

Sustainability Commission

5/19/25

Present: Brad, Joie, Jeff, Sam, Will, Bev, Max

1. Quorum is present
2. Presentation by Roby Fecteau, Code Enforcement Director and Emergency Manager

How Biddeford prepares for Storms:

Roby sends out daily briefings from national weather service to Department Heads, Council, and some School leadership.

Had been watching Jan 2024 storms for 2 weeks before, working with National Weather Service and County officials.

Biddeford has Emergency Plan that has general information, but not specific instructions, like for police and fire.

Apendix has instructions, like 96 hour rule: Within 96 hours before predicted storm, more frequent briefings.

Within 72 hours before predicted storm, have briefings with depends. Talk about sheltering, food supply, hospital.

Within 48 hours before storm, communicate within emergency operation center (EOC), hospital, airport, harbor to make sure that everything is prepared for storm.

Within 24 hours before storm, they operate EOC (where department heads and some public officials coordinate)

Within 12 hours, finalizing plans.

After, move into recovery.

How Biddeford recovers from storms:

Make an estimate of damages and cost estimates. Have city engineers assess public infrastructure. Cost goes to Maine EMA, then to FEMA.

To get a statewide declaration of emergency from FEMA, must have 2.4M in public infrastructure damages. The cap may soon be increased to 14M.

Two types of funding: 1. traditional dollar, based on replacement in kind of money we already spent, and 2. CAP grant funding/428 project, which happened with the riverwalk repairs. If you go over, you can't get additional money, but if you go under you can apply it to other infrastructure projects. It's not money from the city, it's money drawn from a bank in Augusta from FEMA.

Then, more assessments from FEMA, third party engineers to find true cost of damages. That true cost goes to FEMA, are validated, and the president will declare a declaration. If the damage is super widespread and the state has obviously hit the threshold, then that process is skipped.

City meets FEMA representative, different costs are categorized into different types of damages (ex. playgrounds).

FEMA then sends that information to a consolidated resource center to validate those numbers.

Now in obligation stage, where FEMA must pay at least 75% of costs. FEMA can request they pay a higher %, like during the Pandemic FEMA's paid 90%. The State paid 6% and local paid 4%.

During validation, city must submit in kind cost statement, which says what was there before the damage.

Money used for replacement in kind is marked as CIP in city budget.

How do we prepare to bill everything to FEMA:

For river wall, used 428 grant. Is a standard grant, which also includes mitigation measures.

Goal is to be category-G eligible. Half Million is lower estimate, \$750,000 is upper

Goal is to engineer dune system and create dune management plans to become Category G. This is a top priority.

Art Cleaves is looking into more grants to fund beaches.

FEMA is now more hesitant to fund snowstorms and beaches.

State law says that if you use state money for private property for dunes, must be easement for public access. FEMA doesn't require this.

If FEMA money is used to assist individual property, many regulations—must be year-round housing, uninsured, etc.

Still a lot more to learn about if dunes are eligible project.

Will says it would be good to present property owners with two choices: either fund their property damages on their own, or fulfill x requirements to get funding help.

City doesn't own much of the in terms of property abutting coast, only small sections of various beaches. Hills beach is not a public beach at all.

Max asks how city gets public beach access from private property owners. Roby says that eminent domain has been used, but negotiations are outside his purview.

Currently a court case about ownership of beaches in Scarborough? Important to know the outcome of this case when it's decided.

This area, of beach ownership, and consequences of using public funds for private property, is generally murky. It makes sense to focus on the decidedly public areas first.

Suggests that private property owners should be able to build infrastructure underneath their dunes to protect them. State law currently restricts this. Will mention that a special permit was done for it on Drake's Island in Wells, will share it with the group.

How do we communicate during emergencies:

Before storms, would share updates with public about what city was doing. Generally didn't include recommendations on what to do, other than to consider going elsewhere. These communications were through email. Had 732 people on the mailing list. City doesn't have a system to automatically message all residents.

The city can't declare evacuations, only the governor can. The City can highly recommend it though, and state that they won't send rescuers to certain places because it would endanger them.

County has communication system called Code-Red, people have to sign up for it.

Also had mass meetings following storms.

Work with realtors and organizations to be communicators.

Restricting development after housing is destroyed

There are already state and federal regulations about this, saying that you can't rebuild in a floodplain or dune after 1/2 of your house was damaged. Shoreline zoning has separate regulations. Biddeford specifically doesn't have stricter regulations yet, but we could implement them.

Reusing Toxic Sand

Sand was contaminated by ruptured oil tanks. Policy was to assume that sand on roads was contaminated, much of it was taken to hazardous waste site in Portland. Whereas in another instance, where city knew the sand wasn't contaminated, much of the sand was put back.

Plan for water contamination

Water is handled by private entities. KKW handles most of coastal area, Maine Water handles portions of Hills Beach and UNE. KKW probably has their own plans, unknown if they'll share them publicly. If there was a disruption to clean water, city will assist with KKW's plans. It's not the city's job to develop the plans.

Stuff the Commission can do to be helpful

Research how we can make beaches accessible, without compromising accessibility of the dune.

In messaging, share information about status of state and federal policy, and opportunities for public input in that, i.e. public hearings.

The city still needs more information before it make decisions, and so we're limited in what we can communicate.

We can make an FAQ that the Commission, residents, and the County has, and get those answered.

Restrictions on coastal development

Biddeford has sand dune, floodplain, and shore land zoning. Development also restricted on Resource Protection (RP) zones, which is along shoreline.

3. Approval of May 5th minutes

Max moves, Jeff seconds, unanimous approval.

4. EV charger

Moved to next meeting. A resident suggested some changes, and we'll review them.

5. Pollinator Festival

On May 31st.

Bev, Sam, Joie, Brad plan on tabling.

Jeff Demers, Chief Fisk, and Mayor have approved pop-up bike lane to rotary on Main, probably starting at St. Mary's St.

Brad will write a paragraph about it for the newsletter.

It runs 12-4, we should arrive at 11.

6. Art Walk

We can set up in front of City Hall with information, like recycling and compost handout. We also have swag to handout, a newsletter sign up, garbage to garden QR. We can also do an activity.

June 20th, July 18th, August 15th.

Sam and Brad will table on 20th, Joie will be available for the rest of them.

7. Historic Preservation Talk

Joie and Elizabeth Paglia from Historic New England will give a talk about sustainable historic preservation in New England, in Council Chambers on Wednesday at 4pm.

8. Bike-ped audit

Will, Brad, and Patrick met with Andrew from BCM. They'll walk around the downtown and do a bike-ped audit from 1-5 on Wednesday the 28th. Commission members can join.

9. Landscape Ordinance

Max will schedule meeting with David Galbraith and Kittery planning director to discuss his draft of the landscaping ordinance, he'll share it at our second meeting in June.

10. Adjourn

Bev motions, Max seconds, unanimous