



**City of Biddeford
Policy Committee**

February 24, 2025 at 6:00 PM
City Hall Council Chambers & Zoom

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Meeting ID: 929 1267 5271

Passcode:387447

1. Roll Call
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
4. Approval of Minutes
 - 4.a Policy Committee Minutes of January 27, 2025
5. Discussion/Review
 - 5.a Ammendment Shellfish Ordinance
 - 5.b Vacant Building Registration
 - 5.c Amendment Citizens' Advisory Committee Ordinance
 - 5.d Comprehensive Board/Committee/Commission Review
6. Adjourn

**City of Biddeford
Policy Committee Minutes
January 27, 2025 at 6:00 PM
City Hall Council Chambers & Zoom**

1. Roll Call

The meeting was called to order at 6:10 PM
All the members were present.

2. Pledge of Allegiance

The Committee and this in attendance observed the Pledge of Allegiance.

3. Adjustment(s) to Agenda

No adjustments noted.

4. Approval of Minutes

4.a Minutes of July 22, 2024

Motion to accept the minutes as presented.

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion.

4.b Minutes of September 30, 2024

Motion to accept the minutes as presented.

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion.

4.c Minutes of October 28, 2024

Motion to accept the minutes as presented.

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion.

5. Discussion/Review

5.a Proposed Ordinance to Allow Solar Development - DRAFT - UPDATE ONLY AT THIS
TIME

Brad Favreau, economic development coordinator, provided the committee members with an update on the status of the solar ordinance. The Planning Board is scheduling a second workshop.

Member Pierson suggested that the Planning Board provide notice to the Policy Committee on the time and date of the workshop in order for committee members to offer comment and/or attend to streamline the process. There was consensus reading the recommendation. The solar ordinance will be brought back to the Policy Committee once it clears the Planning Board.

5.b Proposed Ordinance - Public Art Commission - DRAFT

Chairperson Belanger introduced the Public Art Commission Ordinance.

Motion to review and forward the public arts commission ordinance to the City Council for adoption.

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Discussion:

Members of the public voiced support for the ordinance and for the work of staff and the community.

Councilor LaFountain voiced appreciation for those engaged in the process of developing the draft ordinance.

Motion to amend by striking "downtown" from Sec. 2-341 Authority to Establish Subcommittee and replace with "public art" and change the spelling of "counsel" to "council".

Motion by Councilor LaFountain

Seconded by Councilor Beaupre

Vote: Unanimous in favor of the motion.

Motion to amend Sec. 2-333 Composition... by adding a new number four (4) and renumbering the remaining item, adding, "4. The Commission shall also include a student representative as an eighth non-voting member of the Commission to provide youth perspective."

Motion by Councilor LaFountain

Seconded by Councilor Beaupre

Second.

Chairperson Belanger

Vote: Unanimous in favor of the motion.

Motion to amend Sec. 2-333 Composition... by deleting the last sentence, "Any Commissioner appointed to fill a vacancy for which more than half of the unexpired term remains shall be deemed to have served one full term."

Motion by Chairperson Belanger

Seconded by Member Pierson

Vote: Unanimous in favor of the motion.

Motion to approve the original motion as amended and forward to Council for adoption.

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion.

5.c Clifford Park Covenants Update

Chairperson Belanger introduced the item followed by comments from Brian Phinney COO. The item is lagging in action and the Committee voiced concern and disappointment that this item has taken a long time to move forward.

Members of the public also offered comment pointing out the Planning Board and Conservation Commission have already provided statements to Committee and the discussion should now be about review of the conservation easement language.

It was the direction of the Committee that draft conservation easement language be brought before the Committee at the earliest opportunity.

5.d Dissolution of Cable Committee

Chairperson Belanger introduced the item. COO Phinney indicated the item originated from the mayor's office based on council and public recommendations.

Members of the public voiced general support for the Cable TV Committee.

The Committee, by consensus, requested a full review of the various boards/committees/commissions to include the Cable TV Committee. The work will entail a detailed review of each to determine if modification, consolidation, or elimination warrants further consideration.

Other Business

Chairperson Belanger asked for other items or comments.

Councilor LaFountain asked for the Citizens Advisory Committee item to be brought back to the Committee to finalize earlier work.

Councilor LaFountain also requested a review on the process for tax acquired property and the process associated with requests to purchase city property.

6. Adjourn

Motion to Adjourn

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion.

7:14 PM



Policy Committee

Meeting Date: February 24, 2025
Meeting Time: 6:00 PM
Agenda Item No: 5.a
Item Description: Ammendment Shellfish Ordinance
Submitted By: Robin Patterson, City Clerk

Supporting Information/Documentation:

Biddeford Shellfish Ordinance update Feb 2025, Biddeford Allocation Approval 2024

Key Terms:

Shellfish as defined by DMR: “Shellfish” means shellstock clams (surf clams, razor clams and soft-shelled clams; 12 M.R.S. §6001(41)), quahogs other than mahogany quahogs, and oyster shellstock (12 M.R.S. §6601(6)).

Executive Summary:

Review of Shellfish Ordinance changes requested by the Maine Dept of Marine Resources

Detailed Review:

The proposed ordinance amendment is to enact changes requested by the Maine Department of Marine Resources.

Most of the recommendations are language clarifications and for consistency in administering the licenses. Licenses must follow the same procedures for residents and nonresidents. For example, if resident recreational licenses are offered on a first come, first served basis the nonresident licenses must be as well, not by lottery as in the past.

A copy of the 2024 allocation is attached. The fees have not changed since at least 2017. In the past there were fees and discounts offered by tradition, but these did not follow the allocation.

Allocation comment – from 2017 to 2021 the nonresident recreational number was 60 licenses. In 2022 it changed to 10% which would be approximately 15. We still sold 60 nonresidential recreational licenses from 2022-2024. If we want to keep it at that level in 2025 we should request “10% or 60, whichever is greater” on the allocation.

Sec 74-105 d. 6. This section is not required by the state and is not standard language. We do not have a limit on the residential recreational licenses so this is not necessary. The advance date would also reduce the number of days the remaining licenses are available to the public. Recommend to strike this.

Sec 74-105 - i Harvest logs and J conservation benefits are not being followed. If you choose to strike these it is recommended to replace with:

“Biddeford commercial shellfish license holders who have purchased their licenses during the period of issuance for the previous license year will be entitled to renew their license the first week preceding the regular sale date of June 1”

Proposed text shown in blue underline and text deletions are shown in ~~red strikethrough.~~

Funding Source:

n/a

Staff Recommendation:

Staff recommends approval of the proposed ordinance amendment as written.

DIVISION 5
SHELLFISH CONSERVATION ORDINANCE

Sec. 74-101. Authority. [Ord. No. 2000.20, § 1, 4-4-2000; Ord. No. 2002.33, 4-2-2002]

This division is enacted in accordance with 12 M.R.S.A. § 6671.

Sec. 74-102. Purpose. [Ord. No. 2000.20, § 2, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

To establish a shellfish conservation program for the City [of Biddeford](#) that will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means that may include:

- (a) Licensing and recommendation of any changes to licensing fees to the City Council annually. **[Amended 11-17-2015 by Ord. No. 2015.75]**
- (b) Limiting the number of shellfish harvesters.
- (c) Restricting the time and area where digging is permitted.
- (d) Limiting the minimum size of ~~elams~~ [shellfish](#) taken.
- (e) Limiting the amount of ~~elams~~ [shellfish](#) taken daily by a harvester.

Sec. 74-103. Shellfish Conservation Committee. [Ord. No. 2000.20, § 3, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

The Shellfish Conservation Program for the City of Biddeford will be administered by the Shellfish Conservation Committee consisting of seven members to be appointed by the Mayor and confirmed by the Council for terms of three years.

The Committee's responsibilities include:

- (a) Establishing annually in conjunction with the Department of Marine Resources the number of shellfish digging licenses to be issued.
- (b) Reviewing annually the status of the resource using the results of clam flat, harvester or dealer surveys and other sources of information and preparing in conjunction with and subject to the approval of the Department a plan for implementing conservation measures.
- (c) Submitting to the City Council proposals for the expenditures of funds for the purpose of shellfish conservation.
- (d) Keeping this division under review and making recommendations for its amendments.
- (e) Securing and maintaining records of shellfish harvest from the City's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources.
- (f) Recommending conservation closures and openings to the City Council in conjunction with the ~~area biologists~~ [marine resource scientists](#) of the Department of Marine Resources.

- (g) Submitting an annual report to the municipality and the Department of Marine Resources covering the above topics and all other committee activities. [The Shellfish Management Plan shall include an annual review, budget, and objectives for the following year and will follow the DMR regulations as outlined in DMR Ch. 7.20 and 7.30.](#)

Sec. 74-104. Definitions. [Ord. No. 2000.20, § 4, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

As used in this division, the following terms shall have the meanings indicated:

GUEST — Any person invited to assist a recreational license holder in harvesting a combined total that does not exceed one peck of shellfish per license per any one day.

MUNICIPALITY — Refers to the City of Biddeford, Maine.

NONRESIDENT — Anyone not qualified as a resident under this division.

RESIDENT — Refers to a person who is domiciled in this municipality. Proof of residency shall be by one of the following criteria:[Amended 11-17-2015 by Ord. No. 2015.75]

- (1) A person who pays real estate property taxes to the City or can provide a rent receipt within the jurisdiction of the City;
- (2) A person who is a registered voter in the City;
- (3) A person who can provide a vehicle registration from the City of Biddeford, Maine;
- (4) A person who can provide a valid motor vehicle license showing an address within the jurisdiction of the City;
- (5) A person who can provide a valid school ID showing an address within the jurisdiction of the City. Proof of eligibility will be the burden of the applicant.

SHELLFISH, CLAMS and INTERTIDAL SHELLFISH RESOURCES — In the context of this division the words "shellfish," "clams," and "intertidal shellfish resources" mean soft shell clams (*Mya arenaria*).

Sec. 74-105. Licensing. [Ord. No. 2000.20, § 5, 4-4-2000; Ord. No. 2002.33, 4-2-2002; Ord. No. 2004.8, 3-2-2004; amended 4-7-2009 by Ord. No. 2009.11]

It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this division. A commercial digger must also have a valid State of Maine Commercial Shellfish License issued by the Department of Marine Resources. [All recreational licenses are for personal use only.](#)

(a) Designation, scope and qualifications:

1. Resident commercial shellfish license. The license is available to residents of the municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.
2. Resident commercial over 62 shellfish license. The license is available to residents of the municipality who can and do provide age verification legally attaining the age of older than 62 years of age at the time of purchase, and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating

municipalities. **[Added 11-17-2015 by Ord. No. 2015.75¹]**

3. Nonresident commercial shellfish license. The license is available to nonresidents of this municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.
4. Residential recreational shellfish license. The license is available to residents and real estate taxpayers of this municipality and entitles the holder and guest(s) to dig and take no more than one peck of shellfish per any one day from the shores and flats of this municipality.
5. Nonresident recreational shellfish license. The license is available to any person, not a resident of this municipality and entitles the holder and guest(s) to dig and take not more than one peck of shellfish per any one day from the shores and flats of this municipality.
6. Resident/nonresident one-day recreational shellfish license. The license is available to any resident or nonresident and entitles the holder to dig and take not more than one peck of shellfish during the one and only day, or any part thereof, for which the license has been purchased.
7. Resident student commercial shellfish license. The student must be at least 16 years of age or older and under 23 years of age, based upon May 1 of the year of application. A person issued a student license is enrolled: **[Added 11-17-2015 by Ord. No. 2015.75]**
 - a. A person must show proof of age and proof of school attendance, except that students attending college must show proof of 12 credit hours per semester by a state-recognized accrediting agency or body.
 - b. A person attending a public day school in accordance with the attendance requirement of 20-A M.R.S.A. § 5001-A, Subsection 1.
 - c. A person meeting the requirements of an alternative to attendance at public day school in accordance with 20-A M.R.S.A. § 5001-A, Subsection 3.
 - d. A person under the age of 18 as of May 1 of the year of application must have a parent or legal guardian signature on the shellfish application.
 - e. A person may not be considered to have ceased to be a student during any interim between school years if the interim does not exceed five months and if it is shown that the person has a bona fide intention of continuing to pursue a full-time course of study during the semester or other enrollment period immediately following the interim period. For purposes of this subsection, "full-time course of study" means at least 60% of the usual course load for the program in which the person is enrolled.
 - f. The Shellfish Committee may revoke a student license if the licensee fails to maintain the required student status
8. Nonresident student commercial shellfish license. The student must be at least 16 years

1. Editor's Note: This ordinance also redesignated of former Subsection (a)(2) through (5) as Subsection (a)(3) through (6), respectively.

of age or older and under 23 years of age, based upon the May 1 of the year of application. A person issued a student license is enrolled: **[Added 11-17-2015 by Ord. No. 2015.75²]**

- a. A person must show proof of age and proof of school attendance, except that students attending college must show proof of 12 credit hours per semester by a state-recognized accrediting agency or body.
 - b. A person attending a public day school in accordance with the attendance requirement of 20-A M.R.S.A. § 5001-A, Subsection 1.
 - c. A person meeting the requirements of an alternative to attendance at public day school in accordance with 20-A M.R.S.A. § 5001-A, Subsection 3.
 - d. A person under the age of 18 as of May 1 of the year of application must have a parent or legal guardian signature on the shellfish application.
 - e. A person may not be considered to have ceased to be a student during any interim between school years if the interim does not exceed five months and if it is shown that the person has a bona fide intention of continuing to pursue a full-time course of study during the semester or other enrollment period immediately following the interim period. For purposes of this subsection, "full-time course of study" means at least 60% of the usual course load for the program in which the person is enrolled.
 - f. The Shellfish Committee may revoke a student license if the licensee fails to maintain the required student status
9. License must be signed. The licensee must sign the license to make it valid.
- (b) Application procedure. Any person may apply to the Clerk for the licenses required by this division on forms provided by the municipality.
1. Contents of application. The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature and whatever information the municipality may require.
 2. Misrepresentation. Any person who gives false information on a license application will cause said license to become invalid and void.
 3. [All recreational licenses will be available on a first come, first served basis, regardless of residency.](#)
- (c) Fees. The fees for the licenses are as stated below and must accompany in full the application for the respective license. The Clerk shall pay all fees received to the Treasurer except for \$3 of each license that will be retained by the Clerk as payment for issuing the license. Shellfish license fees and fines shall be used by the municipality for shellfish management, conservation and enforcement. **[Amended 11-17-2015 by Ord. No. 2015.75]**
1. Resident commercial: determined annually.
 2. Resident commercial over 62: determined annually.

2. Editor's Note: This ordinance also redesignated former Subsection (a)(6) as Subsection (a)(9).

3. Nonresident commercial: determined annually.
 4. Resident student commercial: determined annually.
 5. Nonresident student commercial: determined annually.
 6. Resident recreational: determined annually.
 - ~~7. Resident recreational 65 to 69 years old: determined annually.~~
 8. Nonresident recreational: determined annually.
 - ~~9. Nonresident recreational 65 to 69 years old: determined annually.~~
 10. Resident recreational 70 years old or older: free.
 11. Nonresident recreational 70 years old or older: free.
 12. Resident/nonresident one day only license: determined annually.
- (d) Limitation of diggers. Clam resources vary in density and size distribution from year to year and over the limited soft clam producing area of the municipality. It is essential that the municipality carefully husband its shellfish resources. If, following the annual review of the municipality's clam resources, its size distribution, abundance and the warden's reports, as required by Section 74-103, the Shellfish Conservation Committee, in consultation with the DMR ~~area biologist~~, marine resource scientist, determines limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year:
1. Prior to April 1, the Committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence.
 2. After receiving approval of proposed license allocations from the Commissioner of Marine resources and prior to May 1, the Shellfish Conservation Committee shall notify the Clerk in writing of the number and allocation of shellfish licenses to be issued.
 3. Notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes.
 4. The Clerk shall issue licenses to residents and nonresidents as allocated starting June 1 ~~to residents and nonresidents~~ on a first-come, first-served basis. **[Amended 11-17-2015 by Ord. No. 2015.75]**
 5. Licenses may be returned to the municipality voluntarily and reissued to another person at the current fee according to the priorities established in this section. Any license returned is nonrefundable.
 - ~~6. Members of the Shellfish Conservation Committee shall be entitled to apply for a recreational shellfish license 30 days in advance of general license sales.~~

7. All clam diggers/harvesters must use hand implements only – no assisted air harvesting (scuba diving). **[Amended 11-17-2015 by Ord. No. 2015.75]**
 8. There shall be no night digging of shellfish. "Night" is defined as 1/2 hour after sunset and 1/2 hour before sunrise. **[Added 11-17-2015 by Ord. No. 2015.75³]**
 9. All recreational clam diggers/harvesters shall not possess more than one container while harvesting. The container must have a maximum volume of not more than 10 quarts. NOTE: A ten-quart pail filled to within one inch of the rim is approximately one peck of clams.
- (e) Open license sales. When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year:
1. Notice of the dates, places, times and the procedures for the license sales shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the initial sale date and shall be posted in the municipal offices. A copy of the notice shall be provided to the Commissioner of Marine Resources.
 2. For each commercial license category, the Clerk shall issue one license to nonresidents when six licenses are issued to residents and one more to nonresidents when five more are issued to residents; thereafter, one nonresident license will be issued for every 10 additional resident licenses issued. A total of no less than 10% of the total number of resident licenses shall be issued to non-residents in accordance with DMR regulation 70.43 **[Amended 11-17-2015 by Ord. No. 2015.75]**
- (f) License expiration date. Each license issued under authority of this article expires at midnight on the last day of May next following the date of issuance.
- (g) Fee waivers. Recreational shellfish license fees will be waived for license holders 70 years or older. Individuals 12 years or younger do not need a license to assist a recreational shellfish license holder in harvesting not more than one peck of shellfish in total per any one day.
- (h) Suspension. Any shellfish licensee having three convictions for a violation of this division shall have ~~his~~ their shellfish license automatically suspended for a period of 30 days.
1. A licensee whose shellfish license has been suspended pursuant to this division may reapply for a license only after the suspension period has expired.
 2. The suspension shall be effective from the date of mailing of a notice of suspension by the Clerk to the licensee.
 3. Any licensee whose shellfish license has automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written request for hearing with the Clerk within 30 days following the effective date of suspension. The licensee may appeal the decision of the Shellfish

3. Editor's Note: This ordinance also redesignated former Subsection (d)(8) as Subsection (d)(9).

Conservation Committee before the Council by filing a written request for an appeal with the Clerk within seven days of the decision of the Shellfish Conservation Committee.

- (i) Shellfish harvesting log. Commercial shellfish license holders shall be required to keep a shellfish harvesting log which must be submitted to the Shellfish Conservation Committee Secretary no later than the 15th of the following month. The log will include the date, location and number of bushels harvested during each day; failure to maintain and submit monthly shellfish harvesting logs shall cause the harvester to lose automatic license retention. **[Amended 11-17-2015 by Ord. No. 2015.75]**
- (j) Conservation benefit. Biddeford commercial shellfish license holders who have purchased their licenses during the period of issuance for the previous license year and who have completed 12 hours of conservation work under the supervision of the Shellfish Conservation Committee shall be permitted to purchase a shellfish license the next year for a reduced fee, to be set by the Shellfish Committee annually, and purchased during the first week preceding the regular sale [date of June 1](#). The Shellfish Conservation Committee will preapprove all accepted conservation projects by a majority vote. These records will be kept by the Secretary. In the event all commercial license holders complete their conservation obligation and it is deemed that licenses must be reduced for the following year, licenses will be issued by seniority. "Seniority" is defined as number of years a license has been held. If a tie in seniority occurs, the City Clerk will conduct a lottery to break the tie. [The lottery will be conducted by placing the names in a container, then selecting one to determine the winner.](#) **[Amended 11-17-2015 by Ord. No. 2015.75]**

Sec. 74-106. Opening and closing of flats. [Ord. No. 2000.20, § 6, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

- (a) The municipal officials, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendations of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources ~~area biologist~~ [marine resource scientist](#) that the status of shellfish resources and other factors bearing on sound management indicate that an area should be opened or closed, the municipal officials may call a public hearing and shall send a copy of the notice to the Department of Marine Resources. The decision of the municipal officials made after the hearing shall be based on findings of fact.
- (b) It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed by the City of Biddeford in accordance with the Department of Marine Resources (DMR) Regulation Chapter 7. Harvesting shellfish in a closed area is a violation of this municipality's ordinance and is punishable under 12 M.R.S.A. § 6671. **[Added 9-6-2016 by Ord. No. 2016.75]**
- (c) Boundaries of conservation closures are explicitly defined in the conservation closure application submitted by the City of Biddeford to DMR and are part of the resulting permit issued by DMR. These permits are posted at the City Clerk's Office and on the DMR website. **[Added 9-6-2016 by Ord. No. 2016.75]**

Sec. 74-107. Minimum legal size of soft-shell clams. [Ord. No. 2000.20, § 7, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

It is unlawful for any person to possess soft shell clams within the municipality which are less than two inches in the longest diameter except as provided by Subsection (b) of this section

(a) Definitions:

1. Lot. The word "lot" as used in this division means the total number of soft-shell clams in any bulk pile. Where soft-shell clams are in a box, barrel, or other container, the contents of each box, barrel, or other container constitute a separate lot.
2. Possess. For the purpose of this section, "possess" means dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft-shell clam shell stock.

