Exterior Wall Area	32.09 Exterior Perimeter of Walls	
299.79 Surface Area	3.00 Number of Squares	39.76 Total Perimeter Length
0.00 Total Ridge Length	122.26 Total Hip Length	

Summary for Building

Line Item Total	48,253.33
Material Sales Tax	73.86
Subtotal	48,327.19
Overhead	3,954.65
Profit	3,954.65
Replacement Cost Value	\$56,236.49
Less Depreciation	(2,671.09)
Actual Cash Value	\$53,565.40
Less Deductible	(10,000.00)
Net Claim	\$43,565.40
Total Recoverable Depreciation	2,671.09
Net Claim if Depreciation is Recovered	\$46,236.49

Dehvin Trussell

PO Box 673
Westbrook, ME 04098

Recap of Taxes, Overhead and Profit

	Overhead (10%)	Profit (10%)	Material Sales Tax (5.5%)	Manuf. Home Tax (5.5%)	Equipment Rental Tax (5.5%)
Line Items	3,954.65	3,954.65	73.86	0.00	0.00
Total	3,954.65	3,954.65	73.86	0.00	0.00

Recap by Room

Estimate: CITY_OF_BIDDEFORD6

Area: Roof	12,637.60	26.19%
Spire roof	23,238.36	48.16%
Area Subtotal: Roof	35,875.96	74.35%
Area: Bell Tower		
Cupola	1,965.98	4.07%
Area Subtotal: Bell Tower	1,965.98	4.07%
Systems	8,355.79	17.32%
General	2,055.60	4.26%
Subtotal of Areas	48,253.33	100.00%
Total	48,253.33	100.00%

Recap by Category with Depreciation

O&P Items	RCV	Deprec.	ACV
GENERAL DEMOLITION	2,557.43		2,557.43
HEAVY EQUIPMENT	20,932.72		20,932.72
FINISH CARPENTRY / TRIMWORK	3,707.38	226.39	3,480.99
FRAMING & ROUGH CARPENTRY	617.16		617.16
PANELING & WOOD WALL FINISHES	570.70	380.47	190.23
PAINTING	632.67	632.67	0.00
ROOFING	10,454.48	1,380.66	9,073.82
O&P Items Subtotal	39,472.54	2,620.19	36,852.35
Non-O&P Items	RCV	Deprec.	ACV
USER DEFINED ITEMS	8,780.79		8,780.79
Non-O&P Items Subtotal	8,780.79	0.00	8,780.79
O&P Items Subtotal	39,472.54	2,620.19	36,852.35
Material Sales Tax	73.86	50.90	22.96
Overhead	3,954.65		3,954.65
Profit	3,954.65		3,954.65
Total	56,236.49	2,671.09	53,565.40

Re: Repair of Cupola J Richard Martin Community Center

From Mathias Bickmore <Mathias@bickmorediversified.com>

Date Tue 5/6/2025 12:46 PM

To Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>

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When in doubt, contact the IT Department

Thank You, Lisa

Mathias Bickmore
(207)329-6533



From: Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>

Sent: Tuesday, May 6, 2025 12:18 PM

To: Mathias Bickmore <Mathias@bickmorediversified.com>; Phinney, Brian
<Brian.Phinney@Biddefordmaine.org>; Dube, Erika <erika.dube@biddefordmaine.org>

Cc: Josh Kramer <josh@bickmorediversified.com>; Paige <Paige@bickmorediversified.com>

Subject: Re: Repair of Cupola J Richard Martin Community Center

Mathias;

Thank you for the information. This will not be going to council until their next meeting on May 20th, which may push the timeline beyond the June 30th date.

I will be in touch regarding next steps.

