



**City of Biddeford
City Council**

March 4, 2025 at 6:00 PM
City Hall Council Chambers & Zoom

[Click to Join Zoom Meeting Online](#)

Or call in by phone: +1 312 626 6799

Meeting ID: 919 2611 4126

Passcode:385814

1. Roll Call
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
4. Appointments
 - 4.a 2025.18 Mayoral Appointments to Citizen Committees
 - 4.b 2025.19 Mayoral Appointment to Committee-Councilor
5. Public Addressing the Council
(3 minute limit per speaker for up to a total of 15 minutes)
6. Consideration of Minutes
 - 6.a Council Minutes 2-18-25
7. Second Reading
 - 7.a 2025.16 Approval Public Art Commission Ordinance
8. Orders of the Day
 - 8.a 2025.20) Approval of George and Clifford Street Intersection Improvement.
 - 8.b 2025.21) Approval/Amend Code of Ordinances, Chapter 2 Article IV, Division 16 Citizens' Advisory Committee
 - 8.c 2025.22) Approval/Amend Code of Ordinances, Chapter 74, Article II, Division 5, Shellfish Conservation Ordinance
9. Public Addressing the Council

(5 minute limit per speaker)

10. City Manager Report
11. Other Business
12. Council President Addressing the Council
13. Mayor Addressing the Council
14. Executive Session
 - 14.a Executive Session MRS 405 (6) a Personnel Matters
15. Adjourn

Committee, Board, and Commission Application Form

Application

Name Albert. Shinkel

Pronouns He

Ward One

Need to find your Ward?

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

(Section Break)

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

If other, please list below. Field not completed.

Why are you interested in serving the City of Biddeford? I believe in the Mission

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

Please list any prior experience serving on any public Boards, Commissions or Committees (and approximate dates). Biddeford Housing Uthiruty

City of Biddeford

The seal of the City of Biddeford, Maine, is circular. It features a central illustration of a lighthouse on an island, with a ship in the water and a rising sun in the background. The words "CITY OF BIDDEFORD" are inscribed around the top inner edge, and "MAINE" is at the bottom.

2025.18 IN BOARD OF CITY COUNCIL... March 4, 2025
BE IT ORDERED, that I Mayor Grohman do hereby appont the following:

Albert Shinkel
Ward 1
To the Biddeford Housing Authority for a term
to expire December 31, 2029

Attest by: _____
Robin Patterson, Clerk

City of Biddeford



2025.19 IN BOARD OF CITY COUNCIL... March 4, 2025
BE IT ORDERED, that I Mayor Grohman do hereby appont the following:

Councilor Dylan Doughty
Ward 4
To the Joint Biddeford-Saco Committee for a term
to expire December 31, 2025

Attest by: _____
Robin Patterson, Clerk

City of Biddeford
City Council
February 18, 2025 at 6:00 PM

1. Roll Call

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

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

The document for item 12.a. will be added to the meeting archive tomorrow.

There will be a second executive session added to 17 for personnel matters.

Mayor Grohman read a statement on the recent ICE activities in Biddeford.

4. Proclamation

4.a Black History Month

Mayor Grohman read the proclamation

5. Appointments

5.a 2025.14 Mayoral Appointments to Citizen Committees

Motion: Councilor Emhiser

Second: Councilor Lessard

Vote: Unanimous in favor. Councilor Belanger voted yea via zoom.

Motion passed.

6. Presentation

6.a Airport Commission

The airport commission gave an update on the airport project for this year. The design work is almost complete for the terminal apron project and is waiting for the grants. Public Works Director Jeff Demers also gave an update on the rental space and the fuel sales.

6.b FMI Pumpstation final update

Public Works Director Jeff Demers shared the progress and costs of the pump station work. He also gave an update on the road salt supply situation.

7. Public Addressing the Council

Three citizens spoke in support of the Mayor's comments on immigration.

8. Consideration of Minutes

8.a Council Minutes 2-4-25

Motion: Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor. Councilor Belanger voted yea via zoom.