(b) Tolerance. Any person may possess soft-shell clams that are less than two inches if they comprise less than 10% of any lot. The tolerance shall be determined by count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one peck.

(c) Penalty. Whoever violates any provision of this section shall be punished as provided by 12 M.R.S.A. § 6681.

Sec. 74-108. Penalty. [Ord. No. 2000.20, § 8, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

A person who violates this division shall be punished as provided by 12 M.R.S.A. § 6671(10).

Sec. 74-109. Effective date. [Ord. No. 2000.20, § 9, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

This division, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the municipality, provided that a certified copy of the ordinance from which this division is derived is filed with the Commissioner within 20 days of its adoption.

Sec. 74-110. Period of ordinance. [Ord. No. 2000.20, § 10, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

This article shall remain in effect until eliminated or amended.

Sec. 74-111. Separability. [Ord. No. 2000.20, § 11, 4-4-2000; Ord. No. 2002.33, 4-2-2002]

If any section, subsection, sentence or part of this division is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this division.

Sec. 74-112. Repeal. [Ord. No. 2000.20, § 12, 4-4-2000; Ord. No. 2002.33, 4-2-2002]

Any ordinance regulating the harvesting or conservation of shellfish in the municipality and any provisions of any other municipal ordinance that is inconsistent with this division is hereby repealed.



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
MARINE RESOURCES LABORATORY
P.O. BOX 8, 194 MCKOWN POINT RD
W. BOOTHBAY HARBOR, MAINE
04575-0008

PATRICK C. KELIHER
COMMISSIONER

March 11, 2024

Robin Patterson, Town Clerk
P.O. Box 586
Biddeford, ME 04005

Re: 2024 Allocation Approval- Biddeford

Dear Ms. Patterson:

We have reviewed the proposed shellfish license allocations for 2024, and hereby approve them as follows:

The required 10% rule for issuing non-resident licenses is a minimum requirement and the town may choose to issue more than 10% if desired.

<i>Class</i>	<i>Subclass</i>	<i>Amount</i>	<i>Cost</i>
Commercial	Resident	9	\$200
Commercial	Nonresident	1	\$400
Recreational	Resident	No Limit Set	\$30.00
Recreational	Nonresident	10%	\$60.00
Recreational	Nonresident day	10/day	\$20.00

Licenses may be issued starting on June 3, 2024, following a minimum of 10 days advertising pursuant to Title 12. §6671 3-A. C.

Please feel free to reach out with any questions.

Sincerely,

Meredith White, Nearshore Marine Resources Program Supervisor

Cc: Ari Leach, Marine Resource Scientist II



Policy Committee

Meeting Date: February 24, 2025
Meeting Time: 6:00 PM
Agenda Item No: 5.b
Item Description: Vacant Building Registration
Submitted By: Roby Fecteau, Code Enforcement Officer

Supporting Information/Documentation:

20250123 Proposed Vacant Building Registration Ordinance - REVISED Ver 2.0 (002)

Key Terms:

Executive Summary:

This item entails review of a proposed ordinance structured to establish a vacant building registry, escalating fee structure, and penalty provision. The proposed ordinance is intended to provide an incentive for keeping buildings occupied.

Detailed Review:

The City of Biddeford recognizes that vacant buildings negatively impact property values, neighborhood safety, and overall development within the downtown area. To address these concerns, this proposed ordinance establishes a vacant building registration requirement and an escalating fee structure to encourage property owners to return vacant buildings to productive use. At the height of the foreclosure crisis in 2008, Biddeford had over 50 buildings that were vacated. Many times it was difficult to find the responsible party to have work done to the property. Having an ordinance that requires registration would make things easier to contact banks, financial mortgage companies and current owners. It would also give us the tools to impose penalties for non-compliance.

This ordinance has been updated based on the committee review from the October 28, 2024, meeting. Blue underline is added/clarified information. Red strikethrough is deletions.

Funding Source:

Staff Recommendation:

Staff recommends acceptance of the ordinance as presented with a recommendation to for to City Council for adoption.

REVISED DRAFT Ver 2.0

Sec. 34-562: Vacant Building Registration and Fees

A. Purpose. The City of Biddeford recognizes that vacant buildings negatively impact property values, neighborhood safety, and overall development within the downtown area. To address these concerns, this provision establishes a vacant building registration requirement and an escalating fee structure to encourage property owners to return vacant buildings to productive use.

B. Definitions.

1. **Vacant Building.** A vacant building is any building or structure, regardless of its zoning designation, that meets the following criteria:
 - i. **Unoccupied or Largely Unused:** The building as a whole is unoccupied and has been devoid of lawful and consistent human use or activity for a period of 60 consecutive days or more.
 - For multi-unit buildings, the property is considered vacant only if all units or sections within the building are unoccupied. Any portion of the building that remains lawfully occupied or actively in use will exempt the entire building from being deemed vacant.
 - ii. **Not Actively in Use for Its Intended Purpose:** The building is not being actively utilized for its primary intended residential, commercial, or industrial purpose, including but not limited to habitation, commerce, or manufacturing.
 - iii. **Exclusions for Temporary or Minimal Use:** Temporary, sporadic, or occasional entry into the building or its premises, including activities such as maintenance visits or limited, single-day usage, does not constitute occupancy for the purposes of this ordinance.
 - iv. **Exceptions for Documented Cases:** Properties subject to specific exceptions as outlined in Section 34-562(D) are excluded from this definition provided proper documentation is submitted and approved by the Code Enforcement Office.
 - v. **Seasonal Single-Family Homes” Properties that are only occupied during certain seasons shall not apply to this ordinance.**

C. Registration Requirement.

All owners of vacant buildings, both residential and commercial, located within any zone in the City of Biddeford, except for the Rural Farm (RF) and Limited Rural Farm (LRF) zones, must register their property with the Code Enforcement Office within 60 days of the building becoming vacant. The registration shall be valid for a period of six-months. Upon expiration of the registration a renewal must be filed within 15-days of the expiration date and thereafter for any

subsequent renewals. Failure to register or renew the registration for the property within the prescribed time frame shall result in penalties as outlined in subsection GH.

D. Initial Registration and Renewal Fees.

1. The initial registration shall be active for a period of six-months from the date of receipt of the initial registration by the Code Enforcement Office, or the date of the required initial registration as defined in subsection C, whichever is earlier. Upon registering a vacant building, the owner must pay an initial fee of ~~\$300~~\$0.00 for the first six-month registration period.
2. For each subsequent renewal, a fee shall be due ~~the fee will double,~~ escalating as follows:
 - First renewal (after six months): ~~\$600~~150
 - Second renewal (after 12 months): ~~\$1,200~~300
 - Third renewal (after 18 months): ~~\$2,400~~600
 - Subsequent renewals: ~~\$4,800~~1,200 (annual cap)
3. This escalating fee structure is intended to incentivize owners to rehabilitate or sell their properties, minimizing the time buildings remain vacant.

E. Exceptions. The following types of vacant properties are exempt from the fee structure but must still register with the Code Enforcement Office:

1. Primary residences of individuals on active military duty.
2. Properties where owners have filed proper documentation indicating seasonal or alternative living arrangements, with the intention to return.
3. Properties undergoing repairs due to fire or natural disasters, provided the owner is actively working to restore the building.
4. Property owners demonstrating hardships

F. Standards for Vacant Building Maintenance. All vacant buildings must comply with minimum maintenance standards to ensure public safety and neighborhood quality, including:

1. Securing all doors, windows, and other openings to prevent intrusion.
2. Maintaining the building and surrounding premises in a clean and sanitary condition, free from hazards or nuisances, including trash and overgrown vegetation.
3. Ensuring the building remains structurally sound and free of damage that could pose risks to public health or safety.
4. Demonstrated Hardships:
 - i. Property owners who can demonstrate significant financial, legal, or personal hardships that prevent them from actively occupying, selling, or rehabilitating the building may request an exemption from the fee structure.
 - ii. Such exemptions will be granted on a case-by-case basis upon submission of appropriate documentation to the Code Enforcement Office. Examples of qualifying hardships may include, but are not limited to:
 - a. Pending legal proceedings (e.g., probate or foreclosure).

- b. [Substantial financial constraints due to unforeseen circumstances.](#)
- c. [Medical or family emergencies that impede the owner's ability to manage the property.](#)
- iii. [Exemptions for demonstrated hardships must be renewed every six months and are subject to review to ensure the hardship persists.](#)

G. Enforcement. The Code Enforcement Office will inspect vacant buildings during each registration period to ensure compliance with maintenance standards. Failure to meet these standards may result in the issuance of an abatement order, as well as additional fines.

H. Violations and Penalties.

1. Any owner who fails to register a vacant property within the required time frame shall be subject to a fine of \$500 for each month the building remains unregistered.
2. In addition to registration penalties, properties deemed dangerous or abandoned by the Code Enforcement Office may be subject to condemnation or further enforcement actions, including foreclosure proceedings.

Sec. 34-563: Appeal Procedure

A. Right to Appeal.

Any property owner or responsible party who is issued a notice of violation, denied a vacant building registration permit, or subject to fees under this ordinance has the right to appeal the decision.

B. Appeal Process.

1. Appeals must be submitted in writing to the Code Enforcement Office within 30 days of receiving the notice of violation, permit denial, or fee assessment.
2. The appeal shall be reviewed by the City Manager.

C. Appeal Review.

The City Manager will:

1. Review the circumstances leading to the violation, permit denial, or fee assessment, as well as any relevant documentation provided by the property owner.
2. Consider statements from both the property owner or responsible party and the Code Enforcement Officer.
3. Make a determination based on the evidence and applicable city ordinances.

D. Decision.

The City Manager shall issue a decision within 30 days of the appeal submission. The decision may:

1. Uphold the notice of violation, permit denial, or fee assessment.
2. Reverse or modify the decision of the Code Enforcement Officer if deemed

appropriate based on the facts presented.

E. Finality of Decision.

The decision of the City Manager is final. Further appeals may be pursued in accordance with state law.



Policy Committee

Meeting Date: February 24, 2025
Meeting Time: 6:00 PM
Agenda Item No: 5.c
Item Description: Amendment Citizens' Advisory Committee Ordinance
Submitted By: Jessica Wilson, Community Development & Grants Manager

Supporting Information/Documentation:

Citizens' Advisory Committee Ordinance - PROPOSED FINAL DRAFT FEB 2025

Key Terms:

CDBG: Community Development Block Grant, an annual award provided on a formula basis to entitled cities to develop viable communities via decent housing and a suitable living environment and via expanded economic opportunities, principally for low- and moderate-income persons (i.e., households earning no more than 80% of area median income).

Executive Summary:

This proposed Ordinance Amendment includes the responsibility of the CAC in the application process for those seeking an award of CDBG funds.

Detailed Review:

The Policy Committee previously reviewed and approved this ordinance to move forward to Council for final approval. Staff changes delayed presentation of this ordinance. A couple minor additions and deletions were made with the most notable change being the addition of a paragraph outlining the CAC's role in the application for funding process.

Proposed text shown in blue underline and text deletions shown in ~~red strikethrough~~.

Funding Source:

N/A

Staff Recommendation:

Staff recommends approval of the ordinance as written with a further recommendation to forward the approved version to City Council for adoption.

Chapter 2 Article IV Boards, Committees, Commissions

Division 16 Citizens' Advisory Committee

Establishment.

There is hereby created and established the Citizens Advisory Committee, herein after CAC, comprised of seven members and a staff member of the Biddeford Office of Planning and Development serving in an ex-officio capacity. All members shall be citizens and reside within the corporate limits of the City of Biddeford, with the exception of the ex-officio member, who may reside outside of the City.

In appointing members to the CAC, the Mayor and City Council shall seek to appoint members from a cross section of all citizens, with particular emphasis on those living in US Census Tracts within City limits that are considered to be "low/moderate income" by the US Department of Housing and Urban Development (HUD). The CAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council.

Purpose; responsibilities.

(a) The purpose of the Committee is to promote citizen participation through its role in advising the Community Development Coordinator and City Council on matters pertaining to the City's Community Development Block Grant (CDBG) programs. The Committee oversees the funding recommendations for the CDBG dollars received from the U.S. Department of Housing and Urban Development (HUD). It assures that the housing and community development needs of the City of Biddeford's low- and moderate-income residents are addressed through projects and activities. ~~provide an organized forum for two-way communication between the Office of Planning and Development and the community regarding Community Development Block Grant (CDBG) funding priorities and other community development needs.~~

(b) Responsibilities shall include:

(1) Providing comments and/or recommendations in areas such as the assessment of needs, reviewing potential projects, and participating in Public Hearings to keep the citizenry informed.

(2) Reviewing the Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Consolidated Annual Action Plan and any substantial amendments to any of the foregoing documents prior to publication, public review and public hearings.

(3) Outreach to individuals and groups in the neighborhood(s) to involve them in decision making.

(4) Where appropriate, making recommendations to the Office of Planning and Development and City Council on substantive issues, with the goal of improved community input to the City's Community Development Block Grant funding allocations.

(5) Assist the Office of Planning and Development in identifying potential community partnerships, resources, and support to address emerging community needs and development opportunities that are eligible for CDBG funding.

(6) Receive information and comments from fellow citizens at the Committee's regular monthly meetings and biennial public hearing forums.

(7) Make presentations to the City Council at such times as may be requested by the City Council or as the CAC determines is necessary.

(c) The Committee is strictly advisory in nature and has no decision-making authority and is prohibited from incurring expenses, making payments, entering into contracts, leases, or obligations or otherwise binding the City.

(d) Application Process for Use of CDBG Funds:

All entities seeking to utilize Community Development Block Grant (CDBG) funds, including the City of Biddeford, must complete a formal application. The annual call for applications will open each year, with requirements for proposals outlined in alignment with the most current 5-year plan approved by the City Council. Applications will first undergo a completeness review by the CDBG Coordinator, followed by an evaluation and recommendation by the CAC. The CAC will then submit their recommendations to the City Council for final approval. This process ensures a transparent and equitable method for deciding between competing projects, providing all applicants with an equal opportunity to access CDBG funds.

Membership.

Members shall be appointed by the Mayor and confirmed by a majority of the City Council for staggered two-year terms. One seat shall be reserved for a City Council member, who will be nominated by the mayor and confirmed by the City Council. All subsequent appointments, except to fill a vacancy, shall be for two-year terms. After the initial term expires, the member may apply for reappointment for up to one additional two-year term. Thereafter, the member will need to wait one full year before re-applying for appointment. Members of the Committee shall serve without pay and at the discretion of the City Council. The Planning & Development Director will designate the ex officio staff member to provide assistance to the CAC.

Vacancies.

A vacancy in the membership of the Committee shall be determined upon the occurrence of any of the following:

- (1) The change in a member's primary residence to a place outside the City;
- (2) The death of a member;
- (3) The effective date of the resignation of a member;
- (4) The expiration of the member's term of office;
- (5) Three unexcused absences during a one-year period;
- (6) The removal of a member by the City Council for misconduct or nonperformance of duty.

A member may resign by submitting a written resignation to the Chair of the Committee. Once received by the Chair of the Committee, the Mayor's office will be notified. The resignation may not be withdrawn, and the member's office shall become vacant on the date specified in the resignation.

If a vacancy in the membership of the Committee occurs, the Mayor shall nominate a person to fill the vacancy within a period not to exceed thirty (30) days of its occurrence. The nomination shall be subject to the confirmation of the City Council. The person named to fill a vacancy shall serve out the term of the individual he/she replaces on the Committee. This term shall count as the member's first term and they will be eligible for a full 2-year term on completion of the term filled, after which they must wait one full year before re-applying for appointment.

Organization of Committee.

- (a) The Committee shall annually elect one of its members as Chair and one of its members as Secretary. The Committee may also elect a Vice Chair.
- (b) A quorum shall consist of 50% (plus one if an even number) of appointed members. The Chair shall be counted in determining a quorum and shall have one vote.
- (c) A quorum shall be necessary to take any CAC action authorized or required. An issue shall carry by a majority of those voting.
- (d) The ex-officio member of the CAC is a nonvoting member and shall serve in an advisory capacity.
- (e) Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.
- (f) The CAC may adopt and amend from time to time rules to govern the conduct of its administrative business.

Meetings.

- (a) Meetings of the CAC shall be established by the Committee. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Meetings may be conducted virtually. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff a minimum of forty-eight (48) hours in advance of said meeting.
- (b) All regularly scheduled and special meetings shall have an agenda approved by the Chair.
- (c) The Committee shall meet a minimum of four (4) times per year, but may meet as often as the members deem necessary.

Conflict of Interest.

The Committee has adopted a Conflict of Interest policy due to U.S. Department of Housing and Urban Development (HUD) regulations regarding eligible recipients of Community Development Block Grant funding. The Conflict of Interest policy shall be shared with all members and potential members. Non-members can request to see the policy by contacting the city staff liaison to the Committee.



Policy Committee

Meeting Date: February 24, 2025
Meeting Time: 6:00 PM
Agenda Item No: 5.d
Item Description: Comprehensive Board/Committee/Commission Review
Submitted By: Brian S. Phinney, COO

Supporting Information/Documentation:

City Charter - (Finance, Budget, Police Advisory, Fire Advisory), Biddeford Police Advisory Committee-Policy Review, Biddeford Fire Advisory Committee- Policy Review, Board of Assesment Review -Policy Review, Board of Appeals -ZBA- Policy Review Rev, Planning Board- Policy Review, Shellfish Conservation Commission-Policy Review, Saco River Corridor Commission- Policy Review, BSFOB Transit Committee- Policy Review, Ad-Hoc and other Committee's-Policy Review, Standing Committees -Policy Review Rev, Airport Commission - Policy Review, Biddeford Housing Authority -Policy Review, Cable TV Committee-Policy Review, Citizen's Advisory Committee -Policy Review, Conservation Commission-Policy review, Diversity, Equity & Inclusion Committee-Policy Review, Downtown Development Commission-Policy Review, Harbor Commission-Policy Review, Historic Preservation Commission-Policy Review, Project Canopy Committee-Policy Review, Recreation Commission-Policy Review, Recycling & Waste Management Commission-Policy Review, Wastewater Management Commission -Policy Review

Key Terms:

Executive Summary:

This item involves a committee-led comprehensive review of the various boards, committees, and commissions to, among other things, evaluate the potential for combining committees to achieve greater efficiencies or eliminating committees to assist with quorum issues.

Detailed Review:

The Policy Committee requested a review of the various boards, committees, and commissions referred to hereafter as "committees". The impetus for the review includes addressing quorum issues, evaluating defined purpose and objective criteria for overlap in order to potentially combine committees or, depending on circumstances, eliminate committees, which may also assist with quorum issues.

It is recommended that the Policy Committee start with a review of the committees in the following order: established by Charter, statutory committees, membership committees, ad hoc and otherwise undefined committees, standing committees identified under the Rules of the City Council, and finally committees codified by ordinance. The summary is provided below:

- Charter - Police Advisory Committee, Fire Advisory Committee, Finance Committee and Budget Committee
- Statutory Committees - Board of Assessment Review, Planning Board, Zoning Board of Appeals, Shellfish Conservation Commission
- Membership Committees - BSOOB Transit Committee and Saco River Corridor Commission
- Ad Hoc and Otherwise Undefined Committees - Veterans Committee, Easter Fire/EMS Building Committee, J.F.K. School Building Re-use Committee, Joint Biddeford Saco Committee, Maine Water Citizens Advisory, Biddeford Arena Board, Biddeford Education Foundation, Chamber of Commerce Liaison, Clayton & Virginia Cartmill Trust
- Standing Committees under Rules of the City Council - Capital Projects/Operations Committee, Finance Committee (if not already evaluated), Personnel Committee, Traffic Committee and Policy Committee
- Codified by Ordinance - balance of committees

The order of review is recommended to place the committees with the anticipated more detailed review at the end of the process, clearing the committees with anticipated cursory review early in the process.

Funding Source:

N/A

Staff Recommendation:

Staff is neutral as this is a policy matter. Staff remains available to offer comment and opinion as requested.