Lisa

From: Mathias Bickmore <Mathias@bickmorediversified.com>

Sent: Tuesday, May 6, 2025 12:10 PM

To: Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>; Phinney, Brian
<Brian.Phinney@Biddefordmaine.org>; Dube, Erika <erika.dube@biddefordmaine.org>

Cc: Josh Kramer <josh@bickmorediversified.com>; Paige <Paige@bickmorediversified.com>

Subject: Re: Repair of Cupola J Richard Martin Community Center

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Good Morning Lisa,

This work can take place simultaneously with the cupola repair. If the project is awarded by the week of May 19th, we're confident we can complete the work prior to the June 30th deadline for the cupola.

The scope includes excavating a 24' x 24' area to a minimum depth of 2 feet 6 inches below existing grade. We'll install a ground grid and pour a 5-inch concrete slab over it. This setup protects the grid and provides a hard surface to help direct electrical current downward.

Ideally, we would like to install the grid below the frost line, assuming we don't encounter bedrock. This will ultimately be determined in the field, as we're aiming to optimize electrical resistivity and find the "sweet spot" for performance.

The exact location of this work is flexible and can be adjusted as needed to avoid any conflicts with your planned playground excavation or equipment placement. We're happy to coordinate further to ensure both projects proceed smoothly without interference.

Thank You,

Mathias Bickmore
(207)329-6533



From: Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>

Sent: Tuesday, May 6, 2025 8:10 AM

To: Mathias Bickmore <Mathias@bickmorediversified.com>; Phinney, Brian
<Brian.Phinney@Biddefordmaine.org>; Dube, Erika <erika.dube@biddefordmaine.org>

Cc: Josh Kramer <josh@bickmorediversified.com>; Paige <Paige@bickmorediversified.com>

Subject: Re: Repair of Cupola J Richard Martin Community Center

Mathias:

Thank you for this information. Can you give me an idea of how long this project would take and what would need to be done to the ground surrounding the building? We have a playground project, including excavation of the front of the property, taking place in August which could cause some conflicts.

Lisa

From: Mathias Bickmore <Mathias@bickmorediversified.com>

Sent: Monday, May 5, 2025 9:24 PM

To: Phinney, Brian <Brian.Phinney@Biddefordmaine.org>

Cc: Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>; Josh Kramer <josh@bickmorediversified.com>; Paige
<Paige@bickmorediversified.com>

Subject: Re: Repair of Cupola J Richard Martin Community Center

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Hi Lisa, Brian,

Attached is a Rough Order of Magnitude (ROM) estimate for the lightning protection system at the cupola. If you need a detailed cost breakdown or additional information on the grounding system how it's designed to eliminate step potential in public areas just let us know.

Thank you,

Mathias Bickmore
(207)329-6533



From: Phinney, Brian <Brian.Phinney@Biddefordmaine.org>
Sent: Friday, April 18, 2025 1:24 PM
To: Mathias Bickmore <Mathias@bickmorediversified.com>
Cc: Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>; Josh Kramer <josh@bickmorediversified.com>; Paige <Paige@bickmorediversified.com>
Subject: RE: Repair of Cupola J Richard Martin Community Center

Okay, great. Looking forward to seeing it.

Brian S. Phinney
Acting City Manager
City of Biddeford
P.O. Box 586
205 Main Street
Biddeford, Maine 04005
Phone: (207) 284-9313
Direct: (207) 571-0032
Fax: (207) 571-0656

Please note our Business Hours:

Monday & Tuesday: 7 AM - 5 PM, Wednesday & Thursday: 8 AM - 4 PM

From: Mathias Bickmore <Mathias@bickmorediversified.com>
Sent: Friday, April 18, 2025 1:22 PM
To: Phinney, Brian <Brian.Phinney@Biddefordmaine.org>
Cc: Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>; Josh Kramer <josh@bickmorediversified.com>; Paige

<Paige@bickmorediversified.com>

Subject: Re: Repair of Cupola J Richard Martin Community Center

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Hi Brian,

Dehvin Trussell with Sedgewick Claims was the person who reached out regarding the cost breakdown for the cupola repair.

dehvin.trussell@sedgwick.com
(781)-290-9802

As far as the reimbursement I previously referenced, I'd like to clarify we currently have no costs incurred.