9. Committee of the Whole

9.a Skate Park Discussion

Motion to enter Committee of the Whole at 6:50 pm by Councilor LaFountain

Second: Councilor Whiting

Vote: Unanimous in favor. Councilor Belanger voted yea via zoom.

Recreation Director Lisa Thompson reviewed the timeline of the skate park removal and plans for next steps. She will be visiting the City of Portsmouth, NH in a few weeks to see their new park.

Councilors asked questions about the feasibility study and expressed a desire to move quickly, if there are ways to move it forward and do it right we should do that. Others commented that it might be wise to look at all of the recreation projects to see what makes sense with all sources of funding.

Councilor LaFountain – motion to suspend the rules to allow the public to comment.

Second: Councilor Whiting

Vote: 7 yeas, Councilors LaFountain, Ortiz, Emhiser, Whiting, Gross and Doughty, Councilor Belanger voted yea via zoom.

1 nay – Councilor Lessard

Motion passed

Six citizens spoke about the importance of the skate park to the community.

Motion to exit Committee of Whole by Councilor Lessard at 7:37 pm

Second: Councilor Whiting

Vote: Unanimous in favor. Councilor Belanger voted yea via zoom.

Motion passed.

10. Orders of the Day

10.a 2025.12 Approval Playground Concept and Design bid

Motion: Councilor Whiting

Second: Councilor Ortiz

Public comment – one citizen questioned the need to relocate existing gardens.

Councilors gave feedback that they would like this to come back with an RFP for a specific design.

Vote – Unanimous against. Councilor Belanger voted nay via zoom.

Motion failed.

10.b 2025.15 Approval Elm St & Hooper St Sewer Separation Project

Motion: Councilor Whiting

Second: Councilor Lessard

City Engineer Craig Chekan reviewed the project.

Councilors Lessard and Emhiser spoke in favor of the project, it needs to be done.

Mayor Grohman recommended that there be a plan to communicate to the public before it starts.

Vote: Unanimous in favor. Councilor Belanger voted yea via zoom.

10.c 2025.16 Approval Public Art Commission Ordinance

Motion: Councilor LaFountain

Second: Councilor Lessard

Public Comment – 4 citizens spoke in support of the ordinance and the importance of public art.

Councilors Ortiz and Belanger spoke in favor of the ordinance.

Councilor Whiting motion to amend Sec 2-333,a, 2 remove “including but not limited to” and 2-333, a, 4, change eight to “eighth”

Second: Councilor LaFountain

Vote: Unanimous in favor; Councilor Belanger voted yea via zoom.

Amendment passed.

Vote on the order as amended: Unanimous in favor, Councilor Belanger voted yea via zoom.

Motion passed.

10.d 2025.17 Approval of Reallocation of CDBG Funds

Motion: Councilor Ortiz

Second: Councilor Lessard

Jessica Wilson, Community Development & Grants Manager, explained that the order is to move the money back to the original account and that any new allocations would come before the council in the future.

Vote: Unanimous in favor. Councilor Belanger voted yea via zoom.

Motion passed.

11. Public Addressing the Council

One citizen spoke about civil rights.

12. Program Updates

12.a Premium Parking

The report will be added to the archive tomorrow.

13. City Manager Report

Chief Operating Officer Brian Phinney asked for patience with snow removal, there are challenges with plowing streets that were designed for walking. Public Works does everything they can to take care of it and keep people safe.

14. Other Business

Councilors Whiting and Gross spoke in support of Public Works. Councilor Gross spent part of the recent storm with Public Works and learned a lot.

15. Council President Addressing the Council

Councilor LaFountain did not comment at this time.

16. Mayor Addressing the Council

Mayor Grohman reminded everyone that the opportunity to comment is still open from the housing workshop. Biddeford High School has a great mentorship program and credit recovery class. The high school is seeing a comeback in extracurricular activities with 263 student athletes and 26 clubs. He reminded families that it is a good time to sign up for automated school closure notices.