ARTICLE XI
BUSINESS AND FINANCIAL PROVISIONS

Sec. 1. The City Council Finance Committee.

The Finance Committee shall be comprised of the Mayor, Council President and two other members of the City Council; one Council member being nominated by the Council President and confirmed by the City Council, the other being nominated by the Mayor and confirmed by the City Council. In addition, the Finance Director and the City Manager shall be nonvoting members.

Sec. 2. Budget Committee.

- (a) There shall be a Budget Committee convened annually, not later than the first week in March which shall review and propose the Municipal and School Department budgets for the ensuing fiscal year.
- (b) The Budget Committee shall be comprised of the entire City Council. The Mayor shall serve as Chair and shall vote only in case of a tie. The City Manager and the Finance Director shall serve as non-voting staff members to the Committee.
- (c) The Budget shall be submitted to the City Council in two parts, one by the City Manager and one by the Superintendent of Schools. The proposed budget shall be submitted by the Superintendent of Schools in the format outlined in Article V, Section 4.
- (d) The Budget Committee shall, at the latest, by the first Monday in May each year, submit to the City Council a budget showing the proposed expenditures for the various departments, other principal or subordinate departments and a contingent fund.
- (e) A summary of a proposed budget shall be published at least once in a local newspaper of general circulation within the City within 14 days following submission to the City Council.
- (f) The City Council may, before adopting the annual appropriation resolve, make appropriations for current department expenses; however, these appropriations will be included in the annual appropriation resolve.
- (g) At least one public hearing shall be held on the City budget prior to its adoption by the City Council.
- (h) The City budget shall be adopted by the City Council prior to the beginning of the next fiscal year.
- (i) Capital Improvement Program. The City Manager and School Committee shall submit to the Budget Committee, Mayor and City Council a Capital Improvement 5-Year Budget Plan at the second regular meeting of the City Council in November of each year. Annually, during the budget process, the City shall appropriate at least five hundredths of one percent (0.05%) of the previous fiscal year's total taxable valuation for the sole purpose of funding the capital improvements. Should the City Council make a determination that unusual circumstances prevent funding at this level; the City Council may override this requirement. To override the requirement, at least six members of the Council must vote in favor of an override order. Said order shall include the determination and explanation of the unusual circumstances. **[Added 11-8-2016]**

{End CITY CHARTER Section}

ARTICLE VII
FIRE ADVISORY COMMITTEE
[Amended 11-8-2016]

The City Council shall create an ordinance to establish a Fire Advisory Committee in the Code of Ordinances.

{End City Charter}

ARTICLE VI
POLICE ADVISORY COMMITTEE
[Amended 11-8-2016]

The City Council shall create an ordinance to establish a Police Advisory Committee in the Code of Ordinances.

{End City Charter}

COMMITTEE	MEMBERS	EXP. DATE	TERM
Biddeford Police Advisory Committee	Carolyn Southwick, Chair	12/2027	5 YEARS
	Andrew Barrs, Vice Chair	12/2025	
	Jake Pierson	12/2026	
	Kelly Seiler	12/2028	
	Frederick Olson	12/2025	
Staff Liaison	Chief JoAnne Fisk		

Biddeford Police Advisory Committee

ARTICLE VI POLICE ADVISORY COMMITTEE [Amended 11-8-2016]

The City Council shall create an ordinance to establish a Police Advisory Committee in the Code of Ordinances.

DIVISION 12 POLICE ADVISORY COMMITTEE [Added 1-3-2017 by Ord. No. 2016.119][1] [1]

Editor's Note: This ordinance originally added Sections 2-341 through 2-345. These sections were renumbered as Sections 2-320 through 2-324, respectively as the Code already contained Sections 2-341 through 2-345.

Sec. 2-320. Establishment. [Amended 12-15-2020 by Ord. No. 2020.84]

There is hereby created and established the Biddeford Police Advisory Committee, hereinafter BPAC, comprised of five members and a member of the Biddeford Police Department to serve as an ex officio member. All members shall be citizens and reside within the corporate limits of the City of Biddeford, with the exception of the ex officio member who may reside outside of the City. In appointing members to the BPAC, the Mayor and City Council shall seek to appoint members from a cross section of all citizens, taking into consideration the person's expertise, background and other relevant experiences. The BPAC is established under the authority of the Biddeford City Council and shall serve under the directive of the City Council.

Sec. 2-321. Purpose; responsibilities.

- (a) The purpose of the Committee is to provide an organized forum for two-way communication between the Biddeford Police Department and the community.
- (b) Responsibilities shall include:
 - (1) When appropriate, make recommendations to the Police Department on matters, with a goal of enhancing police-community relations. These recommendations shall not include personnel matters involving individual members or officers of the Police Department, or matters that deal with daily police operational enforcement and implementation strategies. [Amended 12-15-2020 by Ord. No. 2020.84]
 - (2) Assist in identifying potential Police Department community partnerships that focus or address public safety matters within the community. [Amended 12-15-2020 by Ord. No. 2020.84]
 - (3) Identify community resources and support for public safety activities. [Amended 12-15-2020 by Ord. No. 2020.84]
 - (4) Receive information and comments from citizens at the Committee's open and public

meeting forum regarding public safety issues.

- (5) Make reports to the City Council and/or Police Chief at such times as may be requested by the City Council, Police Chief or as the BPAC determines is necessary. Make reports to the City Council at such times as may be requested by the City Council. **[Amended 12-15-2020 by Ord. No. 2020.84]**

Sec. 2-322. Membership.

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

Sec. 2-323. Organization of Committee.

Sec. 2-323

Sec. 2-325

- (a) The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three members. The Chair shall be counted in determining a quorum and shall have one vote.
- (b) The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair, or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one vote.
- (c) The ex officio member of the BPAC is a nonvoting member and shall serve in an advisory capacity.
- (d) The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.
- (e) A quorum consisting of three members shall be necessary to take any BPAC action authorized or required by this article. An issue shall carry by a majority of those voting.
- (f) Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.
- (g) The BPAC may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provisions of this division.

Sec. 2-324. Meetings.

- (a) Meetings of the Biddeford Police Advisory Committee shall be at the call of the Chair, and established by the BPAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or

place shall be provided to all members, the public, and the administrative staff 48 hours in advance of said meeting. **[Amended 12-15-2020 by Ord. No. 2020.84]**

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

Sec. 2-325. (Reserved)

COMMITTEE	MEMBERS	EXP. DATE	TERM
Biddeford Fire Advisory Committee	Kyle Scully	12/2025	5 YEARS
	Stephani Walsh	12/2025	
	Rick Laverriere	12/2029	Vice Chair until 8/26
	Kenneth Pendleton	12/2028	Chair until 8/26
	Kevin Locke	12/2029	
Staff Liaison	Chief Lawrence Best		

Biddeford Fire Advisory Committee

ARTICLE VII

FIRE ADVISORY COMMITTEE

[Amended 11-8-2016]

The City Council shall create an ordinance to establish a Fire Advisory Committee in the Code of Ordinances.

[Added 1-3-2017 by Ord. No. 2016.118][1]

[1]

Editor's Note: This ordinance originally added Sections 2-326 through 2-330. These sections were renumbered as Sections 2-315 through 2-319, respectively as the Code already contained Sections 2-326 through 2-330.

Sec. 2-315. Establishment.

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

Sec. 2-316. Purpose; responsibilities.

- (a) The purpose of the Committee is to provide an organized forum for two-way communication between the Biddeford Fire Department and the community.
- (b) Responsibilities shall include:
 - (1) Where appropriate, make recommendations to the City Council and Fire Department on substantive issues, with the goal of improved fire services. For the purpose of this division, "substantive issues" are defined as matters of major or practical importance to all concerned. It shall not include personnel issues involving individual members or officers of the Fire Department or daily fire operations and implementation.
 - (2) Assist in identifying potential Fire Department community partnerships to address public safety related issues within the community.
 - (3) Identify community resources and support for public safety activities (such as parking and traffic); and give input to the City Council and the Fire Department regarding perceived effectiveness.
 - (4) Receive information and comments from citizens at the Committee's open and public meeting forum regarding public safety issues.
 - (5) Make reports to the City Council at such times as may be requested by the City Council or as the BFAC determines is necessary.

Sec. 2-317. Membership.

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

Sec. 2-318. Organization of Committee.

- (a) The Mayor shall appoint a Chair and a Vice Chair. The Chair shall serve a two-year term. A quorum shall consist of three members. The Chair shall be counted in determining a quorum and shall have one vote.
- (b) The Vice Chair shall serve a two-year term. The Vice Chair shall serve as Chair upon the death or resignation of the Chair, or upon the office of the Chair becoming vacant. The Vice Chair shall discharge the powers of the office of the Chair at any meeting at which the Chair is absent. The Vice Chair shall be counted in determining a quorum and shall have one vote.
- (c) The ex officio member of the BFAC is a nonvoting member and shall serve in an advisory capacity.
- (d) The duties of a secretary responsible for recording meeting minutes shall be rotated sequentially among the Committee's membership for each meeting. The Chair shall be excluded from this responsibility. A roster for secretarial duties shall be established by the Committee.
- (e) A quorum consisting of three members shall be necessary to take any BFAC action authorized or required by this division. An issue shall carry by a majority of those voting.
- (f) Notice of any expired terms and/or vacancies shall be given to the public. The Mayor shall nominate and the City Council shall confirm all appointments to fill expired terms and/or vacancies. The City Council may remove any member for misconduct or nonperformance of duty.
- (g) The BFAC may adopt and amend from time to time rules to govern the conduct of its administrative business, consistent with the provisions of this division.

Sec. 2-319. Meetings.

- (a) Meetings of the Biddeford Fire Advisory Committee shall be established by the BFAC. Meetings shall be held at the Biddeford City Hall or at a suitable municipal public location. Prior notice of any change in meeting date, time or place shall be provided to all members, the public, and the administrative staff 48 hours in advance of said meeting.
- (b) All regularly scheduled and special meetings shall have an agenda approved by the Chair.

COMMITTEE	MEMBERS	EXP. DATE	TERM
Board of Assessment Review	Brian Fleurant, Vice Chair	12/2028	5 YEARS
	Ari Brandstein	12/2025	
	Syed Zafar	12/2027	
	Quang Minh Le	12/2028	
	Jessica Johnson	12/2026	
Staff Liaison	Deanne Vail, City Assessor		

BOARD OF ASSESSMENT REVIEW

Division 8 Board of Assessment Review

Sec. 2-296. Adopted. [Code 1975, § 22-33]

Pursuant to 36 M.R.S.A. § 843, a Board of Assessment Review is hereby established.

Sec. 2-297. Composition. [Code 1975, § 22-34]

The Board of Assessment Review shall consist of five members.

Sec. 2-298. Appointment of members. [Code 1975, § 22-35; Ord. No. 99.69, 8-17-1999]

The members of the Board of Assessment Review shall, subject to confirmation by the Council, be nominated by the Mayor.

Sec. 2-299. Terms of office of members. [Code 1975, § 22-36]

The terms of office of members of the Board of Assessment Review shall not exceed five years and no more than two members' terms of office shall expire in a single year.

Sec. 2-300. Compensation. [Code 1975, § 22-37]

The members of the Board of Assessment Review shall receive such compensation as determined and approved by the City Council.

Sec. 2-301. Duty to review tax appeals. [Code 1975, § 22-38]

It shall be the duty of the Board of Assessment Review to review appeals duly filed in writing by taxpayers regarding any tax assessment made by the Tax Assessor.

Sec. 2-302. Authority to review tax assessments. [Code 1975, § 22-39]

Any member of the Board of Assessment Review shall have authority to initiate an appeal in writing for review of any tax assessment made by the Tax Assessor which he deems to merit review.

Sec. 2-303. Political activities of members restricted. [Code 1975, § 22-40]

The members of the Board of Assessment Review shall not indulge in City political activity as defined and understood under the Hatch Act.

Sec. 2-304. through Sec. 2-305. (Reserved)

COMMITTEE	MEMBERS	EXP DATE	TERM
Zoning Board of Appeals	Don Furman, Chair Ward 1	12/2026	3 YEARS
	Syed Zafar Ward 5	12/2025	
	Carolyn Schmidtke	12/2025	
	VACANT	12/2026	
	Ari Brandstein Ward 2	12/2024	
	VACANT	12/2025	
	Associate Member		
	Associate Member		
	Staff	Roby Fecteau, Code Enforcement Officer	

* no more than two members from one Ward*

Article IX

BOARD OF APPEALS

Section 1.	Establishment and organization.	Section 5.	Appeals to the Board of Appeals.
Section 2.	Proceedings of the Board of Appeals.	Section 6.	Decisions of the Board of Appeals.
Section 3.	Conflicts.	Section 7.	Stay of proceedings.
Section 4.	Powers and duties.	Section 8.	Rehearing.

Section 1. Establishment and organization. [Ord. of 7-7-1992; Ord. No. 2002.68, 9-3-2002]

- A. A Board of Appeals is a quasijudicial body which shall consist of five voting members plus two associate members, all of whom shall be resident of the City of Biddeford. Members of the Board of Appeals shall reflect as much as possible several geographic areas of the City, and shall have diverse professional and/or employment backgrounds. In no case shall more than two members be from the same ward. Current members whose terms expire after 12/2005 shall have their term reduced to 12/2005. The term of office of a member and an associate member shall be three years, provided that those members and associate members appointed pursuant to this section shall continue in such capacity until the expiration of the term to which they are appointed, so long as they meet the qualifications of membership imposed by this section. In order to comply with the provisions of this ordinance requiring geographical balance, any current members of the Zoning Board of Appeals who reside in the same ward with more than two other members shall have their terms of office reduced to expire on June 30, 2003.
- B. A municipal officer or his spouse may not be a member or associate member of the Board of Appeals. No member shall serve more than three consecutive terms, including any term or part of a term served under any predecessor to this section. Any member appointed to fill a vacancy for which more than half of the unexpired term remains, for purposes of this provision shall be deemed to have served one full term.
- C. Three members of the board shall constitute a quorum for purposes of conducting a meeting and taking action. When a regular member of the board is unable to act because of interest, incapacity or absence, an associate member shall be designated by the Chairman to act in his/her stead. Members of the Board of Appeals shall be nominated by the Mayor and confirmed by the Council. When there is a permanent vacancy, a new member shall be appointed to serve for the remainder of the unexpired term. A permanent vacancy arises upon the death, resignation or removal of a member, or upon the failure of a member at any time during his term to meet any of the qualifications herein provided for appointment as a member. Members of the Board of Appeals may be removed from office by the Mayor, Council or board for cause after notice and hearing before the expiration of their term. Failure to attend three or more consecutive meetings of the board without excuse shall constitute cause for removal of a member.
- D. The chairman shall be appointed by the Mayor and confirmed by the Council. Annually, at its first meeting in January, the Board of Appeals shall elect a vice chairman and secretary from its own

membership. The term of these officers shall be one year. The chairman may not be appointed for more than two consecutive terms. The results of the annual election shall be submitted to the municipal officers. The Chairman of the Board of Appeals is a voting member and his/her vote shall be cast at the same time as other members of the board.

Section 2. Proceedings of the Board of Appeals. [Ord. No. 2002.68, 9-3-2002]

The Board of Appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance, and shall also adopt Roberts Rules of Order. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or of absence or failure to vote, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the offices of the Board.

Section 3. Conflicts. [Ord. No. 2002.68, 9-3-2002]

Any questions raised by any interested party of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members present except the member who is being challenged.

Section 4. Powers and duties. [Ord. of 12-19-1995; Ord. No. 2002.68, 9-3-2002]

Appeals shall be from decisions of the Building Inspector or Planning Board to the Board of Appeals. The Department of Environmental Protection shall be notified of the results of the appeals hearing involving land within the Shoreland Zone. Any appeal denied by the Board of Appeals may be appealed to the superior court in accordance with Maine State Rules of Civil Procedures, Rule 80B.

The Board of Appeals shall have the following powers:

- A. Administrative appeals. To hear and decide appeals where it is alleged there is a zoning violation or error in any order, requirement, decision, or determination made by the Building Inspector or Planning Board in the enforcement of this ordinance. The following procedure governs administrative appeals:
 1. When errors of administrative procedures or interpretation are found, the case shall be remanded back to the Building Inspector or Planning Board for correction.
- B. Variance appeals.
 1. The board shall hear and decide cases where a relaxation of this ordinance may be sought. Additional conditions and safeguards may be prescribed by the Board upon the applicant so as to minimize any adverse impact as a result of granting the variance. The burden of proof rests with the applicant to demonstrate that the conditions for a variance exists. A variance may be granted by the Board for undue hardship which shall be interpreted only in strict compliance with all of the following criteria and with the criteria of 30-A M.R.S.A. § 4353:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted; and
 - b. That the need for a variance is due to the unique circumstances of the property (not desired use or personal hardship) and not to the general conditions in the neighborhood; and

- c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner; and
 - e. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.
2. A variance is not justified unless all of the foregoing five criteria are present in the case. A variance is a relaxation of the dimensional requirements of this ordinance that may be granted by the Board of Appeals only where strict application of this ordinance, or a provision thereof, to the petitioner or his property, would cause undue hardship. A variance may only be granted for a permitted use or legal nonconforming use in that particular district. The Board of Appeals is prohibited from issuing a variance for a new use that is not permitted by this ordinance.
 3. In order to preserve the terms of this ordinance as much as possible, the board may impose such conditions to a variance as it deems necessary. Variances shall be the exception, not the rule. Variances which are granted shall be the minimum necessary to relieve hardship.

Section 5. Appeals to the Board of Appeals. [Ord. No. 2002.68, 9-3-2002]

A. Making an appeal.

1. An appeal may be taken by any person aggrieved by a decision of the Building Inspector or Planning Board to the Board of Appeals within 30 days of such decision, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty-day requirement.
2. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal.
3. For a variance appeal the applicant shall submit:
 - (a) A sketch drawn to scale showing lot lines, location of existing building and other physical features pertinent to the variance request.
 - (b) A concise written statement stating what variance is requested.
 - (c) A written response to the five criteria which determine undue hardship.
 - (d) All documentary evidence shall be submitted at the time of application. Such documentary evidence, along with oral testimony, shall constitute the record of the board's hearing. No documentary material submitted at the hearing shall be reviewed by the board or made part of the record.
4. Upon being notified of an appeal, the Building Inspector shall forthwith transmit to the Board and Planning Board all the papers specifying the record of the decision under appeal. Each appeal shall be accompanied by a check for \$50 to cover advertising and administrative costs. If the actual cost of advertising exceeds \$50, the applicant shall pay the balance. The Board of Appeals shall hold a public hearing on the appeal. For appeals involving the issuance of a building permit, the Building Inspector shall issue a cease and desist order.

B. Procedure on appeal.

1. least 10 days prior to the date of the hearing the Board shall cause written notice be provided to all property owners of record whose properties lie within 200 feet of the affected property, and/

or immediate abutters and property owners across the street or stream; the person making the appeal; and the Planning Board and any other parties of record. Such written notice shall include: **[Amended 3-5-2019 by Ord. No. 2019.14]**

- (a) The name of the person appealing;
- (b) A brief description of the property involved;
- (c) A brief description of the decision under appeal, or the nature of the variance appeal; and
- (d) The time and place of the Board's hearing.

The failure of a property owner to receive notice of the hearing shall not invalidate the hearing or the decision of the Board of Appeals.

2. (Reserved)¹

3. Hearings.

- (a) The Board may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence or hearsay evidence. Every party shall have the right to present his case or defense by oral or documentary evidence, and to submit rebuttal evidence.
- (b) The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. All persons at the hearing shall abide by the order of the Chairman.
- (c) At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause as determined by the Board. If a hearing is tabled and rescheduled, proper notice shall be sent to the appellant and abutters and/or property owners of record within 200 feet.
- (d) The Building Inspector or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.
- (e) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. Proposed findings of fact may be submitted by any party, but shall not be considered as evidence.
- (f) The Board of Appeals may go into executive session only upon a three-fifths vote of the members present and voting. A motion to go into executive session shall indicate the precise nature of the business of the executive session. No other matters may be considered in that particular executive session. An executive session may be held only for the following purposes. No other matters may be considered in executive session.
 - (1) Consultations between the Board of Appeals and its attorney concerning the legal rights and duties of the Board, pending or contemplated litigation, settlement offers and matters where the duties of the Board's counsel to his client pursuant to the code of professional responsibility clearly conflict with the requirements of the Public Right to Know Law, 1 M.R.S.A. §§ 401 through 410, or where premature general

1. Editor's Note: Former Subsection 2, regarding written notice, was repealed 3-5-2019 by Ord. No. 2019-14.

public knowledge would clearly place the board at a substantial disadvantage.

