



**City of Biddeford
Policy Committee**

August 24, 2026 at 6:00 PM
City Hall Council Chambers & Teams

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Meeting ID: 291 795 094 325 12

Passcode: 3Da37LS7

Dial in by phone: 1-872-242-8054

Phone conference ID: 288 349 639#

1. Roll Call
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
4. Approval of Minutes
 - 4.a 20260526 Policy Committee Minutes
5. Discussion/Review
 - 5.a EV Charging Ordinance
 - 5.b Industrial Pretreatment Program Fee Ordinance
 - 5.c Discussion: Clarification of Public Arts Commission
6. Other Business
7. Adjourn

City of Biddeford
Policy Committee
May 26, 2026 at 6:00 PM

1. Roll Call – Norman Belanger excused, all other members present
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
Council President Beaupre Moved item 5a- IPP item to the next meeting
4. Approval of Minutes
4.a 20260427 Policy Committee Meeting – Minutes
Motion Marie Potvin
Second Councilor Pierson
Unanimous in favor
5. Discussion/Review
5.a Industrial Pretreatment Program Fee Ordinance
- 5.b Proposed Ordinance: Landscape Standards
Councilor Kurtz asked to move to a different meeting as requested by staff
Motion to table until the June meeting Marie Potvin
Second Councilor Pierson
Unanimous in favor
- 5.c Business Impact Fee Payment Plan Ordinance Language
The committee asked several questions about the ordinance
Motion Councilor Pierson
Second Councilor Kurtz

Motion Councilor Kurtz to change the second sentence in subsection (f) to read “If a small business is unable to pay any City fee, they may apply with the City’s Finance Department to establish a payment installment plan with the city.”

Second Councilor Pierson
Unanimous in favor

Motion by Councilor Kurtz to change the third sentence in subsection (f) to read “ All payments are due on “the first day of every month, or if City Hall is closed that day, then on the first day of the month that City Hall is open.”

Second Councilor Pierson
Unanimous in favor

Motion by Councilor Kurtz to amend the fourth sentence in subsection (f) to read “The length of the plan will be decided at the time of approval but is not to exceed twelve months.”

Second by Marie Potvin

Unanimous in favor

Motion by Councilor Kurtz to amend the fifth sentence in subsection (f) to read “If any payment is delinquent by more than 5 calendar days, the payment installment plan will automatically cease, leaving the balance due immediately. Further, interest will be charged on the outstanding balance in accordance with the interest rate set by City Council for the current tax year.”

Second Marie Potvin

Unanimous in favor

Motion by Councilor Kurtz to add in the sixth sentence after the word plan, “the licensee will be ineligible for renewal of their license until such time as the balance is paid in full.”

Second Marie Potvin

Unanimous in favor

Motion by Councilor Kurtz made a motion to change the last line “this payment installment plan is not transferable, and any transfer of the underlying license will cause the full balance to be immediately due.” There was discussion about the transfer of business licenses and the sale of a business. The City Manager will check with Code enforcement on business license transfers.

Second -None

Unanimous in favor

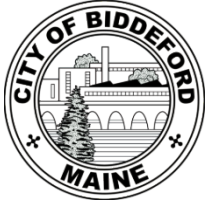
Motion to approve as amended was unanimous in favor

Councilor Beaupre asked to have other business added to the agenda going forward

6. Adjourn – meeting adjourned at 6:23pm

Motion Councilor Pierson

Second Marie Potvin



Policy Committee

Meeting August 24, 2026

Date:

Meeting 6:00 PM

Time:

Agenda 5.a

Item No:

Item EV Charging Ordinance

Description:

Submitted Dr. Will Kochtitzky, chair of the Sustainability Commission and Brad Favreau staff
By: liaison to the Sustainability Commission.

Key Terms:

Executive Summary:

The Sustainability Commission proposes a new ordinance requiring electric vehicle charging infrastructure as a part of new development.

Detailed Review:

To encourage the transition from fossil fuel-powered vehicles to cleaner electric vehicles, the Sustainability Commission proposes this ordinance to strengthen charging infrastructure in Biddeford. Chargepoint, Biddeford's current EV charging partner, has reported recently that demand for charging rose 25% since last year, but supply of charging infrastructure increased just 16%. This ordinance will help balance supply and demand.

All new or re-constructed parking facilities (either surface lots or structured parking) shall conform to the requirement of providing Level 2 chargers at a prescribed rate. This requirement applies to residential, commercial, industrial, and institutional uses.