17. Executive Session

17.a Executive Session MRS 405 (6) d Labor Negotiations

Additional Executive Session MRS 405 (6) c Personnel Matters

Motion to enter executive session by Councilor LaFountain at 8:43 pm

Second: Councilor Lessard

Vote: Unanimous in favor, Councilor Belanger voted yea via zoom.

Motion passed.

Motion to exit executive session at 9:12 pm by Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

18. Adjourn

Motion: Motion to adjourn at 9:12 pm by Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor.

Meeting adjourned.



City Council

Meeting Date: March 4, 2025
Meeting Time: 6:00 PM
Agenda Item No: 7.a
Item Description: 2025.16 Approval Public Art Commission Ordinance
Submitted By: Brad Favreau, Planning & Development

Supporting Information/Documentation:

20250218 Public Art Commission Ordinance - Final w Revisions, 2025.16 Public Art Order 2nd

Key Terms:

N/A

Executive Summary:

The Planning and Development Department proposes this draft ordinance to codify public art and a new commission in Biddeford as a tool and technique to enhance public spaces and improve the urban experience in general.

Detailed Review:

Public art is a valuable tool for planning and economic development, and plays a vital role in placemaking (generally, placemaking is the improvement of the urban experience) and enhancement of Biddeford's identity. In 2022 the Downtown Development Commission presented a new Public Art Policy to City Council for consideration. This policy, including a description of a new Public Art Commission, was approved July, 2022. In January 2025 the Policy Committee recommended the attached draft ordinance to codify those recommendations as amended.

This proposed ordinance, for inclusion in Part II Code of Ordinances, Chapter 2 Administration, includes:

- Functions and Purposes of the Public Art Commission;
- Definitions pertinent to public art;
- Composition of the commission (revised from 2022 policy);
- Mandate to establish guidelines and procedures to evaluate public art proposals, both temporary and permanent;

- Mandate to create of a Public Art Master Plan;
- Mandate to establish an operating budget;
- Mandate to oversee the maintenance and care of public art.

Public art can help establish Biddeford as a destination for art and culture in Southern Maine. This proposed ordinance ensures the new Public Art Commission can carry out this work.

Funding Source:

N/A

Staff Recommendation:

Staff recommends this proposed ordinance as a tool to enhance economic development in Biddeford. Public art has wide public support.

Chapter 2 Article IV Boards, Committees, Commissions

Division 15 Public Art Commission

Section 2-330 Established

The Biddeford Public Art Commission is hereby established by City Council.

Section 2-331 “Commission” Defined

Unless otherwise indicated, the term “commission,” as used in this division, shall mean the Biddeford Public Art Commission.

Section 2-332 Definitions

Public Art – A temporary or permanent object, located in or on a public space, created with skill and imagination that shall include:

- Paintings or murals or other graphic expressions;
- Sculpture or statuary;
- Crafts in clay, textiles, wood, metal, glass, plastic;
- Mixed media, including collage;
- Functional art such as street furniture;
- Landscape or environmental landforms and composition;
- Other expressive media.

Public art shall not include:

- Reproductions of original works of art, except when controlled by the artist;
- Ornamental or decorative objects, or other adornment that are typical elements of architectural design;
- Conventional elements of landscape design;
- Mass produced objects;
- Directional or other functional elements;
- Slogans, logos, mascots, or commercial advertising.

Public Space – Property owned or controlled by the City of Biddeford, including but not limited to, parks, road rights-of-way, courtyards, bridges, building exteriors, building interiors such as foyers, and public easements (e.g. Mill District easements).

Public Art Master Plan – A strategic plan and guidelines that directs the selection, placement and administration of Public Art. This plan shall include an inventory of all public art and private art that is public facing.

Public Art Program – Activities of the Public Art Commission that promote public art, including the selection, placement, and care of art in Biddeford so as to enhance public spaces.