- (2) Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute.

Section 6. Decisions of the Board of Appeals. [Ord. No. 2002.68, 9-3-2002]

- A. The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of Building Inspector, or to decide in favor of the applicant on any matter on which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance.
- B. The Board shall decide all appeals within 30 days after the conclusion of the hearing, and shall issue a written decision on all appeals. A two-to-two vote is a denial.
- C. All decisions shall become a part of the record. The decisions shall include:
 1. A statement of findings and conclusions;
 2. The reasons or basis therefor, upon all the material issues of fact, law or discretion presented; and
 3. The appropriate order, relief or denial thereof.
- D. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Planning Board, agency or office and the municipal officers within seven days of the decision date.
- E. Upon notification of the granting of an appeal by the Board of Appeals, the Building Inspector shall immediately issue a permit in accordance with the conditions of the approval, unless the applicant needs a conditional use permit.
- F. All decisions of the Board of Appeals are final. Appeals may be taken as permitted by law from any decision of the Board of Appeals to superior court.
- G. When a variance is granted, the recipient must apply within one month for a building permit to carry out the terms of the variance, or the variance becomes void.

Section 7. Stay of proceedings. [Ord. No. 2002.68, 9-3-2002]

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

Section 8. Rehearing. [Ord. No. 2002.68, 9-3-2002]

The Zoning Board of Appeals shall not entertain a second application for a variance, conditional use or administrative appeal concerning the same property after the previous application was denied unless two years have passed or there is substantial change in the relief requested. The board shall determine if the requested relief in the second application is substantially different from that requested in the first. The

determination shall be made by looking at the physical dimensions of the request only.

COMMITTEE	MEMBERS	EXP. DATE	TERM
Planning Board	Larry Patoine Ward 6	12/2025	3 YEARS
	Roch Angers Ward 6	12/2026	
	Alexa Plotkin Ward 5	12/2027	Chair until 12.31.25
	Susan Deschambault Ward 5	12/2025	
Associate Member 1.7.25	Stephen Beaudette Ward 4	12/2025	
Regular Member 1.7.25	Matthew Dubois Ward 4	12/2026	
Associate Members	Kayla Lewis	12/2027	
Staff	David Galbraith, City Planner		

PLANNING BOARD

ARTICLE X

Section 1. Planning Board. [Ord. No. 2002.67, 9-3-2002]

- A. Authority. The City of Biddeford Planning Board (hereafter the "board"), originally established under the provisions of 30-A M.R.S.A. § 4326, is hereby continued as provided by law, 30-A M.R.S.A. § 4313 [now repealed]. The powers and responsibilities of the board allowed under the pre-1971 legislation (30 M.R.S.A. § 4964) are maintained.
- B. Duties and responsibilities. The board shall have the following duties and responsibilities:
1. Prepare, and revise a comprehensive plan in accordance with 30-A M.R.S.A.
 2. Review and approve, approve with conditions, or disapprove subdivision and other development plans that deal with specific real estate. This includes site reviews and conditional uses.
 3. Review and approve, approve with conditions, or disapprove development plans in the Shoreland Zone as required by Article XIV of this ordinance. [Amended 2-2-2010 by Ord. No. 2009.98]
 4. Draft for approval by the municipal officers, ordinances and other provisions to facilitate Subsections 1 through 3 above.
- C. Membership.
1. The Board shall consist of seven members, five voting members and two associate members. Each member shall be nominated by the Mayor, confirmed by the City Council, for a three year-term. Members may be reappointed at the end of their terms, not to exceed three consecutive terms. All current appointments shall have a term of office expiring no later than December 31, 2005. The Mayor shall have the discretion of appointing members and associate members to the Planning Board with terms expiring after two years but less than three years for the purpose of staggering appointments throughout a calendar year.
 2. Associate members may be made voting members of the Board upon the retirement or nonappointment of a voting member.
 3. All members of the Board shall be registered voters and residents of the City of Biddeford. No serving municipal officer or official of the City of Biddeford shall serve as a member of the Board.
 4. Members of the Board shall reflect as much as possible several geographic areas of the City, and shall have diverse professional or employment backgrounds. This is to insure as much as possible that the interests of the City and applicants are fairly and reasonably represented. In no case shall more than two members be from the same ward.
 5. Members of the Board are required to sign the Biddeford Planning Board Rules of Procedure and Code of Ethics prior to taking the oath of office. Any individual appointed to the Board shall not be administered the oath of office and shall not be

seated until the Rules of Procedure and Code of Ethics have been signed. Failure to sign will invalidate the appointment and shall require a replacement appointment. **[Added 2-21-2012 by Ord. No. 2012.8**

D. Term of office.

1. Members of the Board shall be appointed for a three-year term. No member shall serve more than three consecutive terms, including any term or part of a term served under any predecessor in this section. Any member appointed to fill a vacancy for which more than half of the unexpired term remains, for purposes of this provision, shall be deemed to have served one full term.
2. When there is a permanent vacancy, the Mayor shall nominate with confirmation by the City Council a new member to serve for the remainder of the unexpired term.

E. Removal from office.

1. Members of the Board may be removed from office by the municipal officers for the following reasons:
 - a. A member is no longer a resident of the City of Biddeford; or
 - b. A member is absent from three consecutive regular Board meetings without prior satisfactory explanation; or
 - c. A member is absent from six meetings or workshops of the Board without prior satisfactory explanation; or
 - d. A member conducts himself/herself in a manner that is inconsistent with the official position of the Planning Board, i.e. consistent conflicts of interest or unprofessional behavior toward applicants, City employees or members of the public.
2. Removal action may be initiated by the Mayor, the City Council or a member of the Board. A letter shall be submitted to the municipal officers stating the reasons for the removal request.
3. The Board member in question shall be provided a copy of the letter and shall be given the opportunity to reply to the municipal officers.

F. Board officers.

1. A Chairperson shall be appointed by the Mayor and confirmed by the Council each January. The Board shall elect from its voting membership the following officers:

Vice Chairman;

Secretary.

2. The terms of these officers shall be one year. The Chairperson may not be reelected for more than two consecutive terms. The Board shall hold elections during the January meeting, the results of which shall be submitted to the municipal officers.
3. Elected officers shall be responsible for the following:
 - a. Chairman: Conduct of meetings, scheduling and announcing meetings, signing

official correspondence for the Board. The Chairman shall vote only in case of a tie.

- b. Vice Chairman: acts in place of the Chairman when he/she is absent or required to leave the Chair because of conflict; acts as Chair for special subcommittees of the Board as needed.
 - c. Secretary: ensures that the records of meetings are accurate and available for the Board's review and reference.
- G. Staff. The Board shall empower the Planning Department to hire professional staff to assist in planning matters and issues as needed. This assistance shall include the hiring of independent engineering and traffic consultants, and legal counsel. Opinions presented by the Board's legal counsel shall not be binding upon the City of Biddeford.
- H. Meetings.
1. The Board shall conduct monthly meetings, or at least regular meetings during a calendar year. Meetings shall convene on the first Wednesday of each month, unless prior arrangement and public (as described elsewhere in the Code) announcement has been made by the Board. **[Amended 3-5-2019 by Ord. No. 2019.14]**
 2. Upon motion by the Board the Chairman may call for special meetings and workshops as needed.
 3. All meetings of the Board shall be open to the public. Materials and records of the meetings shall be maintained and available for public inspection. **[Amended 3-5-2019 by Ord. No. 2019.14]**
 4. The Board shall publish rules for the conduct of meetings to insure orderly conduct and efficient processing of applications and planning matters. The Board shall adopt Roberts Rules of Order.
 5. Board meetings shall be called to order when a quorum of the voting members are present. For this purpose a quorum shall be three voting members. When a regular member of the Board is unable to serve because of conflict of interest, incapacity, absence or lack of confirmed appointment to fill a permanent vacancy, an associate member shall be designated to vote by the Chairman.
 6. The Board shall issue a written decision on matters when determined by the Board to be necessary, appropriately signed by the Chairman. The decisions shall include:
 - a. A statement of findings and conclusions.
 - b. Any conditional actions and the time-table for completion.

In addition to the normal established distribution, a copy of the above shall be given to the Code Enforcement Officer for use when issuing a building permit, or for documentation on appeal or variance request.

7. The Board shall issue a written decision on all matters when determined by the board to be necessary, appropriately signed by the chairperson. The decisions shall include:
 - I. Conflicts. Any questions raised by any interested party of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members present except the member who is being challenged.

Section 2. City Planner.

A. Office of the City Planner. [Amended 6-7-2016 by Ord. No. 2016.41]

1. The office of the City Planner is hereby created.
2. (Reserved)
3. The City Planner, and his/her assistants as needed, shall be appointed by the Economic Development Director, subject to approval by the City Manager.

B. Duties and responsibilities.

1. The City Planner shall be the primary advisor to the Planning Board and shall act as primary staff for the Board. He/she shall advise the Board concerning the completeness of applications. He/she shall prepare agendas and arrange meetings for the Board. He/she will contact and coordinate between the various departments and applicants to ensure timely resolution of planning issues relating to applications and planning proposals.
2. The City Planner shall advise the Mayor and Council concerning land use and general planning issues affecting the City and comprehensive development. He/she shall provide written position papers and other documents needed to assist City officials in making sound decisions concerning land use and planning issues.
3. The City Planner shall develop a budget for the operation of the Planning Department and Board.
4. The City Planner shall respond to citizen inquiries concerning planning issues and provide information relating to development proposals as much as possible.

COMMITTEE	MEMBERS	EXP DATE	TERM
Shellfish Conservation Committee	Peter Bouthillette, Chair*	12/2024	3 YEARS
	David Morissette*	12/2023	
	Paul Lariviere	12/2025	
	John Schafer	12/2025	resigned 6.24
	VACANT*		
	VACANT *		
	William Stepchew	12/2025	
Staff Liaison	Robert Simmons- Shellfish Warden, BPD		

SHELLFISH CONSERVATION COMMISSION

Division 5

Sec. 74-101. Authority. [Ord. No. 2000.20, § 1, 4-4-2000; Ord. No. 2002.33, 4-2-2002]

This division is enacted in accordance with 12 M.R.S.A. § 6671.

Sec. 74-102. Purpose. [Ord. No. 2000.20, § 2, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

To establish a shellfish conservation program for the City that will insure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means that may include:

- (a) Licensing and recommendation of any changes to licensing fees to the City Council annually. [Amended 11-17-2015 by Ord. No. 2015.75]
- (b) Limiting the number of shellfish harvesters.
- (c) Restricting the time and area where digging is permitted.
- (d) Limiting the minimum size of clams taken.
- (e) Limiting the amount of clams taken daily by a harvester.

Sec. 74-103. Shellfish Conservation Committee. [Ord. No. 2000.20, § 3, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

The Shellfish Conservation Program for the City of Biddeford will be administered by the Shellfish Conservation Committee consisting of seven members to be appointed by the Mayor and confirmed by the Council for terms of three years.

The Committee's responsibilities include:

- (a) Establishing annually in conjunction with the Department of Marine Resources the number of shellfish digging licenses to be issued.
- (b) Reviewing annually the status of the resource using the results of clam flat, harvester or dealer surveys and other sources of information and preparing in conjunction with and subject to the approval of the Department a plan for implementing conservation measures.
- (c) Submitting to the City Council proposals for the expenditures of funds for the purpose of shellfish conservation.
- (d) Keeping this division under review and making recommendations for its amendments.
- (e) Securing and maintaining records of shellfish harvest from the City's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources.
- (f) Recommending conservation closures and openings to the City Council in conjunction with the area biologists of the Department of Marine Resources.
- (g) Submitting an annual report to the municipality and the Department of Marine Resources

covering the above topics and all other committee activities.

Sec. 74-104. Definitions. [Ord. No. 2000.20, § 4, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

As used in this division, the following terms shall have the meanings indicated:

GUEST — Any person invited to assist a recreational license holder in harvesting a combined total that does not exceed one peck of shellfish per license per any one day.

MUNICIPALITY — Refers to the City of Biddeford, Maine.

NONRESIDENT — Anyone not qualified as a resident under this division.

RESIDENT — Refers to a person who is domiciled in this municipality. Proof of residency shall be by one of the following criteria:[Amended 11-17-2015 by Ord. No. 2015.75]

- (1) A person who pays real estate property taxes to the City or can provide a rent receipt within the jurisdiction of the City;
- (2) A person who is a registered voter in the City;
- (3) A person who can provide a vehicle registration from the City of Biddeford, Maine;
- (4) A person who can provide a valid motor vehicle license showing an address within the jurisdiction of the City;
- (5) A person who can provide a valid school ID showing an address within the jurisdiction of the City. Proof of eligibility will be the burden of the applicant.

SHELLFISH, CLAMS and INTERTIDAL SHELLFISH RESOURCES — In the context of this division the words "shellfish," "clams," and "intertidal shellfish resources" mean soft shell clams (*Mya arenaria*).

Sec. 74-105. Licensing. [Ord. No. 2000.20, § 5, 4-4-2000; Ord. No. 2002.33, 4-2-2002; Ord. No. 2004.8, 3-2-2004; amended 4-7-2009 by Ord. No. 2009.11]

It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this division. A commercial digger must also have a valid State of Maine Commercial Shellfish License issued by the Department of Marine Resources.

(a) Designation, scope and qualifications:

1. Resident commercial shellfish license. The license is available to residents of the municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.
2. Resident commercial over 62 shellfish license. The license is available to residents of the municipality who can and do provide age verification legally attaining the age of older than 62 years of age at the time of purchase, and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities. [Added 11-17-2015 by Ord. No. 2015.75]

1. Editor's Note: This ordinance also redesignated of former Subsection (a)(2) through (5) as Subsection (a)(3) through (6), respectively.

3. Nonresident commercial shellfish license. The license is available to nonresidents of this municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.
4. Residential recreational shellfish license. The license is available to residents and real estate taxpayers of this municipality and entitles the holder and guest(s) to dig and take no more than one peck of shellfish per any one day from the shores and flats of this municipality.
5. Nonresident recreational shellfish license. The license is available to any person not a resident of this municipality and entitles the holder and guest(s) to dig and take not more than one peck of shellfish per any one day from the shores and flats of this municipality.
6. Resident/nonresident one-day recreational shellfish license. The license is available to any resident or nonresident, and entitles the holder to dig and take not more than one peck of shellfish during the one and only day, or any part thereof, for which the license has been purchased.
7. Resident student commercial shellfish license. The student must be at least 16 years of age or older and under 23 years of age, based upon the May 1 of the year of application. A person issued a student license is enrolled: **[Added 11-17-2015 by Ord. No. 2015.75]**
 - a. A person must show proof of age and proof of school attendance, except that students attending college must show proof of 12 credit hours per semester by a state-recognized accrediting agency or body.
 - b. A person attending a public day school in accordance with the attendance requirement of 20-A M.R.S.A. § 5001-A, Subsection 1.
 - c. A person meeting the requirements of an alternative to attendance at public day school in accordance with 20-A M.R.S.A. § 5001-A, Subsection 3.
 - d. A person under the age of 18 as of May 1 of the year of application must have a parent or legal guardian signature on the shellfish application.
 - e. A person may not be considered to have ceased to be a student during any interim between school years if the interim does not exceed five months and if it is shown that the person has a bona fide intention of continuing to pursue a full-time course of study during the semester or other enrollment period immediately following the interim period. For purposes of this subsection, "full-time course of study" means at least 60% of the usual course load for the program in which the person is enrolled.
 - f. The Shellfish Committee may revoke a student license if the licensee fails to maintain required student status
8. Nonresident student commercial shellfish license. The student must be at least 16 years of age or older and under 23 years of age, based upon the May 1 of the year of application. A person issued a student license is enrolled: **[Added 11-17-2015 by Ord. No. 2015.75²]**

- a. A person must show proof of age and proof of school attendance, except that students attending college must show proof of 12 credit hours per semester by a state-recognized accrediting agency or body.
 - b. A person attending a public day school in accordance with the attendance requirement of 20-A M.R.S.A. § 5001-A, Subsection 1.
 - c. A person meeting the requirements of an alternative to attendance at public day school in accordance with 20-A M.R.S.A. § 5001-A, Subsection 3.
 - d. A person under the age of 18 as of May 1 of the year of application must have a parent or legal guardian signature on the shellfish application.
 - e. A person may not be considered to have ceased to be a student during any interim between school years if the interim does not exceed five months and if it is shown that the person has a bona fide intention of continuing to pursue a full-time course of study during the semester or other enrollment period immediately following the interim period. For purposes of this subsection, "full-time course of study" means at least 60% of the usual course load for the program in which the person is enrolled.
 - f. The Shellfish Committee may revoke a student license if the licensee fails to maintain required student status
9. License must be signed. The licensee must sign the license to make it valid.
- (b) Application procedure. Any person may apply to the Clerk for the licenses required by this division on forms provided by the municipality.
1. Contents of application. The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature and whatever information the municipality may require.
 2. Misrepresentation. Any person who gives false information on a license application will cause said license to become invalid and void.
- (c) Fees. The fees for the licenses are as stated below and must accompany in full the application for the respective license. The Clerk shall pay all fees received to the Treasurer except for \$3 of each license that will be retained by the Clerk as payment for issuing the license. Shellfish license fees and fines shall be used by the municipality for shellfish management, conservation and enforcement. **[Amended 11-17-2015 by Ord. No. 2015.75]**
1. Resident commercial: determined annually.
 2. Resident commercial over 62: determined annually.
 3. Nonresident commercial: determined annually.
 4. Resident student commercial: determined annually.

2. Editor's Note: This ordinance also redesignated former Subsection (a)(6) as Subsection (a)(9).

5. Nonresident student commercial: determined annually.
 6. Resident recreational: determined annually.
 7. Resident recreational 65 to 69 years old: determined annually.
 8. Nonresident recreational: determined annually.
 9. Nonresident recreational 65 to 69 years old: determined annually.
 10. Resident recreational 70 years old or older: free.
 11. Nonresident recreational 70 years old or older: free.
 12. Resident/nonresident one day only license: determined annually.
- (d) Limitation of diggers. Clam resources vary in density and size distribution from year to year and over the limited soft clam producing area of the municipality. It is essential that the municipality carefully husband its shellfish resources. If, following the annual review of the municipality's clam resources, its size distribution, abundance and the warden's reports, as required by Section 74-103, the Shellfish Conservation Committee, in consultation with the DMR area biologist, determines limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year:
1. Prior to April 1, the Committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence.
 2. After receiving approval of proposed license allocations from the Commissioner of Marine resources and prior to May 1, the Shellfish Conservation Committee shall notify the Clerk in writing of the number and allocation of shellfish licenses to be issued.
 3. Notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes.
 4. The Clerk shall issue licenses to residents and nonresidents as allocated starting June 1 to residents and nonresidents on a first-come, first-served basis. **[Amended 11-17-2015 by Ord. No. 2015.75]**
 5. Licenses may be returned to the municipality voluntarily, and reissued to another person at the current fee according to the priorities established in this section. Any license returned is nonrefundable.
 6. Members of the Shellfish Conservation Committee shall be entitled to apply for a recreational shellfish license 30 days in advance of general license sales.
 7. All clam diggers/harvesters must use hand implements only – no assisted air harvesting (scuba diving). **[Amended 11-17-2015 by Ord. No. 2015.75]**

8. There shall be no night digging of shellfish. "Night" is defined as 1/2 hour after sunset and 1/2 hour before sunrise. **[Added 11-17-2015 by Ord. No. 2015.75³]**
 9. All recreational clam diggers/harvesters shall not possess more than one container while harvesting. The container must have a maximum volume of not more than 10 quarts. NOTE: A ten-quart pail filled to within one inch of the rim is approximately one peck of clams.
- (e) Open license sales. When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year:
1. Notice of the dates, places, times and the procedures for the license sales shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the initial sale date and shall be posted in the municipal offices. A copy of the notice shall be provided to the Commissioner of Marine Resources.
 2. For each commercial license category, the Clerk shall issue one license to nonresidents when six licenses are issued to residents and one more to nonresidents when five more are issued to residents; thereafter, one nonresident license will be issued for every 10 additional resident licenses issued. **[Amended 11-17-2015 by Ord. No. 2015.75]**
- (f) License expiration date. Each license issued under authority of this article expires at midnight on the last day of May next following the date of issuance.
- (g) Fee waivers. Recreational shellfish license fees will be waived for license holders 70 years or older. Individuals 12 years or younger do not need a license to assist a recreational shellfish license holder in harvesting not more than one peck of shellfish in total per any one day.
- (h) Suspension. Any shellfish licensee having three convictions for a violation of this division shall have his shellfish license automatically suspended for a period of 30 days.
1. A licensee whose shellfish license has been suspended pursuant to this division may reapply for a license only after the suspension period has expired.
 2. The suspension shall be effective from the date of mailing of a notice of suspension by the Clerk to the licensee.
 3. Any licensee whose shellfish license has automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written request for hearing with the Clerk within 30 days following the effective date of suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Council by filing a written request for appeal with the Clerk within seven days of the decision of the Shellfish Conservation Committee.