The proposal requires charging infrastructure that falls into one of two categories:
EVCS Installed - Operational Electric Vehicle Charging Station, in place at parking space.
EVCS Ready - Electric service capacity provided at parking space.

An in-lieu of fee has been provided, with Planning Board approval, where the cost of

compliance is prohibitive to the development in question.

This ordinance was presented to Policy Committee at the March 23 meeting. Dr. Will Kochtitzky of the University of New England explained the basics of electric vehicles and charging of these vehicles. That presentation is included in the agenda packet here.

Funding Source:

N/A

Staff Recommendation:

Staff supports this proposal as part of city efforts to implement the Biddeford Climate Action Plan as approved by Council in 2023.

Next Steps:

With a recommendation by this committee, the proposal will go on to City Council for consideration.

Attachments:

1. Section 49.1 Electric Vehicle Infrastructure AUG 13 2026 FIANL DRAFT
2. Electric Vehicle Presentation AUG 2026

City of Biddeford Code of Ordinances

Part III Land Use Development

Article VI Performance Standards

Section 49.1 Electric Vehicle Infrastructure

A. Purpose

The purpose of this ordinance is to facilitate and encourage the use of electric vehicles, to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, and to establish minimum requirements for such infrastructure to serve both long-term and short-term parking needs. This ordinance is consistent with the goals of Biddeford's approved Climate Action Plan, including reducing greenhouse gas emissions 62.6 percent over 2019 baseline levels by 2030.

B. Definitions

1. **Accessible electric vehicle charging station** - an electric vehicle charging station, that can be readily used by those of all abilities, where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle.
2. **Battery charging station** - an electrical component, assembly or cluster of components and assemblies designed specifically to charge batteries within electric vehicles.
3. **Battery electric vehicle** - any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero tailpipe emissions or pollution when stationary or operating.
4. **Charging levels** - the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and DC fast charging are the most common charging levels, and include the following specifications:
 - a. **Level 1** provides charging through a conventional 120 volt (V), alternating-current (AC) plug. Level 1 is considered as slow charging. Level 1 charging equipment is standard on vehicles and therefore does not require the installation of charging equipment. The most common place for Level 1 charging is at the vehicle owner's home and is typically conducted overnight.
 - b. **Level 2** charging is through a 240 V, AC plug and requires installation of home charging or public charging equipment. These units require a dedicated 40-amp circuit. Level 2 chargers are commonly found in residential settings, public parking areas, places of employment and commercial settings.

- c. Level 3 or DC Fast Charging (DCFC) charging is through a 400 to 1000 V, direct-current (DC) plug. Due to their high cost and extremely high-power draw, Level 3 chargers are typically found in commercial or industrial locations rather than residential.
- 5. Electric Vehicle (EV) - a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes. "Electric vehicle" includes:
 - a. Battery electric vehicle
 - b. Plug-in hybrid electric vehicle
- 6. **Electric Vehicle Charging Station (EVCS)** - battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. A charging station must include a port that conforms to EV industry standards and can charge the vehicle, although an adapter may be required.
- 7. **EVCS-installed** - parking spaces equipped with electrified EVCS that are operational.
- 8. **EVCS-ready** - parking spaces with necessary conduit installed and electrical capacity available to connect to an EVCS to charge an electrical vehicle (either plug or hardwired).
- 9. **Electric Vehicle Charging Station, private restricted use** - an electric vehicle charging station that is:
 - a. Privately owned with restricted access (e.g., single-family home, executive parking, designated employee parking, assigned parking at multi-family residential buildings); or
 - b. Publicly owned and restricted (e.g., fleet parking with no access to the general public).
- 10. **Electric Vehicle Charging Station, public use** - an electric vehicle charging station that is:
 - a. Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or
 - b. Privately owned and available to visitors (e.g., shopping center parking).

11. **Electric vehicle infrastructure** - conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations.
12. **Electric vehicle parking space** - any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
13. **Electric vehicle supply equipment (EVSE)** - any equipment or electrical component used in charging electric vehicles at a specific location. EVSE does not include equipment located on the electric vehicles themselves.
14. **Electrical capacity** shall mean, at minimum:
 - a. Electric Service Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240 V outlet per charger;
 - b. Conduit from an electric panel to future EVCS location(s).
15. **Non-electric vehicle** - any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets that does not meet the definition of an electric vehicle.
16. **Plug-in hybrid electric vehicle** - an electric vehicle that:
 - a. Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor;
 - b. Charges its battery primarily by connecting to the grid or other off-board electrical source;
 - c. May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and
 - d. Has the ability to travel powered by battery-supplied electricity.