Section 2-333 Composition; Appointments of Commissioners; Terms of Office; Removal of Members

- (a) The Commission shall comprise seven members, nominated by the Mayor and confirmed by the City Council. Commission members shall be referred to in this Division as “Commissioners.”
1. Candidates for this commission must be either residents of Biddeford or be employed in Biddeford.
 2. A minimum of three members shall possess credentials and expertise in one or more of the following areas: arts, culture, humanities, including but not limited to, architecture, landscape architecture, museum curation or other museum professional, professional visual or performing artist (including musicians), art educator, and manager of cultural organization.
 3. One member shall be a Biddeford City Councilor.
 4. The Commission shall also include a student representative as an eight non-voting member to provide a youth perspective
 5. 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, employed in Biddeford, or is absent for three consecutive regular meetings without being excused by the Chair.
- (b) Commissioners shall serve three year terms.
- (c) 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.~~

Section 2-334 Filling of Vacancies

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

Section 2-335 Quorum

A simple majority of voting Commissioners shall constitute a quorum.

Section 2-336 Functions and Purposes

The purposes of the Public Art Commission shall be to administer a Public Art Program, including:

- Ensure the enhancement of art in the City;
- Promote the access and enjoyment of the arts;
- Improve public buildings, facilities, and outdoor spaces through artistic endeavors;
- Respond to Biddeford’s diverse community and imagination.

Functions of the Public Art Commission shall be to:

A. Develop, maintain, and implement a Public Art Master Plan. This plan shall consider the following goals in its development:

1. Open space or parks planning;
2. Cultural tourism;
3. Economic Development;
4. Quality of Life;
5. Place-making.

The Public Art Master Plan shall include, but not limited to, the following elements:

1. Identification and recommendation of public spaces, including easements and rights of way, in Biddeford that may be appropriate for the placement of art, i.e. site selection;
2. Criteria to ensure public art is accessible to all;
3. Consideration of the context into which the piece of art will be placed, integration with other Planning initiatives;
4. Criteria for the selection of artists and art work, including the inclusion of advice from professionals and input from the public;
5. List of interested artists;
6. Procedures for artistic competitions;
7. Review criteria for gifted works of art;
8. Documentation of works of art;
9. Requirements for the maintenance of art;
10. Requirements for the removal of art, if necessary;
11. Other elements as they may arise.

The Public Art Master Plan shall be presented to City Council for approval upon creation and as updated every five years.

B. Establish procedures and guidelines for the review of proposed public art, both temporary and permanent installations, soliciting advice from art professionals, the business community, and local residents, as needed;

C. Establish and maintain an annual operating budget, for the commissioning, acquisition, development, implementation, maintenance, and, if necessary, the removal of public art; as well as other expenditures as necessary for the administration of Public Art.

D. Seek funds, public or private, for the administration of the Public Art Program.

E. Review potential gifts of art to the City, soliciting advice from art professionals, the business community, and local residents, as necessary;

F. Oversee the maintenance, care, and repair of public art collection;

G. Revise policies and guidelines as needed for improved implementation of public art.

2-337 Required Vote

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

2-338 Annual Election of Chair, Vice Chair and Secretary

The Commission shall hold a meeting at the beginning of each calendar year for the purpose of electing a Chair, Vice Chair, and Secretary. The Chair shall not vote except to break a tie. Duties of the Secretary are to take minutes at each meeting and otherwise record activities of the Commission.

2-339 Management of Commission

The management of the Commission shall be vested in the Commissioners appointed and confirmed in accordance with Section 2-333. The Commission shall be staffed by the Director of Planning and Development or designee.

2-340 Contracts and Agreements

All contracts, agreements and other matters entered into under the authority contained in this Division shall be executed by Chair of the Commission with Mayor and Council approval.

2-341 Authority to Establish Subcommittee

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~~ public art matters.

2-342 Council Authorized to Designate Commission as Agent for the City

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.

2-343 Expenditures

All Commission expenditures shall comply with the City procurement policies established in Chapter 2, Administration, Division 2 – Procurement.