3. Editor's Note: This ordinance also redesignated former Subsection (d)(8) as Subsection (d)(9).

- (i) Shellfish harvesting log. Commercial shellfish license holders shall be required to keep a shellfish harvesting log which must be submitted to the Shellfish Conservation Committee Secretary no later than the 15th of the following month. The log will include the date, location and number of bushels harvested during each day; failure to maintain and submit monthly shellfish harvesting logs shall cause the harvester to lose automatic license retention. **[Amended 11-17-2015 by Ord. No. 2015.75]**
- (j) Conservation benefit. Biddeford commercial shellfish license holders who have purchased their licenses during the period of issuance for the previous license year and who have completed 12 hours of conservation work under the supervision of the Shellfish Conservation Committee shall be permitted to purchase a shellfish license the next year for a reduced fee, to be set by the Shellfish Committee annually, and purchased during the first week preceding the regular sale date. The Shellfish Conservation Committee will preapprove all accepted conservation projects by a majority vote. These records will be kept by the Secretary. In the event all commercial license holders complete their conservation obligation and it is deemed that licenses must be reduced for the following year, licenses will be issued by seniority. "Seniority" is defined as number of years a license has been held. If a tie in seniority occurs, the City Clerk will conduct a lottery to break the tie. **[Amended 11-17-2015 by Ord. No. 2015.75]**

Sec. 74-106. Opening and closing of flats. [Ord. No. 2000.20, § 6, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

- (a) The municipal officials, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendations of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources area biologist that the status of shellfish resources and other factors bearing on sound management indicate that an area should be opened or closed, the municipal officials may call a public hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the municipal officials made after the hearing shall be based on findings of fact.
- (b) It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed by the City of Biddeford in accordance with the Department of Marine Resources (DMR) Regulation Chapter 7. Harvesting shellfish in a closed area is a violation of this municipality's ordinance and is punishable under 12 M.R.S.A. § 6671. **[Added 9-6-2016 by Ord. No. 2016.75]**
- (c) Boundaries of conservation closures are explicitly defined in the conservation closure application submitted by the City of Biddeford to DMR and are part of the resulting permit issued by DMR. These permits are posted at the City Clerk's Office and on the DMR website. **[Added 9-6-2016 by Ord. No. 2016.75]**

Sec. 74-107. Minimum legal size of soft shell clams. [Ord. No. 2000.20, § 7, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

It is unlawful for any person to possess soft shell clams within the municipality which are less than two inches in the longest diameter except as provided by Subsection (b) of this section

- (a) Definitions:

1. Lot. The word "lot" as used in this division means the total number of soft shell clams in any bulk pile. Where soft shell clams are in a box, barrel, or other container, the contents of each box, barrel, or other container constitutes a separate lot.
 2. Possess. For the purpose of this section, "possess" means dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft shell clam shell stock.
- (b) Tolerance. Any person may possess soft shell clams that are less than two inches if they comprise less than 10% of any lot. The tolerance shall be determined by count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one peck.
- (c) Penalty. Whoever violates any provision of this section shall be punished as provided by 12 M.R.S.A. § 6681.

Sec. 74-108. Penalty. [Ord. No. 2000.20, § 8, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

A person who violates this division shall be punished as provided by 12 M.R.S.A. § 6671(10).

Sec. 74-109. Effective date. [Ord. No. 2000.20, § 9, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

This division, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the municipality, provided that a certified copy of the ordinance from which this division is derived is filed with the Commissioner within 20 days of its adoption.

Sec. 74-110. Period of ordinance. [Ord. No. 2000.20, § 10, 4-4-2000; Ord. No. 2002.33, 4-2-2002; amended 4-7-2009 by Ord. No. 2009.11]

This article shall remain in effect until eliminated or amended.

Sec. 74-111. Separability. [Ord. No. 2000.20, § 11, 4-4-2000; Ord. No. 2002.33, 4-2-2002]

If any section, subsection, sentence or part of this division is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this division.

Sec. 74-112. Repeal. [Ord. No. 2000.20, § 12, 4-4-2000; Ord. No. 2002.33, 4-2-2002]

Any ordinance regulating the harvesting or conservation of shellfish in the municipality and any provisions of any other municipal ordinance that is inconsistent with this division is hereby repealed.

Saco River Corridor Commission

Commissioners

The Saco River Corridor Commission serves 20 municipalities. Each town is represented by a regular and alternate member on the commission. Commission membership is as diverse as the communities served and represents a cross-section of valley life and values.

Serving without compensation for their time, efforts, or expenses, the commissioners are constant proof that land use controls can be effectively and sensibly administered at a regional level by area residents. Members and alternates are appointed by their respective town officials.

Each member is appointed to serve a three-year term. While in office, regular members have full voting and participatory rights in all proceedings of the full commission at its committees.

Alternate members are allowed to participate in all proceedings of the full commission but may only vote in the absence of the regular member from the municipality they represent. Both regular and alternate members may serve on subcommittees.

The bylaws of the Saco River Corridor Commission state that membership terms run for a length of three years. The City of Biddeford's Commission memberships are scheduled to expire on November 1, 2024, and will expire three years later in 2027.

*****Not a City Committee- City makes appointments*****

BSOOB Transit Committee

The BSOOB Transit Committee is an outside agency in which Biddeford is represented by three members of a nine member committee. The purpose of the Committee is to establish, maintain and implement a short and long-range bus transit development program, and to apply for, receive and administer Federal and State grants-in-aid for mass transit on behalf of the municipalities of Biddeford, Old Orchard Beach, and Saco to provide adequate and efficient bus mass transit for the Biddeford, Old Orchard Beach, Saco area.

Saco and Old Orchard Beach also name members to the Committee.

*****Not a City Committee-City makes appointments*****

Sustainability Commission	Beverly Thorpe	2027
(Ad-Hoc)	John Wallach	2025
	Wendy Johnson	2025
	Sam Drummey (student representative)	2025
	Will Kochtitzky	2027
	Jeff Goldsmith	2026
	Max Zakian	2027
	Kiara Frischkorn	2027
	Joie Grandbois	2026
	VACANT	2026
	Brad Favreau, Economic Development Coordinator	

Veterans Committee	Roger Beaupre -Chair (5.7.24)	12/2025
(Ad-Hoc)	Eric Gates	
	Jennifer Fullmer	
	Kevin Locke	12/2027
	Ben Neveux	
	Frederick Oliver	
	Quang Minh Le	
Staff Liaison	Jacob Hammer	

EASTERN FIRE/EMS BUILDING COMMITTEE	James Plamondon
(Ad-Hoc)	Paul Brady
	Scott Joslin
	Dennis Gosselin
Staff Liaison	Chief Lawrence Best

John F. Kennedy School Building Re-Use Committee	Marc Lessard, Chair
(Ad Hoc) dissolve - March 2025	Norman Belanger
	Rebecca Henry
	Max Zakian
	Paulette Bonneau
	Carolyn Schmidtke

Non -City Committee Appointments

Tri-City Transit	Adi Iriqat, Assistant Planner	
	Doris Ortiz, Councilor	12/2025
	Maya Atlas	12/2025

OTHER:

Joint Biddeford-Saco Committee	Roger Beaupre	
	VACANT	
Maine Water Citizens Advisory Committee	VACANT	
Biddeford Arena Board	William Emhiser	12.3.24
GA Fair Hearing Board	Liam LaFountain	
	Doris Ortiz	
Biddeford Educational Foundation	Scott Whiting	
Chamber of Commerce Liaison	Dylan Doughty	
Social Services Committee	Liam LaFountain	
	Doris Ortiz	
	Scott Whiting	
Clayton & Virginia Cartmill Trust	GA Supervisor Jacob Hammer	Apt.9.3.24

STANDING COMMITTEE'S:

Capital Projects/Operations Committee	Liam LaFountain, Chair
	Marc Lessard
	Doris Ortiz
	Daniel Boucher
	Dominic Deschambault
Staff	Jeff Demers, Public Works Director
	Tom Milligan, City Engineer

Finance Committee	Mayor Grohman
	Liam LaFountain, Chair
	Roger Beaupre
	Marc Lessard
	James Bennett, City Manager/Treasurer
	Finance Director Gerry Matherne

Personnel Committee	Norman Belanger, Chair
	William Emhiser
	Scott Whiting
	Doris Ortiz
Staff	James Bennett, City Manager
	Diana Depaolo, Human Resources Director

Policy Committee	Norman Belanger, Chair
	Roger Beaupre
	Liam LaFountain
	Renee O'Neil
	Jake Pierson
Staff	City Clerk Robin Patterson

Traffic Committee

Roger Beaupre, Chair
 Scott Whiting
 Dylan Doughty
 Tracie Bailey
 Drew Guild
 Sam Drummy (Student Rep)
 Chief JoAnne Fisk (Staff Liaison)

STANDING COMMITTEE'S

APPENDIX A RULES OF THE COUNCIL


Sec. A-5. Rule 5: Committees.

- a. The following shall be the standing committees of the City Council: Personnel; Capital Projects/Operations; Policy; Finance; and Downtown Committee.
- b. (Reserved)
- c. The Capital Projects/Operations and Policy Committees shall consist of a Chairperson who shall be a City Councilor; two additional Council members; and two citizens. The two citizen members shall be appointed by the Mayor and confirmed by the Council.
- d. The Personnel Committee shall consist of a Chairperson who shall be a City Councilor and three additional Council members. There shall be no citizen members on the Personnel Committee.
- e. The Downtown Committee shall consist of the Mayor, four Council members, and a member of the Downtown Development Commission. The Downtown Development Commission member shall serve as a nonvoting member except in the absence of a full-time voting member. A Chairperson shall be selected from the voting members.
- f. (Reserved)
- g. The Council committees are subagents of the full Council which is the sole governing body of the City of Biddeford. The committees are delegated various functions by the full Council and are to provide recommendations upon which the full Council will act except where otherwise specified. The committees will examine the appropriate subject matter before them, collect the facts pertaining thereto and make a report, which will recommend what action, if any, should be taken by the full Council. Additionally, each committee may take whatever action is specifically authorized by the Charter, ordinance, or state law. The City Council shall receive regular reports of the various Council committees' activities. Such reports shall be scheduled at such times and at such meetings as may be determined by the Mayor and the Council President.
- h. In general, the committees shall have the following subject matter before them:
 - (1) Finance Committee. The duties of the Finance Committee are set forth in the City Charter.
 - (2) Personnel Committee. The Personnel Committee will investigate matters pertaining to employment matters with the City of Biddeford. It shall review the salaries of department heads and the City Manager. In the event of a termination hearing, for cause, it shall serve as a fair hearing authority before whom an impartial hearing shall take place involving the subject municipal employee.
 - (3) Capital Projects and Operations Committee. The Capital Projects and Operations Committee shall establish a five-year plan for implementation of major capital improvements in the City. It shall review matters involving the Public Works Director, Public Works Department and public property issues. This committee shall review the City's claims issues, insurance issues, making appropriate recommendations to the full

Council when necessary.

- (4) **Policy Committee.** The Policy Committee shall be responsible for establishing and recommending ordinance language, Code revisions (except for changes delegated to the Parking Authority under Section 42-8), and City policy to the full Council. The Policy Committee shall coordinate with the City Planner and the Code Enforcement Officer regarding the amendment, establishment and/or update of the City's land use ordinances.
 - (5) **Downtown Committee.** The Downtown Committee shall be responsible for reviewing matters affecting the City of Biddeford's downtown, including, but not limited to, downtown improvement initiatives, collaborating with external agencies and businesses on downtown improvement projects, and all minor garage design feature decisions, and is delegated as the Parking Authority with powers limited to those defined in Section 42-8.
- i. Each committee meeting is a public proceeding as defined in 1 M.R.S.A. § 402(2). Each committee may hold executive sessions pursuant to the conditions and limitations expressed in 1 M.R.S.A. § 405. Should a committee vote, in public, to proceed into executive session, only those members of the committee shall be present in the executive session.

City of Biddeford



2024.190 **IN BOARD OF CITY COUNCIL... NOVEMBER 19, 2024**
BE IT ORDAINED by the City Council of the City of Biddeford, as follows by ~~deleting~~
and inserting text to amend *Part II-Code of Ordinances, Appendix A-Rules of the City*
Council, Sec. A-5, Rule 5: Committees:

a. The following shall be the standing committees of the City Council: Personnel; Capital Projects/Operations; Policy; Finance; and ~~Downtown~~Traffic Committee.

b. (Reserved)

c. The Capital Projects/Operations and Policy Committees shall consist of a Chairperson who shall be a City Councilor; two additional Council members; and two citizens. The two citizen members shall be appointed by the Mayor and confirmed by the Council.

d. The Personnel Committee shall consist of a Chairperson who shall be a City Councilor and three additional Council members. There shall be no citizen members on the Personnel Committee.

e. The ~~Downtown~~ Traffic Committee shall consist of the Mayor, ~~four~~ three Council members, and two citizens ~~a member of the Downtown Development Commission. The Downtown Development Commission member shall serve as a nonvoting member except in the absence of a full-time voting member.~~ The two citizen members shall be appointed by the Mayor and confirmed by the Council. A Chairperson, who shall be a councilor, shall be selected from the voting members.

f. (Reserved)

g. The Council committees are subagents of the full Council which is the sole governing body of the City of Biddeford. The committees are delegated various functions by the full Council and are to provide recommendations upon which the full Council will act except where otherwise specified. The committees will examine the appropriate subject matter

before them, collect the facts pertaining thereto and make a report, which will recommend what action, if any, should be taken by the full Council. Additionally, each committee may take whatever action is specifically authorized by the Charter, ordinance, or state law. The City Council shall receive regular reports of the various Council committees' activities. Such reports shall be scheduled at such times and at such meetings as may be determined by the Mayor and the Council President.

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(3) Capital Projects and Operations Committee. The Capital Projects and Operations Committee shall establish a five-year plan for implementation of major capital improvements in the City. It shall review matters involving the Public Works Director, Public Works Department and public property issues. This committee shall review the City's claims issues, insurance issues, making appropriate recommendations to the full Council when necessary.

(4) Policy Committee. The Policy Committee shall be responsible for establishing and recommending ordinance language, Code revisions (except for changes ~~delegated to the Parking Authority under Section 42-8~~, relating to traffic movement and parking) and City policy to the full Council. The Policy Committee shall coordinate with the City Planner and the Code Enforcement Officer regarding the amendment, establishment and/or update of the City's land use ordinances.

(5) ~~Downtown Committee~~. Traffic Committee ~~The Downtown Committee~~ The Traffic Committee shall be responsible for reviewing matters affecting the City of Biddeford's ~~downtown, including, but not limited to, downtown improvement initiatives, collaborating with external agencies and businesses on downtown improvement projects, and all minor garage design feature decisions, and is delegated as the Parking Authority with powers limited to those defined in~~

~~Section 42-8.~~ [ordinances relating to traffic movement, parking regulations, and any other matter relating to bicycle, pedestrian and vehicular traffic.](#)

i. Each committee meeting is a public proceeding as defined in 1 M.R.S.A. § 402(2). Each committee may hold executive sessions pursuant to the conditions and limitations expressed in 1 M.R.S.A. § 405. Should a committee vote, in public, to proceed into executive session, only those members of the committee shall be present in the executive session.

Attest by: _____

COMMITTEE	MEMBERS	EXP. DATE	3 YEAR TERMS
Airport Commission	Carmen Bernier, Chair	12/2027	(1.21.25)
	Edward F. Fullmer	12/2026	
	Frederick Oliver- Vice Chair	12/2026	
	Thomas Bryand	12/2024	
	Gerald Bernier	12/2025	
	Roland Pelletier	12/2027	2.18.25
	Parker Montano	12/2026	
Staff Liaison	Airport Manager (Jeff Demers)		

AIRPORT COMMISSION

Sec. 14-36. Established. [Code 1975, § 3-18]

The Biddeford Airport Commission is hereby established.

Sec. 14-37. Purposes. [Code 1975, § 3-17]

The purposes of the Airport Commission shall be as follows:

- (1) To encourage and promote the maintenance of the existing facilities and services of the airport to ensure it meets industry standards and laws. **[Amended 2-4-2014 by Ord. No. 2014.8]**
- (2) To formulate long-range and short-range plans for the operation, maintenance and improvement of the municipal airport.
- (3) To gather, correlate, preserve and maintain records, statistics, surveys, maps and other pertinent data relating to land classifications and uses, buildings, federal and state affiliations and other matters that will enable the Commission to perform its functions and purposes.
- (4) To serve as an informational and coordinating agency for other municipal departments relating to such functions and purposes.
- (5) To perform such other functions as may be required to effectuate the purposes of this article.
- (6) To make certain that the airport is operated for the use and benefit of the public and to make it available to all types, kinds, and classes of aeronautical activity on fair and reasonable terms and without unjust discrimination.

Sec. 14-38. Composition; qualification of Commissioners; appointment; terms of office. [Code 1975, § 3-19; Ord. No. 99.69, 8-17-1999; Ord. No. 2006.17, 3-7-2006; 2-4-2014 by Ord. No. 2014.8]

The Airport Commission shall consist of seven Commissioners, with not more than three of the members holding a valid and current airplane pilot's license. Commissioners shall be residents of the City. The Commissioners shall be nominated by the Mayor, subject to confirmation of the Council. Commissioners shall serve staggered terms of three years. On initial set-up, two of the Commissioners shall be appointed for one-year terms; three of the Commissioners for two-year terms; and two Commissioners for three years.

Sec. 14-39. Filling vacancies. [Code 1975, § 3-20]

Vacancies on the Airport Commission shall be filled for the remainder of the term in the same manner as original appointments are made.

Sec. 14-40. Election of officers. [Code 1975, § 3-21; amended 2-4-2014 by Ord. No. 2014.8]

At the beginning of each fiscal year, the Mayor shall appoint a Chairman, and the Commission shall elect a Vice Chairman and a Secretary.

Sec. 14-41. Chairman to call meetings and preside. [Code 1975, § 3-22]

The Chairman of the Commission shall call all Commission meetings on three days' notice, unless waived, and shall preside at such meetings.

Sec. 14-42. Quorum at meetings. [Code 1975, § 3-23]

A quorum shall be necessary at all meetings of the Commission.

Sec. 14-43. Majority vote required. [Code 1975, § 3-24]

A majority vote of the Commissioners is required for any official action.

Sec. 14-44. Vice Chairman's power in absence of Chairman. [Code 1975, § 3-25]

The Vice Chairman of the Commission shall be vested with all of the powers of the Chairman in case of his absence or incapacity.

Sec. 14-45. Secretary's duties. [Code 1975, § 3-26]

The Secretary of the Commission shall record all proceedings of the Commission and shall give notices of all Commission meetings.

Sec. 14-46. Administration by Commissioners. [Code 1975, § 3-27]

The Commission shall be administered by the Commissioners appointed and confirmed pursuant to Section 14-38.

Sec. 14-47. Authority to establish committees; membership restricted. [Code 1975, § 3-28]

The Commission may, from time to time, establish such committees as it feels necessary. Members of the Commission shall not be eligible for membership on such committees.

Sec. 14-48. Designation as agent for City. [Code 1975, § 3-29]

The Council may, from time to time, designate the Commission to serve as agent for the City in matters relating to the federal government, the state, other cities and towns or persons and corporations.

Sec. 14-49. through Sec. 14-60. (Reserved)

Sec. 14-65 Attendance at Commission meetings.

[Code 1975, § 3-42]

The Airport Manager shall attend all meetings of the Airport Commission as requested by the Commission, but shall have no vote.

Sec. 14-66Duty to submit budget, report.

[Code 1975, § 3-43; amended 6-7-2016 by Ord. No. 2016.41]

The Airport Manager and Facilities Manager shall prepare and submit to the Commission a proposed operational budget and capital improvement recommendations for the ensuing year.

BIDDEFORD HOUSING AUTHORITY

Biddeford Housing Authority

The Biddeford Housing Authority is a quasi-municipal organization whose mission is to provide lower income families, including the elderly, disabled and unhoused, the opportunity to live in decent, safe and sanitary housing within the community.

The Housing Authority consists of a Board of Commissioners with seven members, two of whom are affordable housing tenants. All members serve a five-year term.

Board of Commissioners

The board consists of seven members, two of whom are affordable housing tenants. Each member serves 5 year terms.