To design a grounding system safe for the public to be around we would need to take soil samples at the proposed grounding location which would involve us digging test pits to get the soil samples and determine how close bedrock is to the surface. I was hesitant to initiate this work to then have the city/ finance committee decide not to proceed and then we would be out X amount.

I appreciate your guidance on how to proceed with this. We will put together a ROM Estimate and send it over to you and Lisa.

Thank you,

Mathias Bickmore
(207)329-6533



From: Phinney, Brian <Brian.Phinney@Biddefordmaine.org>

Sent: Friday, April 18, 2025 10:39 AM

To: Mathias Bickmore <Mathias@bickmorediversified.com>

Cc: Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>; Josh Kramer <josh@bickmorediversified.com>; Paige <Paige@bickmorediversified.com>

Subject: RE: Repair of Cupola J Richard Martin Community Center

Mathias,

Lisa forwarded your email for review and response. As for the insurance company, please send me the contact information and we'll work with them so you aren't caught in the middle should there be any communication issues.

As for the grounding system there are certainly additional safety considerations that we need to consider. You reference being reimbursed for engineering and design costs you've incurred. Would you explain the costs that you have incurred? The City didn't authorize the project yet or additional work. The City requested pricing for a

lightening rod system. RFPs specify that the city doesn't pay for the preparation of bids. The lightening rod item came up at the meeting so I assume your referenced expenses have occurred since the meeting.

If engineering and design is required for the project, and it sounds like that is the case given the complexity of the system as you have explained, the cost estimate should include the engineering and design. I'm also assuming that the lightening rod system isn't a few thousand dollars of work given the complexities that you have uncovered. Also, the timing implications will come into play. Getting the cupola repaired and weathertight may be the priority. Concurrent with this project the playground is being renovated. We wouldn't want to perform that work and then tear it up to install the rod system.

I think it might be better to initially provide a ballpark for the cost to include engineering and design so that I can get feedback from the Committee on direction. I think this approach is advisable because, depending on the relative cost and our timing considerations the Finance Committee may want to bid this separately or at a later date. I don't want you to incur costs or submit formal pricing and then be at a disadvantage if it goes out to bid by having everyone else see your numbers.

I honestly can't predict which route the Finance Committee will take - skip it, add it now, or add it later - until I have an understanding of the relative cost. My request is that you provide me or Lisa with an order of magnitude estimate of overall cost without significant detail for the reason(s) noted above. I'll then be able to give you direction. If for example the Finance Committee says proceed, you will then be able to put together a formal estimate that includes costs for engineering, design, and installation and once approved can begin incurring expenses. Likewise, if the Finance Committee says it will need to be bid separately or at a later date you haven't disclosed your formal numbers or incurred any costs and would be on equal footing with other bidders.

If you have any questions please feel free to ask.

Brian S. Phinney

Acting City Manager
City of Biddeford
P.O. Box 586
205 Main Street
Biddeford, Maine 04005
Phone: (207) 284-9313
Direct: (207) 571-0032
Fax: (207) 571-0656

Please note our Business Hours:

Monday & Tuesday: 7 AM - 5 PM, Wednesday & Thursday: 8 AM - 4 PM

From: Mathias Bickmore <Mathias@bickmorediversified.com>

Sent: Thursday, April 17, 2025 4:50 PM

To: Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>

Cc: Josh Kramer <josh@bickmorediversified.com>; Paige <Paige@bickmorediversified.com>

Subject: Re: Repair of Cupola J Richard Martin Community Center

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Hi Lisa,

No problem at all we'll get you references and an itemized cost breakdown.

The insurance company reached out to me asking for cost information so they could update the adjusters estimate, do you want us to provide this to them?