City of Biddeford



2025.16 IN BOARD OF CITY COUNCIL... February 18, 2025
BE IT ORDERED, that the City Council of the City of Biddeford does hereby amend
the Code of Ordinances as follows:

Amend Part II: Code of Ordinances, Chapter 2 Administration, Article IV Boards,
Committees, Commissions, by adding new Division 15 Public Art Commission, in
accordance with the attached document.

February 18, 2025

Motion: Councilor LaFountain

Second: Councilor Lessard

Councilor Whiting motion to amend Sec 2-333,a, 2 remove "including but not limited to"
and 2-333, a, 4, change eight to "eighth"

Second: Councilor LaFountain

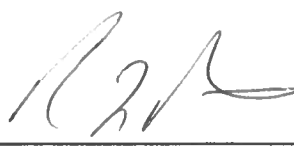
Vote: Unanimous in favor; Councilor Belanger voted yea via zoom.

Amendment passed.

Vote on the order as amended: Unanimous in favor, Councilor Belanger voted yea via
zoom.

Motion passed.

March 4, 2025

Attest by: 

Robin Patterson, City Clerk



City Council

Meeting Date: March 4, 2025

Meeting Time: 6:00 PM

Agenda Item No: 8.a

Item Description: 2025.20) Approval of George and Clifford Street Intersection Improvement.

Submitted By: JoAnne W. Fisk

Supporting Information/Documentation:

George and Clifford Streets intersection change

Key Terms:

Intersection stop sign change.

Executive Summary:

After review by the Traffic Committee at its January 28, 2025 meeting, a recommendation was made to change the existing two-way stop to a four-way stop at the intersection of Clifford and George Streets.

Detailed Review:

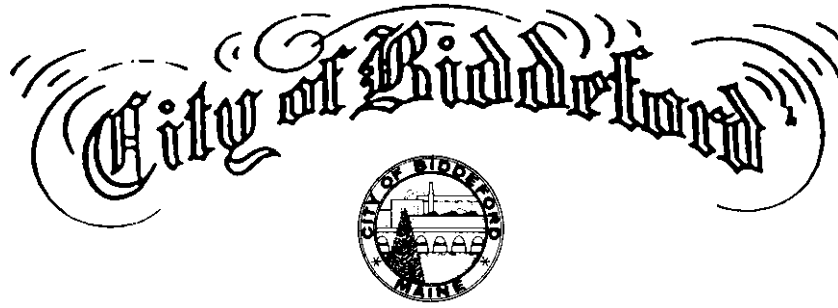
Safety for the motoring public was a key factor in the review of this intersection by the Traffic Committee. As George Street intersects with Clifford Street there is poor visibility to the oncoming intersection movement due to significant sloping of each road.

Funding Source:

N/A

Staff Recommendation:

Staff recommends the change.



2025.20 BE IT ORDAINED, by the City Council of the City of Biddeford March 4, 2025, that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-95 Four-way stop Streets**, be amended by [adding](#) or [deleting](#) to read as follows:

The following street intersections are hereby designated as four-way stop intersections, and stop signs shall be erected on all four corners:

[Clifford Street and George Street](#)

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-89 Stop intersections**, be amended by [adding](#) or [deleting](#) to read as follows:

The following street intersections are hereby designated as stop intersections. Unless otherwise indicated, stop signs shall be erected on the right hand side of the first-named street at the indicated intersection.

~~Clifford Street at George Street~~



City Council

Meeting Date: March 4, 2025

Meeting Time: 6:00 PM

Agenda Item No: 8.b.

Item Description: 2025.21 Approval Amendment Citizens' Advisory Committee Ordinance, Chapter 2 Article IV, Division 16 Citizens' Advisory Committee

Submitted by: Jessica Wilson, Community Development & Grants Manager

Supporting Information/Documentation:

2025.21 Citizens' Advisory Committee – ORDER, Citizens Advisory Committee Ordinance

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).