The current members are as follows:

Al Shinkel (Vice Chair)

Roger Hurtubise

Amy Clearwater

Millie Blanchette

Anne Daly

Dom Deschambault (Chair)

Carlyn Schmidke

*****Not a City Committee- City makes Appointments*****

COMMITTEE	MEMBERS	EXP DATE	TERM
Cable TV Committee	Lucien Belanger	12/2020	3 YEARS
	Don Harper	12/2021	
	Toni Sipka	12/2020	
	Richard Rhames	12/2024	
	James Emerson	12/2022	
	Bobby Mills, Council Rep.	12/2023	
	Steve Pulos, Public Access Director		
Staff Liaison	Brain Phinney, COO		

CABLE TV COMMITTEE

ARTICLE VI

CABLE TELEVISION COMMITTEE; PUBLIC, EDUCATION AND GOVERNMENTAL (PEG) ACCESS

[Ord. of 5-21-1996; amended by Ords. of 2-17-1998(1); 4-21-1998(3); 12-15-1998(1); 8-17-1999 by Ord. No. 99.69; 5-13-2002 by Ord. No. 2002.47; 2-18-2003 by Ord. No. 2003.28; 2-17-2004 by Ord. No. 2004.11; 3-16-2004 by Ord. No. 2004.23; 10-15-2013 by Ord. No. 2013.83]

Sec. 2-401. Established; purpose.

Pursuant to 30-A M.R.S.A. § 3008 et seq., the City of Biddeford hereby adopts a cable television ordinance.

Sec. 2-402. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CABLE TELEVISION COMPANY — Any person, firm or corporation owning, controlling, operating, managing, or leasing a CATV system within the City of Biddeford, sometimes hereinafter referred to as "the company."

CATV — Any community antenna television system, multichannel video provider, or facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members of the public who pay for such services, but such term shall not include any such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management.

CITY — The City of Biddeford organized and existing under the laws in the State of Maine and the area within its territorial limits.

COMMITTEE — The established Cable Television Committee of seven members nominated by the Mayor and confirmed by the Biddeford City Council.

ISSUING AUTHORITY — The City Council of the City of Biddeford.

Sec. 2-403. Cable Television Committee. [Ord. of 5-21-1996; Ord. of 2-17-1998(1); Ord. of 4-21-1998(3), Ord. of 12-15-1998(1); Ord. No. 99.69, 8-17-1999; Ord. No. 2004.11, 2-17-2004; Ord. No. 2004.23, 3-16-2004]

(a) Committee appointment; term.

- (1) There is hereby established a cable TV oversight committee (hereafter referred to as "Cable Committee") consisting of seven members who shall be residents of the City of Biddeford. The members of the Cable Committee shall be nominated by the Mayor and confirmed by the City Council.
- (2) The terms of office shall be for three years. When a vacancy exists, the Mayor shall nominate a replacement subject to confirmation by the Council for the remainder of the term vacated. Four members shall constitute a quorum for the purpose of conducting business.

- (3) In determining the qualifications of a member of the Committee, the municipal officers shall take into consideration demonstrated interest and ability to understand, appreciate and promote the purpose of this section.
- (b) Duties of the Cable Television Committee:
 - (1) Recommend terms of negotiation to issuing authority on nonexclusive cable franchise

matters.

- (2) Monitor compliance with the terms of the existing and future franchise agreements and report noncompliance to the City Manager.
- (3) Act to collect information and advise issuing authority on matters of rate regulation as permitted by state and federal laws.
- (4) Promote media literacy by providing the opportunity for local people to produce their own programming or provide programming of local interest, and coverage of government meeting and education programming.
- (5) Develop, establish and approve all changes to the programming and operating rules. (See Section 2-409, Programming rules.)
- (6) Review and recommend changes to the PEG Access Director's job description at the request of the City Manager.

Sec. 2-404. Public, educational and governmental (PEG) access TV center; Access Director. [Amended 6-7-2016 by Ord. No. 2016.41]

In order to provide all eligible citizens and groups from the City of Biddeford access to video equipment, training and channel time on a first-come, first-served basis, there shall be a Biddeford PEG access TV center. A PEG Access Director shall manage the daily operations of the facility along with all related equipment and assets. The Director shall report to the Chief Operating Officer. The Chief Operating Officer shall review the qualifications of any finalist for the position of PEG Access Director with the Cable Committee and shall appoint said person.

Sec. 2-407. Prohibitions.

- (a) It is the intent of the Cable Committee to allow free expression and not restrict the content or message of any program presented on Biddeford's PEG access channels. Political debates are encouraged.
- (b) The following programming is prohibited: Any material that violates applicable federal law; any commercial advertising of a product or service; any form of lottery; any material found to be libelous or slanderous in a court of law; and any other material which is defined as indecent; obscene or violent by the courts or any applicable federal law or regulation.

Sec. 2-408. Liability.

The City of Biddeford, the Cable Committee, and any cable TV franchisee in the City of Biddeford are not responsible for the final content of any program and hereby disclaim any liability for the content of any program which may be shown. Any producer or individual who provides material for transmission is subject to all legal responsibilities and is personally liable for the content of the material transmitted. Each producer must agree in writing to indemnify and hold the City and any franchisee harmless from any and all claims (including indemnification for the City and any franchisee's costs incurred in defending such litigation) arising from any and all claims of any kind whatsoever concerning the failure to comply with any applicable law, rule, regulation or other requirement as well as any claim for libel, slander, invasion of privacy,

infringement of common law or statutory copyrights or trademarks, breach of contract or other obligations owing to third parties, civil rights violations or any other injury or damage in law or equity which may arise out of the use of the community access equipment or facilities.

Sec. 2-409. Programming rules.

Protocols and procedures governing the production and operation of the community access TV center shall be established and all changes approved by the Cable Committee.

Sec. 2-410. Franchising process.

- (a) Prior to the preparation by the City of requests for proposals for franchises or renewals thereof, the City shall hold a public hearing with at least seven days' notice by publication in a newspaper of general circulation within the City, to solicit public comment regarding special local needs and interests with respect to cable television service.
- (b) Applications for a franchisee to operate a CATV system in the City and related documents are public records to be filed with and maintained by the City Clerk pursuant to the State Freedom of Access Law (1 M.R.S.A. § 401 et seq. as amended from time to time). Reasonable notice must be given to the public of its right to inspect and copy such applications and documents during the regular business hours of the City Clerk's office.
- (c) Before authorizing the issuance of any such franchise contract or contracts, the municipal officers shall review the applicant's character and financial and technical qualifications to operate a CATV system throughout the City, and shall conduct a public hearing thereon with at least seven days' advertised notice prior to said public hearing.
- (d) Applicants for a franchise, refranchise or transfer of franchise shall pay a nonrefundable filing fee to the issuing authority (City of Biddeford) of \$1,000 to defray such legal and other costs as the City may incur in dealing with such applications.
- (e) Pursuant to 30 M.R.S.A. § 3003(4)(D), the City shall require the franchise to pay to said issuing authority an amount equal to the ordinary and reasonable costs which the City may incur in connection with any transfers, franchise or franchise renewal agreements, or any amendments to the same required by law or initiated by the franchisee, or any other modification of said contracts initiated by the franchisee. (Any such payment by the franchisee shall be within the exclusion to the term "franchise fee" as defined in Sec. 622(g)(2)(D) of the Cable Act and shall not be deemed to be a part of the franchisee fee obligation of the franchisee.

Sec. 2-413. Disputes.

A dispute over the use of facilities and/or equipment or any other dispute over the use of PEG access television should, if possible, be resolved informally at the staff level or with the Access Director.

If efforts at informal resolution fail, the person or entity who feels aggrieved by any action or decision of the staff or the Access Director may file a formal complaint in writing to the Access Director. The complaint must be as specific as possible, describing the action or decision

complained of, the date of the action or decision and the relief requested. The Access Director must issue a written decision with reasons within four days after receiving a complaint. Parties aggrieved by this decision may request a hearing from the City Manager to be held in consultation with the Cable Committee.

COMMITTEE	MEMBERS	EXP. DATE	TERM
Citizen's Advisory Committee	Liam LaFountain, Council Rep.		2 YEARS
	Talia Kowalski	12/2025	
	Leah Schaffer, Vice Chair	12/2026	2.18.25
	VACANT	12/2024	
	VACANT	12/2025	
	Kaily George	12/2024	
	Betsy Martin	12/2025	
	Staff Liaison	Jessica Wilson, Community Development Coordinator	



CITY OF BIDDEFORD
CITIZENS' PARTICIPATION PLAN
Amendment: April 23, 2020

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT GRANT BLOCK PROGRAM
ENTITLEMENT PROGRAM

June 19th, 2018

Prepared by:

Biddeford Planning and Development Office
City of Biddeford
205 Main Street
Biddeford, Maine 04005



Introduction

The City of Biddeford as a HUD CDBG Entitlement Community has adopted a Citizen Participation Plan to encourage the participation of all citizens in compliance with section 104(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304 (A)(3)). This plan strongly encourages citizens to participate in the development of the Consolidated Plan (ConPlan), Consolidated Annual Performance and Evaluation Report (CAPER), Consolidated Annual Action Plan, the Assessment of Fair Housing and Plan, and any substantial amendments to any of the documents deemed necessary. A substantial amendment is described on page 5 of this document.

The principal focus of the Citizen Participation Plan is to create opportunities for participation by the citizenry in the planning, development, and implementation of the Consolidated Plan. A principal focus of the Citizen Participation Plan will be to provide formal and informal mechanisms, which will encourage and facilitate citizen input particularly from those persons of low and moderate income who are most likely to be affected by CDBG projects.

Citizens Advisory Committee

The Citizens Advisory Committee (CAC) will consist of seven members representing residents and/or property owners of low and moderate-income areas and/or persons representing organizations serving LMI persons, and then appointed by City Council. Representation will include low and moderate-income persons, including those living and/or owning property in areas potentially targeted for CDBG projects. In addition, the City of Biddeford will make whatever actions are appropriate to encourage the participation of representatives of underserved populations including minorities and non-English speaking persons, as well as persons with disabilities. Specific accommodations will be made for any participating citizen so as not to limit their involvement in the CAC. This could include assistance from the CDBG Coordinator, translation services, etc. The CAC may expand its membership to seven members at the beginning of the second year of the Consolidated Plan.

Under the direction of the City's Director of Planning and Development, the CDBG Coordinator will direct and coordinate all activities of the CAC. The CDBG Coordinator will be tasked with being the contact point for various non-profits (including philanthropic organizations), public housing authorities, businesses, and residents of assisted housing developments, social services (including faith based organizations) and any population that would be eligible for CDBG funding. The CDBG Coordinator will be tasked with encouraging collaboration between various entities as the Consolidated Plan is developed. Subject to review and recommendation of the CAC, the City will present the Consolidated Plan, projects, substantial amendments and any other activities regarding the ConPlan to the City Manager for final approval by the City Council.

The CAC will provide comments and/or recommendations in areas such as the assessment of needs, reviewing potential projects, and conducting Public Hearings to keep the citizenry informed. The CAC will be tasked with reviewing the Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Consolidated Annual Action Plan and any substantial amendments to any of the foregoing documents prior to publication, public review and public hearings.

GENERAL PROCESS

Citizen Comment and Access to Information

Citizen Participation Plan – The *City Council* will adopt the Citizen Participation Plan after a Public Hearing is held and a public comment period of 15 days. A Citizen Participation Plan summary will be published in the local media and formatted upon request for non-English speaking persons or citizens with disabilities. An informational session regarding the Consolidated Plan, its process of development and types of projects CDBG funds will also be presented at this time.

Consolidated Plan, Consolidated Annual Performance & Evaluation Report (CAPER), Annual Action Plan, Assessment of Fair Housing and Plan, and Substantial Amendments – Prior to the publication and submission of any of these final draft documents, the City of Biddeford will hold a Public Hearing and conduct a 30-day comment period, *except in the case of the CAPER, which will have a 15-day comment period.*

Notification to Housing Authorities and Surrounding Communities

The City of Biddeford will notify and send its housing authority and surrounding communities an Executive Summary of the Consolidated Plan, Annual Action Plan, Citizens Participation Plan, and Assessment of Fair Housing and Plan, 30 days before it is adopted. A draft of the documents will be made available upon request 10 days prior to the Public Hearing in order to receive comments regarding the impact of the potential projects and plans on the surrounding communities, if any.

Information Access Strategy

The City of Biddeford will publish an Executive Summary of the Consolidated Plan, Annual Action Plan, and Assessment of Fair Housing and Plan 10 days prior to the Public Hearing. The summary will describe the contents and purpose of the plans, and a list of the locations where copies of the entire proposed plans may be examined. A number of free copies of the plans will be available upon request. Every reasonable means will be used to accommodate requests for copies in a format for non-English speaking persons and persons with disabilities. Copies of the plans will also be available at the City Hall and McArthur Library. The plans will include the amount of assistance that the City of Biddeford expects to receive (including grant funds and program income) and the range of activities that may be undertaken, including the estimated amount that will benefit persons of low-and-moderate income. The Assessment of Fair Housing and Plan posting will include the report compiled from the HUD Assessment Tool and the Plan with strategies to address the identified housing issues. In addition, every effort will be made to give additional access to the plans by placing them on the City's website at www.biddefordmaine.org.

The same process will be implemented for the Consolidated Annual Performance & Evaluation Report, and all proposed substantial amendments. Access to records will be open and available upon request within 5 business days excepting information deemed confidential by the Department of Housing and Urban Development.

Public Hearings

Public Hearings will be held as part of the Citizen Participation process. A General Public Hearing will be held prior to the publication of the Consolidated Plan and Assessment of Fair Housing and Plan, to obtain the views of citizens and to address housing and community development needs, development of proposed activities, proposed strategies and actions for the Consolidated Plan and AFFH and a review of program performance. A General Public Hearing will be held after publication of the draft Consolidated Plan and Assessment of Fair Housing and Plan, and followed by a thirty-day comment period.

A Public Hearing will be held prior to the submission of the Consolidated Annual Performance & Evaluation Report and Annual Action Plan. Additional public hearings will be held when substantial amendments are proposed to any documentation regarding the Consolidated Plan and related documents.

All notices of Public Hearings will be legal advertisements published in *The Courier* 10 days prior to the Public Hearing date. Notices will also be posted in the City Hall at the main office entry and the Clerk's Office, and at the McArthur Library. The notice will also be posted on the City of Biddeford website at www.biddefordmaine.org. Copies of proposed documents will be available at the Biddeford Economic Development Office and at the McArthur Library. To encourage input and participation the CD Coordinator will coordinate with the Heart of Biddeford, a Main Street organization to reach out to the business community and through the CPPC to reach faith based and philanthropic organizations. The Public Hearings will be held at the City Hall in Council Chambers or at other appropriate locations that are convenient, ADA compliant and accessible to the public. Special accommodations for those with disabilities and/or language barriers upon request will be available to the extent possible by the City. To ensure those with disabilities and/or language barriers know of these accommodations, the CD Coordinator will reach out to the Seeds of Hope Neighborhood Center and Community Partners for Protecting Children who work with these populations and/or have access to interpreters and translation services. These entities will reach out to these populations to make them aware of services in order to encourage their participation. The same process will be implemented for any public meetings, hearings, or other forums seeking public input.

Public Comment

All comments received during any comment period will be taken into consideration by the City of Biddeford and the CAC. A summary of any comments or views not accepted in the AFH will be attached to the final Consolidated Plan, Action Plan, CAPER, and/or AFH.

Complaints

The City of Biddeford will respond to all complaints related to the Consolidated Plan, Action Plan, CAPER, and/or AFH Plan in writing within 15 working days from the time of receipt. Complaints may be written or oral and directed to the following office: CDBG Coordinator, City of Biddeford, 205 Main Street, Biddeford, Maine 04005. The CDBG Coordinator shall be charged with responding to the complaint upon prior consultation with the Economic Development Director and City Manager.

Technical Assistance

Staff shall make reasonable efforts to provide technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals for funding under any of the programs covered by the Consolidated Plan, Annual Action Plan, and/or needs identified in the Assessment of Fair Housing and Plan. The CDBG Coordinator will be tasked with providing a form and/or assistance to the individual or group requesting assistance. All proposals that qualify for CDBG funding will be considered by the CAC consistent with the guidelines and requirements governing CDBG.

Consolidated Plan and AFH Plan Amendments for Priorities, Projects, Activities and Funding Revisions

An amendment to the Consolidated Plan or AFH may be necessary for a variety of reasons including but not limited to: other funding becoming available to complete a project, another project of the same nature is deemed a better solution, changes in data that reflect the need to reconsider projects and/or priorities, and/or or another project is deemed to have a higher priority. Also, programmatic or budget changes may occur including but not limited to the following: new activities, overrun/under-run situations, fund transfers, and/or reductions/increases in HUD Entitlement funding.

There will be 30 calendar days following an advertised and posted Public Hearing, to receive comments on the Consolidated Plan substantial amendment or any revisions to the AFH and before the Consolidated Plan substantial amendment or AFH revision is submitted to HUD for review. The Public Hearing and citizen input process will follow the same process as outlined in the Public Hearings section of this document. Only after review and approval by HUD will the Consolidated Plan Substantial Amendment or AFH revision be implemented.

A summary of citizen comments or views from the Public Hearing and 30-day comment period will be attached to the Substantial Amendment and/or revision when submitted to HUD. A summary of any comments or views not accepted and the reasons why, shall be attached to the Substantial Amendment and/or revision of the Con Plan or AFH and submitted to HUD for review.

The City of Biddeford defines amendments as either substantial or minor when proposing to amend its approved Consolidated Plan. The following defines substantial and minor amendment, as well as funding revisions, and the process to be implemented accordingly.

1. Substantial Amendments – Consolidated Plan, Annual Action Plan, and AFH

Substantial Amendments are defined as follows:

- A. A substantial amendment is any change in the use of CDBG funds from one eligible activity to another. When it has been determined that a substantial change must be made to the Consolidated Plan, it will be published for review in at least one newspaper of general circulation and published on the City's website. Citizens will have a 30-day period to submit written responses. A summary of these comments and a summary of any comments or views not accepted will be attached to the substantial amendment.***

Upon completion of the substantial amendment process, the city shall notify HUD that an amendment has been made. A copy of the amendment will be provided to the HUD office for the jurisdiction and shall include a transmittal letter signed by an official representative of the city.

- B. The City proposes to alter the location or beneficiaries of previously approved activities whose cost exceeds 25% of the fiscal year allocation for any one HUD Program.***
- C. The City proposes to alter the 5-year strategy within the Consolidated Plan, the Annual Action Plan, and/or AFH by adding a new priority, previously not considered, in order to undertake new activities that fiscal year, delete a priority, and/or change a priority in a way that would affect its implementation or funding.***
- D. In the event of a natural disaster or pandemic which a state of emergency has been declared by the Mayor, Governor and/or President of the United States any unexpended CDBG funds is subject to being redirected for the immediate response and/or recovery of the declared emergency. Existing contracts are subject to reduction and amending. CDBG funds will be used in a manner that addresses the immediate needs of the community as deemed appropriate by the Director of Planning and Development in conjunction with the City Manager and/or Mayor. Adjustments in comment period and hearing notices will be made consistent with HUD guidance.***

Since the City of Biddeford has developed a five-year Consolidated Plan, Annual Action Plan and AFH with defined activities targeted for funding and program implementation, flexibility is needed in order to accommodate activities in coordination with such things as construction schedules, other funding, changes in data, and/or the addition of other activities that could be encompassed in the priorities as stated by the Consolidated Plan, Annual Action Plan, or AFH.

2. Minor Amendments – Consolidated Plan, Annual Action Plan and AFH

- A. A minor amendment will be considered that does not change the funding allotment for the activity or program but provides clarifying context or corrects scrivener's errors. A minor amendment may all include the results of a financial reconciliation completed by the City and accurately aligns financial records with the CDBG grant-based accounting in the administration of eligible programs and activities.***
- B. In a minor amendment situation, the CAC will review and recommend the action to City Manager through the Director of Planning and Development.***
- C. In a minor amendment situation, no Public Hearing will be required.***

Redirected CDBG funds will be not be subject to a substantial amendment; however, a minor amendment to align the current or past Annual Action Plan shall occur using any means available to fulfill a 15 day public comment and advertisement including but not limited to posting of the City of Biddeford's main web page and that of the Department and posting of flyers in public buildings.

3. Adjustments to comment period, hearing notices, and contract changes.

In the event of a natural disaster or pandemic which a state of emergency has been declared by the Mayor, Governor and/or President of the United States any unexpended CDBG funds is subject to being redirected for the immediate response and/or recovery of the declared emergency. Existing contracts are subject to reduction and amending. CDBG funds will be used in a manner that addresses the immediate needs of the community as deemed appropriate by the Director of Planning and Development in conjunction with the City Manager and/or Mayor. Adjustments in comment period and hearing notices will be made consistent with HUD guidance.