Regarding the lightning rod pricing, I've spent considerable time consulting with an electrical engineer to understand the intricacies of storm systems and lightning protection. Based on our findings, there is a significant safety concern when using standard ground rods in or around playgrounds and public use environments. This elevates the scope of the installation and turns it into a more complex undertaking.

Grounding systems are an essential part of any lightning protection setup. In the event of a lightning strike, electrical energy is channeled through the rod and dispersed into the ground. However, to meet code requirements (such as those outlined in NFPA 780 or IEC 62305), we would need to install multiple ground rods, approximately 16 in total depending upon soil type. They would need to be spaced a minimum of 6 feet apart. This would create a grounding field roughly 24' x 24' in size, with energy from a strike potentially traveling an additional 25' beyond that area due to a phenomenon known as *step potential*. This presents a significant safety risk in public areas. Even indirect exposure to the electrical energy can result in serious injury or fatality. Nearby metal playground equipment could become energized if not properly bonded, and underground utilities (e.g., manholes or piping) may also be affected.

To ensure a safe and effective system, we would need to design a deep, pit-style grounding enclosure filled with electrical ground enhancing materials. Properly engineering this system would require geotechnical data, which involves bringing in our excavator to dig test holes, collect soil samples at various depths, and assess soil resistivity and the depth of bedrock.

This is all within our wheelhouse, and we're fully prepared to proceed with this work and an updated quote.

If the city chooses not to proceed with the lightning protection system, we'd like to explore options for recouping the engineering and design costs we'll have already incurred.

Alternatively, we can design the cupola repair to include future ready components such as mounting provisions and a weatherproof cap perhaps 3d printed that can be removed where the lightning rod would go through the cupola roof should the city decide to install a lightning protection system later on.

Let us know how you'd like to proceed, and we're happy to support whichever path you choose.

Thank You,

Mathias Bickmore
(207)329-6533



From: Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>
Sent: Wednesday, April 16, 2025 3:42 PM
To: Mathias Bickmore <Mathias@bickmorediversified.com>
Subject: Re: Repair of Cupola J Richard Martin Community Center

Hi Mathias:

Please use the same format as the RFP requested. It would be helpful to also have in your proposal:

minimum of 3 references

An itemized list of costs in addition to the cost of the lightning rod installation

Brian will return from vacation late next week. I can set up a time for you to meet the following week or anytime after to take another look at the cupola.
Let me know what works for you.

Lisa

From: Mathias Bickmore <Mathias@bickmorediversified.com>
Sent: Wednesday, April 16, 2025 1:38 PM
To: Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>; Paige <Paige@bickmorediversified.com>
Subject: Re: Repair of Cupola J Richard Martin Community Center

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Good Morning Lisa,

It was a pleasure to meet you last night. In what format should we submit our additional pricing for the lightning rod?

Thank You,

Mathias Bickmore
(207)329-6533



From: Mathias Bickmore <Mathias@bickmorediversified.com>
Sent: Tuesday, April 15, 2025 10:55 AM
To: Thompson, Lisa <Lisa.Thompson@biddefordmaine.org>; Paige <Paige@bickmorediversified.com>
Subject: Re: Repair of Cupola J Richard Martin Community Center

Good Morning Lisa,

City of Biddeford



2025.67 **IN BOARD OF CITY COUNCIL...May 20, 2025**

BE IT ORDERED, that the City Council approve the recommendation for Bickmore Diversified to repair the Cupola, including installation of a lighting rod at J Richard Martin Community Center for an amount not to exceed \$75,000.

Funding:

Revised estimate from the insurance company: \$56, 236.49

Costs paid to this project to date: \$6478.54

Remaining insurance funds: \$49,757.95

This leaves a balance *which will not exceed* \$25,242.05. The funding for this shortfall will be charged to the building maintenance line 21123-60450 and will ever expend the line item. The overage will be absorbed with the FY25 Budget, reducing the anticipated year-end surplus.

Attest by: _____