HUD: US Department of Housing & Urban Development.

Executive Summary:

The Planning and Development Department proposes this draft ordinance to codify the existing Citizens' Advisory Committee. This is the overarching committee that knows the integral components of the CDBG Program, its plans and deadlines, and general functions and regulations of the program.

Detailed Review:

The Citizens' Advisory Committee is to be comprised of seven members from a cross section of all Biddeford citizens, with particular emphasis on those living in census tracts within City limits that are considered to "low/moderate income" by HUD.

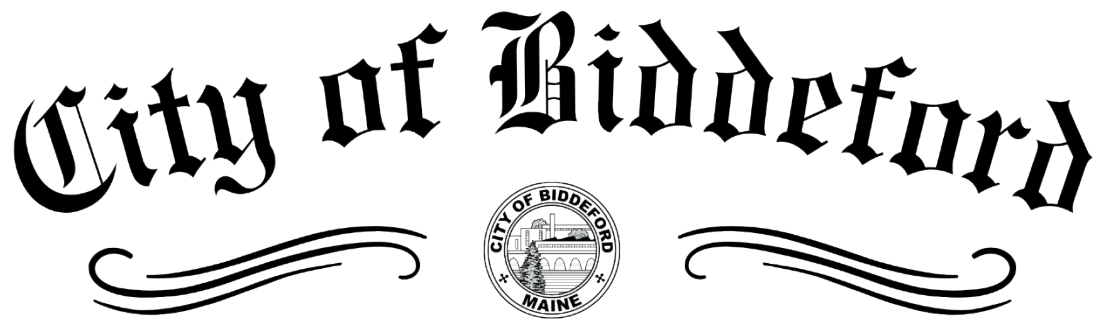
The purpose of the CAC is to promote citizen participation through its role in advising the Community Development & Grants Manager and this Council on funding matters pertaining to the City's CDBG programs. Further, the committee oversees the funding recommendations for CDBG dollars received from HUD. This assures that the housing and community needs of the City's low- and moderate-income residents are addressed through projects and activities.

Funding Source:

N/A

Staff Recommendation:

Staff recommends approval of the proposed Ordinance as written and presented.



2025.21

IN BOARD OF CITY COUNCIL... MARCH 4, 2025

BE IT ORDERED, that the City Council of the City of Biddeford does hereby amend the Code of Ordinances as follows:

Amend Part II: Code of Ordinances, Chapter 2 Administration, Article IV Boards, Committees, Commissions, by adding new Division 16 Citizens' Advisory Committee, in accordance with the attached document.

Attest by: _____

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.



City Council

Meeting March 4, 2025

Date:

Meeting 6:00 PM

Time:

Agenda 8.c

Item No:

Item 2025.22) Approval/Amend Code of Ordinances, Chapter 74, Article II, Division 5,

Description: Shellfish Conservation Ordinance

Submitted Robin Patterson, City Clerk

By:

Supporting Information/Documentation:

Shellfish Conservation Ordinance amendment

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:

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.

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 number of residential recreational licenses issued so this is not necessary. The advance date would also reduce the number of days the remaining licenses are available to the public.

Sec 74-105 - i Harvest logs and J conservation benefits are not being followed.

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

This was reviewed by the Shellfish Warden, Harbormaster, Committee liaison Councilor Emhiser, and the Acting City Manager. The Policy Committee voted to move this forward to Council unanimously on 2-24-25.

Funding Source:

n/a

Staff Recommendation:

Staff recommends approval of the proposed ordinance amendment as written.

City of Biddeford



2025.22 IN BOARD OF CITY COUNCIL... March 4, 2025
BE IT ORDERED, by the City Council of the City of Biddeford, that
Chapter 74, Article II, Division 5, Shellfish Conservation Ordinance be amended as
attached by adding text in blue underline and deleting text in ~~red-strikethrough~~.

Attest by: _____

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]~~
- (i) "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"

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.