Anti-Displacement Policy

Assistance will be provided if persons should be displaced by any of the City of Biddeford's CDBG funded projects. Households will receive appropriate notices and other advisory services to assure they are fully informed of their rights, make informed decisions, and receive referrals to appropriate services that may be needed.

Replacement housing including the offer of a comparable replacement dwelling and if necessary, financial assistance to make the unit affordable, will be provided if such a displacement should occur during the implementation of the Consolidated Plan and Annual Action Plan. Every effort will be made to provide financial assistance in the form of a Replacement Housing Payment or tenant-based assistance, such as Section 8 Certificate vouchers. In addition, displaced persons will receive assistance in the form of moving and related expenses to help cover costs of the move. The City of Biddeford in compliance with the Department of Housing and Urban Development CDBG Program will review each situation on a case-by-case basis. The City of Biddeford will provide displaced persons/businesses with all the benefits and assistance prescribed pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Specific Requirements for the Assessment of Fair Housing and Plan Development

1. Additional Consultations

A. 91.100 (a)(1) and (5), and 91.100 (c)(1)-(3)

Housing Organizations

The City and CAC will seek consultations with the state Continuum of Care and by conducting a survey of nonprofit housing organizations that provide housing to Biddeford residents and

conduct up to three meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Public and Private Affordable Housing Owners and Developers

The City and CAC will seek consultations by conducting a survey and seeking input through a meeting with the following public and private affordable housing owners/developers and management corporations that manage/develop housing for Biddeford residents and regionally. The Heart of Biddeford, a Main Street organization will reach out to the business community to participate. Up to three follow up meetings to discuss the data received and provide an open forum for AFH issues, strategies and goals may be scheduled.

Government

The City and CAC will seek consultations by conducting a survey of government entities within and adjacent to Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

Social Service Providers

The City and CAC will seek consultations by conducting a survey of the following social service providers in Biddeford to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. Up to three meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals. The City will begin with the largest network of social service providers available and outreach to social service organizations and faith based organizations that provide health services and social services to children, elderly persons, persons with disabilities, persons with HIV/AIDS and their families, homeless persons, and other protected populations. They will provide links for the survey and input from the nonprofits that are part of their organizational network.

Housing Enforcement Agencies

The City and CAC will seek consultations by conducting a survey of the following housing enforcement agencies in Biddeford and regionally to receive input regarding problems and solutions that are not only Biddeford specific but regional issues pertaining to the AFH. These agencies provide legal, protection, code, and other forms of enforcement services and assistance to public housing residents and protected populations. Up to two meetings will be held to discuss the data received and provide an open forum for AFH issues, strategies and goals.

2. Direct Citizen Participation

A. 91.105(a)(1) and (a)(2)(i) through (iii)

The City and CAC will seek input for the AFH by conducting a survey and holding meetings in a multi faceted approach as follows to ensure outreach directly to citizens.

- 1 meeting each with Focus Groups held in two neighborhoods where housing rehabilitation and neighborhood revitalization is targeted, to conduct the AFH survey and receive input as to issues, strategies, and goals for Biddeford's AFH.
- 1 outreach effort to organizations/sites that work with "food security" issues.
- Coordination with social events (10) held at public housing sites of 40 or more units in order to conduct surveys with tenants and take input from residents
- 3 outreach meetings with the largest social service network who coordinates the social service network in Biddeford and regionally, to conduct the survey and receive input for the AFH from smaller direct service nonprofits. From the smaller nonprofits the City will receive information on where and how to contact ethnic groups and minorities for their input.
- One potluck supper and/or desert social for all Biddeford citizens to understand the AFH, fill out a survey (assistance will be provided), and give input as to the issues, strategies and goals for the Biddeford AFH.
- Citizens needing interpretive assistance of any kind will be provided upon request to the Community Development Coordinator's Office for all meetings and public hearings.

3. Development of the AFH

A. 91.105(b)

The development of the AFH, document availability, review and comment period, public hearings, and final approval, will follow the same process as the Consolidated Plan process as stated in the GENERAL PROCESS portion of this document. However, in the case of the AFH, the draft document will have additional review through the following list of meetings which will also be advertised through public bulletin board postings, email, public access television, local newspaper (ten days in advance), and on the City's website. All meetings and public hearings will be held in ADA compliant locations and interpretive services for those with language or special needs will be accommodated to the extent possible by request to the City. Drafts of the AFH documents will be made available free upon request to the City and posted on the City's website, placed at the library and Community Center, and available at the Economic and Community Development Office at City Hall. Documents in forms accessible to persons with disabilities or limited English proficiency will be made available to the extent possible upon request to the City.

A meeting will be held prior to the public hearing with the consulting organizations including the Housing Organizations, Public and Private Affordable Housing Owners and Developers, Government Entities, Housing Enforcement Agencies, and Social Service Providers in Council Chambers at City Hall for a presentation of the draft AFH and to receive any input or comments.

A second meeting will be held out in the community prior to the public hearing for the smaller direct social service nonprofit organizations, faith based organizations and citizens, for a presentation of the draft AFH and to receive any comments.

After the public hearing and during the 30-day comment period, comments and input received will be incorporated into the AFH as alternative options and a second public hearing held to

review input and comments received and implement any final changes or inclusions/deletions. A summary of any comments or views not accepted in the AFH will be attached to the final Plan. The final draft of the AFH will be presented to Council for approval and submission to HUD.

COMMITTEE	MEMBERS	EXP. DATE	TERM
Conservation Commission	Peter Robbins	12/2027	5 YEARS
	Richard Rhames, Vice Chair	12/2026	
	Denis Rioux	12/2029	
	Maya Atlas	12/2024	
	Erik Heumiller	12/2026	
	Michael Lowell	12/2026	
	Patrick Conlon	12/2026	
Staff Liaison	David Galbraith, City Planner		

CONSERVATION COMMISSION

Division 4 Conservation Commission

Sec. 2-206. Created. [Code 1975, § 2-125]

A conservation commission for the City is hereby created.

Sec. 2-207. Composition; appointment of Commissioners; terms of office. [Code 1975, § 2-126; Ord. No. 99.69, 8-17-1999]

- (a) The Conservation Commission shall consist of seven members referred to in this division as "Commissioners." Such Commissioners shall be nominated by the Mayor and confirmed by the Council. **[Amended 11-1-2011 by Ord. No. 2011.70]**
- (b) The Commissioners shall serve for five-year terms.
- (c) The Commission may recommend to the municipal officers that associate members be appointed to assist the Commission as the Commission requires. Associate members are nonvoting members. Their terms of office shall be for one, two or three years. **[Added 11-1-2011 by Ord. No. 2011.70]**

Sec. 2-208. Filling of vacancies. [Code 1975, § 2-127]

Vacancies on the Conservation Commission shall be filled for the remainder of the term in the same manner as original appointments are made.

Sec. 2-209. Quorum at meetings. [Code 1975, § 2-128]

A quorum shall be necessary at all meetings of the Conservation Commission.

Sec. 2-210. Election of officers. [Code 1975, § 2-129; amended 11-1-2011 by Ord. No. 2011.70]

Annually at its first meeting, the Conservation Commission shall elect a Chair, a Vice Chair and a Secretary.

Sec. 2-211. Chair to call meetings and preside. [Code 1975, § 2-130; amended 11-1-2011 by Ord. No. 2011.70]

The Chair of the Conservation Commission shall call all Commission meetings on three days' notice, unless waived, and shall preside at such meetings.

Sec. 2-212. Vice Chair's power in absence of Chair. [Code 1975, § 2-132; amended 11-1-2011 by Ord. No. 2011.70]

The Vice Chair of the Conservation Commission shall be vested with all the powers of the Chair in case of the Chair's absence or incapacity to serve.

Sec. 2-213. Majority vote required. [Code 1975, § 2-131]

A majority vote of the Commissioners on the Conservation Commission is required to decide upon any matter before the Commission.

Sec. 2-214. Secretary's duties. [Code 1975, § 2-133]

The Secretary of the Conservation Commission shall record all proceedings of the Commission and shall give notice of all Commission meetings.

Sec. 2-215. Administration of Commission. [Code 1975, § 2-134]

The Conservation Commission shall be administered by the Conservation Commissioners appointed and confirmed pursuant to Section 2-207.

Sec. 2-216. Authority to establish committees; membership restricted. [Code 1975, § 2-135]

The Conservation Commission may, from time to time, establish such committees as it feels necessary. The members of such committees shall not be Commissioners on the Conservation Commission.

Sec. 2-217. Duty to conduct research, coordinate conservation activities. [Code 1975, § 2-136]

The Conservation Commission shall conduct research in conjunction with the Planning Board into the local land areas and shall seek to coordinate the activities of Conservation bodies organized for similar purposes.

Sec. 2-218. Authority to advertise, print, distribute books, maps, plans and pamphlets. [Code 1975, § 2-137]

The Conservation Commission may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary.

Sec. 2-219. Index of open areas and working landscapes; purpose. [Code 1975, § 2-138; amended 11-1-2011 by Ord. No. 2011.70]

The Conservation Commission, or committee thereof, shall keep an index of all open areas, publically or privately owned, within the municipality, including farm and forest land, open marshlands, swamps, vernal pools, other wetlands and water bodies, wildlife habitats, especially large unfragmented blocks, for the purpose of obtaining information pertinent to proper utilization, protection, development or use of such open areas, and may recommend to the City Council or any body politic or public agency of the state a program for the better utilization, protection, development or use of such areas, which should include perpetual protection through conservation easements.

Sec. 2-220. To work in advisory capacity. [Code 1975, § 2-139; amended 11-1-2011 by Ord. No. 2011.70]

The Conservation Commission shall work in an advisory capacity to the City Council and the Planning Board.

Sec. 2-221. through Sec. 2-230. (Reserved)

COMMITTEE	MEMBERS	EXP. DATE	TERM
Diversity Equity and Inclusion Committee	Scott Whiting, Council Rep	12/2025	3 YEAR
	Syed Zafar	12/2027	
	Breese Reagle	12/2025	
	Maura Oakes	12/2026	
	Florence Leighton	12/2026	
	Ariane Meno Kobo	12/2027	
	Anne Morrissey	12/2025	
	Sarai Manyiel	12/2024	
	Bistra Nikiforova	12/2026	
	Breese Reagle	12/2025	
Staff	Shelly Gibson, DEI Coordinator		

DIVERSITY, EQUITY AND INCLUSION COMMITTEE

Division 13 Diversity, Equity and Inclusion Committee

Sec. 2-326. Established. [1-16-2024 by Ord. No. 2024.02]

The City of Biddeford's Diversity, Equity and Inclusion Committee is hereby established.

Sec. 2-327. "Committee" defined. [1-16-2024 by Ord. No. 2024.02]

Unless otherwise indicated, the term "Committee," as used in this division, shall mean the Diversity, Equity and Inclusion Committee.

Sec. 2-328. Composition; appointment of Committee members; terms of office; removal of members. [1-16-2024 by Ord. No. 2024.02]

- (a) The Committee shall consist of 8 volunteer members and one City Councilor. Such members shall be nominated by the Mayor and confirmed by the City Council. Members must reside, own a business, or attend school within the City of Biddeford. The Committee shall be staffed by the Diversity, Equity and Inclusion Coordinator or City Manager designee.
- (b) The Council will strive to appoint members to the Diversity, Equity and Inclusion Committee who bring their lived experiences regardless of their varied identities, including, but not limited to, age, race, color, religion, sex, sexual orientation, marital status, pregnancy, the dimensions of gender, disability, citizenship, veterans' status, ancestry, national origin, and/or political affiliation, amongst other identities. Appointed members will be expected to think broadly in terms of how issues of racism, sexism, ableism, and other discriminatory and prejudicial biases and systems impact all residents in Biddeford.
- (c) The terms of each member shall be staggered so that no more than three members' terms shall expire in the same year. Upon adoption of this division, there shall be three members appointed for a three-year term, three members appointed for a two-year term, and three members appointed for a one-year term. Following the completion of these initial terms, all members shall be appointed for three-year terms.
- (d) A member shall automatically be removed from the Committee in the event that they no longer reside in, own a business or attend school in the City of Biddeford or if they are absent for more than three regular meetings per calendar year without being excused by the Chair.

Sec. 2-329. Functions and purposes. [1-16-2024 by Ord. No. 2024.02]

- (a) The purpose of the Diversity, Equity and Inclusion (DEI) Committee is to create a culture of acceptance and mutual respect that acknowledges differences and strives for equitable outcomes of opportunity, access and inclusion.
- (b) It shall be the function of the Committee to:
 - (1) Advise the Biddeford City Council on policy decisions related to diversity, equitable outcomes, and inclusion;
 - (2) Examine existing City policies, programs and practices through a community lens to promote diversity, equity, and inclusion;

(3) Make recommendations to the Council on public engagement strategies and methods by

which all Biddeford residents have the opportunity to better participate in the decision-making process;

- (4) Provide feedback, guidance, strategies and recommendations to increase community engagement specifically by underrepresented groups;
- (5) Identify local community leaders and building more leadership capacity in Biddeford's diverse communities;
- (6) Perform such other functions as may be required or delegated by the Mayor or City Council.

Sec. 2-330. Filling of vacancies. [1-16-2024 by Ord. No. 2024.02]

Vacancies on the Committee shall be filled for the remainder of the term in the same manner as original appointments are made.

Sec. 2-331. Quorum. [1-16-2024 by Ord. No. 2024.02]

A simple majority of Committee members shall constitute a quorum.

Sec. 2-332. Required vote. [1-16-2024 by Ord. No. 2024.02]

The Committee shall act by majority vote of those present and voting.

Sec. 2-333. Annual election of Chair and Vice Chair. [1-16-2024 by Ord. No. 2024.02]

The Committee shall annually elect a Chair and Vice Chair.

Sec. 2-334. Chair to call meetings and preside. [1-16-2024 by Ord. No. 2024.02]

The Chair shall notify all Committee members on three days' notice, unless waived, and shall preside at such meetings.

Sec. 2-335. Vice Chair's power in absence of Chair. [1-16-2024 by Ord. No. 2024.02]

The Vice Chair shall be vested with all the powers of the Chair in case of the Chair's absence or incapacity to serve.

Sec. 2-336. (Reserved)

Sec. 2-337. Authority of Council to assign powers, duties. [1-16-2024 by Ord. No. 2024.02]

The Council may assign additional powers and duties to the Committee as it deems necessary.

COMMITTEE	MEMBERS	EXP DATE	TERM
Downtown Development Commission	Neva Gross, Council Rep.	12/2025	3 YEAR
	Jeffrey Purser	12/2026	
	VACANT -Ken Jordan (REMOVED)	12/2026	
	Stephen Beaudette	12/2025	
	VACANT -Marrick Auger (REMOVED)	12/2025	
	Robert Cyr	12/2024	
	Anthony Mariello	12/2027	
	Patrick Mourmouras	12/2025	
	Karin Gregory	12/2026	
	Staff Liaison	Brad Favreau, Economic Development Coordinator	

DOWNTOWN DEVELOPMENT COMMISSION

Division 6 Downtown Development Commission

Sec. 2-251. Established. [Code 1975, § 2-212]

The Biddeford Downtown Development Commission is hereby established.

Sec. 2-252. "Commission" defined. [Code 1975, § 2-210]

Unless otherwise indicated, the term "Commission," as used in this division, shall mean the Biddeford Downtown Development Commission.

Sec. 2-253. Composition; appointment of Commissioners; terms of office; removal of members. [Code 1975, § 2-213; Ord. No. 99.69, 8-17-1999; amended 3-21-2013 by Ord. No. 2013.13]

- (a) The Commission shall consist of 9 members, referred to in this division as "Commissioners." Such Commissioners shall be nominated by the Mayor and confirmed by the City Council. **[Amended 3-21-2017 by Ord. No. 2017.21]**
- (b) Commissioners shall serve for three-year terms. The terms of each Commissioner shall be staggered so that no more than three Commissioners' terms shall expire in the same year. Any Commissioner appointed to fill a vacancy for which more than half of the unexpired term remains shall be deemed to have served one full term. **[Amended 5-7-2019 by Ord. No. 2019.49]**
- (c) A Commissioner shall automatically be removed from office in the event that he or she no longer is a resident of the City of Biddeford or is absent for three consecutive regular meetings without being excused by the Chair.

Sec. 2-254. Functions and purposes. [Code 1975, § 2-211; amended 3-21-2013 by Ord. No. 2013.13; 5-7-2019 by Ord. No. 2019.49; 6-6-2023 by Ord. No. 2023.57]

It shall be the function of the Downtown Development Commission to:

- (1) Encourage and promote the expansion and development of existing commercial firms downtown and to promote and encourage the location of new commercial firms downtown.
- (2) Review downtown ordinances and recommend revisions to the Policy Committee.
- (3) Serve as coordinator for such boards, merchant groups, commissions and City departments as shall be established from time to time to provide analysis and make policy recommendations to City Council and other City committees, commissions and boards, relating, but not limited to, downtown land use, landscape, streetscape and to promote and implement downtown beautification and cleanup projects if needed, generally, to enhance downtown as a desirable place to live, work or visit.
- (4) Promote downtown Biddeford as a destination for visitors, including, but not limited to, emphasis upon the arts, history and cultural sectors, especially by cultivating a diverse downtown environment.

- (5) Develop new policies to support the function and purpose of the Downtown Development Commission, for consideration by the Policy Committee and City Council.

(6) Perform such other functions as may be required or delegated by the Mayor or City Council.

Sec. 2-255. Filling of vacancies. [Code 1975, § 2-214]

Vacancies on the Commission shall be filled for the remainder of the term in the same manner as original appointments are made.

Sec. 2-256. Quorum. [Code 1975, § 2-215; amended 3-21-2013 by Ord. No. 2013.13; 5-7-2019 by Ord. No. 2019.49]

A simple majority of Commissioners shall constitute a quorum.

Sec. 2-257. Required vote. [Code 1975, § 2-216; amended 3-21-2013 by Ord. No. 2013.13; 5-7-2019 by Ord. No. 2019.49]

The Commission shall act by majority vote of those present and voting.

Sec. 2-258. Annual election of Chairman. [Code 1975, § 2-217; amended 3-21-2013 by Ord. No. 2013.13]

The Commission shall hold a meeting at the beginning of each calendar year for the purpose of electing a Chair. The Chair shall not vote except to break a tie.

Sec. 2-259. Management of Commission. [Code 1975, § 2-218; amended 3-21-2013 by Ord. No. 2013.13; 5-7-2019 by Ord. No. 2019.49]

The management of the Commission shall be vested in the Commissioners appointed and confirmed in accordance with Section 2-253. The Commission shall be staffed by the Director of Planning and Development or designee.

Sec. 2-260. through Sec. 2-261. (Reserved)¹

Sec. 2-262. Director to supervise Commission activities. [Code 1975, § 2-221]

The day-to-day operation and administration of the Commission shall be under the supervision of a Director.

Sec. 2-263. Chair to submit budget, reports. [Code 1975, § 2-222; amended 3-21-2013 by Ord. No. 2013.13]

Annually, the Commission Chair shall, on or before January 1 of each year, submit a budget for the ensuing year and submit reports as requested to the Commission and Council.

1. Editor's Note: Former Section 2-260, Nomination of Director, as amended, and former Section 2-261, Director to perform assigned duties, were repealed 3-21-2013 by Ord. No. 2013.13.

Sec. 2-264. Authority to establish subcommittees.² [Code 1975, § 2-224]

The Commission may from time to time establish subcommittees composed of such persons as the Commission shall desire to provide advice and counsel on downtown matters.

Sec. 2-265. Authority of Council to assign powers, duties. [Code 1975, § 2-225]

The Council may assign additional powers and duties to the Commission as it deems necessary.

Sec. 2-266. Designation as agent for City. [Code 1975, § 2-226; amended 5-7-2019 by Ord. No. 2019.49]

The Council may from time to time designate the Commission to serve as agent for the City in matters relating to other cities and towns, persons or corporations.

Sec. 2-267. Expenditures. [Code 1975, § 2-227; amended 3-21-2013 by Ord. No. 2013.13]

All Commission expenditures shall comply with the City procurement policies established in the City Code of Ordinances, Procurement, Sec. 2-331 et seq.

Sec. 2-268. through Sec. 2-280. (Reserved)

2. Editor's Note: Former Section 2-264, Director, Chairman to execute contracts and agreements, was repealed 6-6-2023 by Ord. No. 2023.57. This ordinance also redesignated former Sections 2-265 through 2-280 as Sections 2-264 through 2-280, respectively.

COMMITTEE	MEMBERS	EXP DATE	TERM
Harbor Commission			3 YEAR
	John Schafer	12/2025	Resigned 6.24
	William MacKeil	12/2026	
	John Henedy	12/2024	
	Jon(Andy) Brady	12/2025	
	Sean Murphy	12/2025	
Staff	Harbor Master Paul Lariviere	indef.	
	Assistant Harbor Master Randy Desmaris	indef.	

HARBOR COMMISSION

Division 3 Harbor Commission

Sec. 74-61. Appointment; terms, qualifications of members. [Ord. of 4-20-1993, § 26-15(a); Ord. of 2-17-1998(2); Ord. No. 2007.11, 3-6-2007]

The Mayor shall appoint, subject to confirmation by the City Council, a Harbor Commission.

- (1) The Commission shall consist of five members serving staggered three-year terms.
- (2) The initial terms of Commissioners shall be two Commissioners for three-year terms, two Commissioners for two-year terms, and one Commissioner for a one-year term.
- (3) The Commission shall be comprised of two recreational boaters; two from the commercial fishing field; and one at-large, with all appointees having demonstrated experience of at least five years with the adjacent waterways of the City.

Sec. 74-62. Duties generally. [Code 1975, § 16-47; Ord. of 4-20-1993, § 26-15(b), (c); Ord. No. 2007.11, 3-6-2007]

- (a) The Harbor Commission shall meet to hear appeals of decisions made by the Harbormaster and to act as an advisory vehicle for any construction from the mean high water line down, and to perform the other functions specified or implied by this article.
- (b) The Harbor Commission shall submit annually a budget for approval by the City Council, such expenditures to be drawn from the revenues designated by Section 74-77.

Sec. 74-63. Appeals. [Ord. of 4-20-1993, § 26-23; Ord. No. 2007.11, 3-6-2007]

A person who is aggrieved by a decision or action of the Harbormaster relating to this article may appeal to the Harbor Commission within 30 days of the date of such act or decision.

Sec. 74-64. through Sec. 74-75. (Reserved)

COMMITTEE	MEMBERS	EXP DATE	TERM
Historic Preservation Commission	Leah Schaffer, Chair	12/2025	3 YEARS
	Alison Tobey	12/2025	
	Julie Larry	12/2025	
	Erin Ware	12/2026	
	Shannon Chisholm	12/2026	
	Wesley Painter-Associate Member	12/2027	
	Christopher (Scott) Joslin- Associate Member	12/2027	
	Staff Liaison	Brad Favreau, Economic Development Coordinator	

HISTORIC PRESERVATION COMMISSION

Article XV

Historic Preservation Ordinance

[Added 4-16-2013 by Ord. No. 2013.25. Amendments noted where applicable.]

Section 1. Authority.

This ordinance is adopted by the municipal officers of the City of Biddeford, Maine, pursuant to the authority granted under 30-A M.R.S.A. § 3001 and § 3007.

Section 2. Purpose and intent.

- A. Purpose. The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the City of Biddeford by providing a legal framework within which the residents of the City can protect the historic and architectural heritage of historically significant areas, landmarks and sites while accepting compatible new construction.
- B. Intent. The intent of this ordinance is to create a legal mechanism to further the above-mentioned purpose and to:
 1. Protect, preserve and enhance the outward appearance and architectural features of structures within designated historic districts and of designated historic landmarks.
 2. Protect and enhance neighborhood character.
 3. Enhance the economic welfare of the City by stabilizing and improving the values of structures and properties within designated historic districts.
 4. Protect and enhance the attractiveness of the City to its home buyers, home owners, residents, tourists, visitors, businesses and shoppers.
 5. Foster civic pride in the City's history and development patterns as represented in such designated historic districts and landmarks.
 6. Apply design standards in a reasonable and flexible manner to prevent the unnecessary loss of the community's historical features and to ensure compatible construction and rehabilitation in historic districts while not stifling change and development or forcing modern recreations of historic styles.
 7. Prevent the demolition or removal of significant historic buildings or structures within designated historic districts or of designated historic landmarks.
 8. Preserve, protect and enhance the essential character of designated historic districts by protecting relationships of groups of buildings and structures.
 9. Accept new buildings and structures in designated historic districts, which are designed and built in a manner which is compatible with the character of the district.
 10. Encourage the use of environmentally sustainable practices in building construction and renovations, while supporting the purpose of this ordinance being historic preservation. [Amended 8-3-2021 by Ord. No. 2021.72]

Section 8. Historic Preservation Commission membership; meetings.

A. Membership.

1. The Board shall consist of seven members, five voting members and two associate members, each a resident of the City of Biddeford. Each member shall be nominated by the Mayor, confirmed by the City Council, for a three year-term. The Mayor shall have the discretion of appointing members and associate members to the Commission with

terms expiring after two years but less than three years for the purpose of staggering appointments throughout a calendar year.

2. Associate members may be made voting members of the Board upon the retirement or no appointment of a voting member. Associate members are expected to participate in all hearings and discussions. They shall vote only if the Chair appoints an associate to act in place of a regular member who is absent or has been disqualified because of conflict of interest.
3. When there is a permanent vacancy, the Mayor shall nominate, with confirmation by the City Council, a new member to serve for the remainder of the unexpired term. Vacancies shall be filled within 60 days. **[Amended 8-3-2021 by Ord. No. 2021.72]**
4. No serving municipal officer or official of the City of Biddeford shall serve as a member or associate member of the Board.

B. Member qualifications.

1. All members of the Commission shall be residents of the City of Biddeford.
2. Appointments shall be made on the basis of demonstrated interest, knowledge, ability, experience and desire to promote historic preservation in the City of Biddeford. To the extent possible, members should have a background in architecture, historic preservation, planning, engineering, building construction, or a combination thereof.
3. Ideally a member of the Biddeford Historical Society would be a member, as well as a resident of one of the Historic Districts designated by this ordinance.

C. Removal of an Historic Preservation Commission member.

1. Members of the Commission may be removed for cause by the City Council. Cause may include, but not necessarily be limited to, the following reasons:
 - a. A member is no longer a resident of the City of Biddeford;
 - b. A member is absent from meetings without good cause; or
 - c. A member conducts himself/herself in a manner that is inconsistent with the official position of the Historic Preservation Commission, such as consistently having conflicts of interest or displaying unprofessional behavior toward applicants, City employees, or members of the public.
2. Removal action may be initiated by the Mayor or the City Council; however, any member proposed for removal shall be given written notice and shall have an

opportunity to be heard prior to final action.

D. Commission officers.

1. The Commission shall elect from its voting membership a Chair, Vice Chair, and Secretary. Each officer shall be elected each January and shall serve a term of one year.
2. Elected officers shall be responsible for the following:
 - a. The Chair shall preside at all meetings and shall be responsible for the scheduling of special meetings of the Commission as needed. The Chair shall vote only in case of a tie.
 - b. In the event the Chair is absent or has been recused due to conflict of interest, the Vice Chair shall act as the Chair.
 - c. Secretary: ensures that the records of meetings are accurate and available for the Commission's review and reference.

E. Staff. The Commission shall be staffed by the Planning Department.

F. Meetings.

1. The Commission shall conduct monthly meetings. Meetings shall convene on the second Wednesday of each month, unless prior arrangement and announcement has been made by the Commission.
2. In coordination with the Planning Department, the Chair may call special meetings and workshops as needed.
3. All meetings of the Commission shall be open to the public. All meeting agendas shall be posted at the same location in City Hall as Planning Board agendas no less than seven days prior to the hearing. Materials and records of the meetings shall be maintained and available for public inspection in the Planning Department. **[Amended 3-5-2019 by Ord. No. 2019.14]**
4. The Commission shall adopt Roberts Rules of Order and may adopt rules of procedure for the conduct of its business not inconsistent with this article. The Commission shall allow for public comment at all meetings on all applications, with a reasonable amount of time provided to all who wish to speak. In cases where there are applications and a number of those present wish to speak, the Commission may by motion establish a time limit for public comment.
5. Commission meetings shall be called to order when a quorum of the voting members is present. For this purpose a quorum shall be three voting members. When a regular member of the Commission is unable to serve because of conflict of interest, incapacity, absence or lack of confirmed appointment to fill a permanent vacancy, an associate member shall be designated to vote by the Chairman.
6. The Commission shall issue a written decision, appropriately signed by the Chairman, on matters when determined by the Commission to be necessary. The decisions shall

include:

- a. A statement of findings and conclusions.
 - b. Any conditional actions and the timetable for completion.
- G. Conflicts. Any questions raised by any interested party of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members present except the member who is being challenged.

COMMITTEE	MEMBERS	EXP. DATE	TERM
Project Canopy Committee	Ronald Gobeil, Chair	12/2023	5 YEARS
	VACANT		
	Leo Letendre	12/2026	
	Rebecca Henry	12/2026	
	VACANT		
	VACANT		
	Jenna Driscoll	12/2026	
Staff Liaisons	Jeff Demers, Public Works Director		
Consultants	Lisa Thompson, Recreation Director Jan Ames, Pine Tree Arboretum Kathy Labelle		

PROJECT CANOPY COMMITTEE

DIVISION 10

Sec. 2-312. Membership; appointments; term; compensation. [Ord. No. 2008.91, 12-2-2008; amended 4-1-2014 by Ord. No. 2014.26]

The Project Canopy Committee, consisting of seven members, shall be nominated by the Mayor, confirmed by the City Council and shall serve for staggered five-year terms.

The Committee membership serves without compensation.

The Committee shall annually elect one of its members as Chair.

The Committee shall meet on the call of the Chair at such place and time designated by vote of the Committee.

The City Clerk will be notified of the time and location of meetings and shall be provided with an agenda for posting to the general public.

Sec. 2-313. Powers and duties. [Ord. No. 2008.91, 12-2-2008]

To promote and enhance the quality of life by planting trees along our streets, in our parks, in our neighborhoods and developing new green space.

Sec. 2-314. Vacancies. [Ord. No. 2008.91, 12-2-2008]

A vacancy in the membership of the Committee shall be determined upon the occurrence of any of the following:

- (1) The death of a member;
- (2) The effective date of the resignation of a member;
- (3) The expiration of the term of office;
- (4) Three unexcused absences during a one-year period;
- (5) The removal of a member from the City.

A member may resign by submitting a written resignation to the Chair of the Committee. Once received by the Chair of the Committee, the Mayor's office will be notified. The resignation may not be withdrawn, and the member's office shall become vacant on the date specified in the resignation.

If a vacancy in the membership of the Committee occurs, the Mayor shall nominate a person to fill the vacancy within a period not to exceed 30 days of its occurrence. The nomination shall be subject to the confirmation of the City Council. The person named to fill a vacancy shall serve until the normal expiration date of the term being filled.

COMMITTEE	MEMBERS	EXP DATE	TERM
Recreation Commission	Kathryn Lagasse	12/2028	5 YEARS
	Lauren Schuyler Giddings	12/2028	
	Alan Dutremble	12/2024	
	Timothy Stebbins	12/2025	
	Lucas Scott	12/2025	
	VACANT	12/2028	resigned 2.25
	Ronald LaChance	12/2026	
Staff	Lisa Thompson, Recreation Director		

RECREATION COMMISSION

DIVISION 9

RECREATION COMMISSION [1]

[Added 1-17-2017 by Ord. No. 2017.3]

[1]

Editor's Note: Former Division 9, Coastal Area Committee, was removed from the Code pursuant to Ord. No. 2011.38, adopted 9-20-2011, which ordinance disbanded the Coastal Area Committee.

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

- (a) There is hereby established in the City a Recreation Commission. The Recreation Commission shall have seven members, who shall serve for five-year terms.
- (b) The Recreation Commission shall hold an annual meeting for the purpose of electing a Chairman and thereafter shall meet monthly at the time and place as set by the Commission.
- (c) Appointments to the Recreation Commission shall be made by the Mayor, subject to confirmation by the City Council.
- (d) Vacancies on the Recreation Commission shall be filled for the remainder of the term in the same manner as for original appointments.
- (e) The Recreation Commission shall act by majority vote of those present and voting, except that an absolute majority of three shall be required for actions taken under Section 2-308(a).

Sec. 2-307. Functions and purposes.

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

- (1) To manage and promote the City's existing recreational facilities and services, to include the J. Richard Martin Community Center, and to plan, promote and encourage new recreational facilities and services.
- (2) To establish and maintain files of data, and information of interest and assistance for area publicity and recreational development.
- (3) To serve as coordinator for such boards that may be established from time to time to study matters relating to school recreation programs and facilities, state and federal recreational programs and facilities.
- (4) To oversee that the Director is to gather, correlate, and preserve in usable form, records, statistics, survey and other data relating to recreational programs and facilities and other matters that will enable it to carry out its functions and purposes.
- (5) To perform such other functions as may be required by the City Council for recreational development.
- (6) To review all applicants and/or tenants, subject to approval of the City Council.
- (7) To recommend all major repairs, subject to review by the Capital Projects/Operations Committee.

Sec. 2-308. Designation as City's agent; other duties.

- (a) The Mayor and City Council may from time to time designate the Recreation Commission to serve as agent or authorized representative for the City in matters relating recreational facilities to the federal government, the state, other cities and towns, persons or corporations. All contracts, agreements and other matters entered into under the authority contained in this article shall be executed by the Director and Chairman. No expenditure of any funds,

however, will be made without the prior approval of the Finance Committee and City Council.

- (b) Notwithstanding the provisions of the City's Code of Ordinances Section 62-83, Naming of streets, the Commission may designate and identify the trails and access roads within any of the City parks, by name or other numbering system, after consultation with the Recreation Director and the approval of the City's 9-1-1 addressing officer.
- (c) The Mayor and City Council may assign other powers and duties to the Recreation Commission as it deems best.

Sec. 2-309. Sponsorship and advertising.

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

- (1) Make available to the public an opportunity to advertise in, but not limited to the following areas:
 - a. Banners displayed in parks and athletic facilities.
 - b. Publications.
 - c. Media.
 - d. Sponsorship of special events and teams.
- (2) Inappropriate marketing activities are deemed but not limited to:
 - a. Any activity that is prohibited by law or City ordinance.
 - b. Any activity that may be offensive to prevailing community standards.
 - c. Any activity that promotes a social, religious or political organization or position.
 - d. Any activity that creates a conflicting message with the Recreation Department.
 - e. Any activity that promotes negative behavior or values.
 - f. Any activity that is inconsistent with promoting a drug-, tobacco- and alcohol-free environment.
- (3) Usage of collected funds is to support the activity or facility for which they are intended. (Example: a banner at St. Louis Field would help fund the upkeep, capital projects and repair of that facility.)
- (4) The Recreation Commission will review and approve marketing activities.

Sec. 2-310. through Sec. 2-311. (Reserved)

COMMITTEE	MEMBERS	EXP DATE	TERM
Recycling and Waste Management Commission			3 YEARS
	VACANT		
	Ariane Meno Kobo	12/2026	
non-voting student representative	Erin O'Driscoll	6/2025	
	Abigail Wood	12/2027	
	William Moriarty	12/2026	
	Gregg Shapiro	12/2027	
	Renee Burkett	12/2024	
	Jake Pierson	12/2026	
	Doris Ortiz, Councilor	12/2025	
	Liam LaFountain, Councilor	12/2025	
Staff	Jeff Demers, Public Works Director		

RECYCLING AND WASTE MANAGEMENT COMMISSION

ARTICLE VI SOLID WASTE ADMINISTRATION

Division 1

Sec. 58-163.1. Recycling and Waste Management Commission. [Amended 9-3-2013 by Ord. No. 2013.73; 4-1-2014 by Ord. No. 2014.27; 7-20-2021 by Ord. No. 2021.62]

(a) Mission.

- (1) The Recycling and Waste Management Commission is created by the Council of the City of Biddeford to facilitate the development and implementation of the City's comprehensive waste management program and coordinate the efforts of the several departments in the City that address the municipal waste issues.
- (2) The Commission is further charged with the operation and maintenance of the provisions of this article.
- (3) The Commission shall report to the Mayor and Council upon a periodic basis.

(b) Membership.

- (1) The Recycling and Waste Management Commission shall be composed of nine members. Of the nine voting members, two shall be Councilors. A 10th and nonvoting member shall be a School Department representative who shall be nominated by the Superintendent and confirmed by the School Committee. All other members are to be nominated by the Mayor and confirmed by the City Council.
- (2) The voting members shall be registered voters and residents of the City of Biddeford.
- (3) The Commission Chairman shall be appointed by the Mayor.

(c) Terms.

- (1) The members of the Recycling and Waste Management Commission shall serve three-year terms and may serve additional terms upon nomination and reappointment.
- (2) The initial membership shall be appointed for staggered terms in order that a stabilized organization remain in place as much as possible. Initial terms will be:
 - a. Councilors serve two years;
 - b. Two members initially appointed for one year;
 - c. Two members initially appointed for two years;
 - d. Two members initially appointed for three years.
- (3) Whenever a vacancy occurs in the membership, a replacement member shall be appointed to fill the unexpired term of the vacancy.
- (4) Members may be removed from the Commission by the Council, upon recommendation by the Commission Chairman to the Council, for reasons to include:

City of Biddeford, ME

- a. Inability to attend scheduled meetings;
- b. Continual conflicts of interest;

- c. Inability to function with the group process.
- (d) Organization.
 - (1) The Recycling and Waste Management Commission shall be composed of the following standing subcommittees, membership and Chair to be appointed by the Chairman of the Commission:
 - a. Municipal solid waste: addressing issues of transportation and handling of municipal solid waste.
 - b. Recycling: addressing issues of recycling.
 - c. Transfer station: addressing transfer station issues.
 - d. Wastewater Commission relations: to coordinate Wastewater Commission issues as relating to waste management.
 - (2) These subcommittees shall research issues and provide reports as needed by the Chairman of the Commission to fulfill the Commission's mission and long-term goals.
 - (3) The Chairman may appoint additional committees as necessary to fulfill the mission and long-term goals of the Commission.
- (e) Relation with other commissions, committees, etc.
 - (1) With the establishment of this Commission, all other waste management committees are abolished and their functions incorporated in this Commission.
 - (2) This Commission may interact with other commissions, boards, committees and City departments as needed to fulfill its mission and long-term goals.

COMMITTEE	MEMBERS	EXP DATE	TERM
Wastewater Management Commission	Brian Fleurant, Chair	12/2026	3 YEARS
	VACANT		
	Preston Bowden	12/2025	
	Alex King	12/2026	
	William Emhiser	12/2025	
Staff	Jeff Demers, Public Works Director		
	Craig Chekan, Director of City Engineering		
	Alex Buechner, Wastewater Superintendent		
	Tom Milligan, City Engineer Emeritus		

WASTEWATER MANAGEMENT COMMISSION

DIVISION 2

Sec. 70-41. Purpose. [Code 1975, § 19-1(1)]

There shall be a Wastewater Management Commission responsible for the management and control of the operation and maintenance of the public sewage system as it now exists or as may be extended.

Sec. 70-42. Appointment of members, qualifications, term, filling of vacancies; election of officers; conduct of business. [Code 1975, § 19-1(2); Ord. of 12-15-1992(1); Ord. No. 2006.20, 3-21-2006]

- (a) The Mayor, subject to confirmation by the City Council, shall appoint a Wastewater Management Commission composed of five members, who shall be residents of the City, and not more than one member shall be connected with City government. The majority of the Commission members shall be residents connected to the collection system of the City sewers. The term of office of a member shall be for three years. Where there is a permanent vacancy, the Mayor, subject to confirmation by the Council, shall appoint a person to serve for the unexpired term.
- (b) The Wastewater Management Commission shall annually elect a Chairman and Secretary from its own membership and may adopt such bylaws as are necessary for the orderly conduct of business. At any meeting of the Commission, three Commission members shall constitute a quorum, and all matters requiring the action of such Commission shall be determined by a majority vote.

Sec. 70-43. Powers and duties. [Code 1975, § 19-1(3)]

- (a) The Wastewater Management Commission, subject to the approval of the City Council, shall establish rules and regulations for the management and control of the operation and maintenance of the public sewage system and shall administer such system under the general supervision of the Mayor.
- (b) The wastewater Management Commission shall formulate a budget for the sewage division of the public works Department for submission to the finance committee on or before February 1 of each year, and recommend to the Mayor and City Council such extensions and/or improvements to the system as it may deem advisable for the benefit and development of the City in accordance with the City's Master Plan.
- (c) The Wastewater Management Commission shall advise the City Council as to what rates for user fees and other charges are to be made relative to the use of the sewage system, but all such charges shall be fixed by the City Council.
- (d) The Wastewater Management Commission shall perform such other duties relative to the management and control of the operation and maintenance of the system as the City Council may require.

Sec. 70-44. through Sec. 70-55. (Reserved)