C. Applicability

1. This ordinance shall apply to all electric vehicle infrastructure installed, constructed, or modified after the effective date of this Ordinance.
2. Electric vehicle infrastructure in place prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance unless substantial modification to the infrastructure is proposed in accordance with the criteria identified in Section D.1.B.

3. All electric vehicle infrastructure shall be designed, built, and installed in accordance with applicable local, state, and federal codes, regulations, and standards.

D. Required Facilities

1. All new or reconstructed parking structures or lots shall be required to install Level 2 or higher EVCSs according to Table D.1 when one of the following conditions is met:
 - a. The development includes a new off-street parking facility with more than 25 spaces; or
 - b. The parking capacity of an existing building, site, or parking facility is increased by 30 percent or more or 25 spaces, whichever is smaller (expressed as [number of additional spaces]/[number of existing spaces] x 100), resulting in 25 or more total spaces after expansion.

Table D.1 EV Charging Requirements for New and Reconstructed Parking Structures

<u>Land use type</u>	<u>A. EVCS-installed parking spaces required (or as percent of total parking spaces)</u>	<u>B. EVCS-ready parking spaces required (or as percent of total parking spaces)</u>
<u>One or two family residential</u>	<u>-</u>	<u>1 per unit</u>
<u>Multi-family residential w/o dedicated spaces</u>	<u>5%</u>	<u>-</u>
<u>Multi-family residential w/ dedicated spaces</u>	<u>-</u>	<u>1 per unit</u>
<u>Non-residential</u>	<u>5% or one (1) space, whichever is greater</u>	<u>-</u>

2. EV charging infrastructure shall comply with the following provisions and standards:
 - a. The number of EV charging stations required to be installed at the time of development is stated as a percentage of the total number of parking spaces in Column A of Table D.1. Requirements will be rounded up to closest whole number but will always be a value of at least one EVCS to be available at the time of development occupancy.
 - b. Electric capacity requirements for EVCS-ready are met by providing a cabinet, box or enclosure connected to a conduit linking parking spaces with 208/240 V or higher voltage AC electrical service suitable for the number of

charging stations. The wire may end in either a junction box, hardwired EVCS, or plug at the parking space.

- c. Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to electrical transformer to support electric vehicle charging.
 - d. DC Fast Charging equipment (Level 3) may be installed to partially or fully meet the above requirement at one third the rate prescribed by Table D.1.
 - e. These requirements may be revised upward or downward by the Planning Board as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.
 - f. When the cost of installing EVSE required by this ordinance would exceed five percent of the total project cost, the property owner or applicant may request a reduction in the EVSE requirements and submit cost estimates for city consideration. When City Council approval of the project is not required, the Code Enforcement Director may administratively approve a reduction the required amount of EVSE to limit the EVSE installation costs to not more than five percent of the total project cost.
 - g. Affordable housing projects (120 percent AMI in 33 percent of dwelling units) can reduce requirement in Table D.1 by 50 percent or two total EVCS-installed spaces, whichever is fewer.
3. Where meeting the requirements of this ordinance is cost prohibitive, an in-lieu fee to the City of Biddeford at a rate of \$5,000 per EVCS-installed parking space and \$25 per EVCS-ready parking space shall be collected from the owner or developer. EVCS in-lieu fees collected by the City shall be used for supporting electric vehicle infrastructure in the City of Biddeford. These funds shall be used in accordance with the following:
- a. The funds shall be used for electric vehicle charging infrastructure within the City. Specifically, these funds may be used for equipment, and/or construction costs of electric vehicle charging infrastructure in existing or new City owned parking lots.
 - b. A portion of these funds may also be used for administrative, legal, engineering, or other costs related to the planning, design, permitting, and property acquisition for electric vehicle charging.
 - c. A portion of these funds may also be used to establish a grant or revolving loan program to provide direct financial assistance to offset the cost of

retrofitting existing parking areas with electric vehicle charging infrastructure.

- d. These funds may be used in combination with other City funds and other private, non-profit, and government funding for expanding electric vehicle charging infrastructure within Biddeford.
- e. The in-lieu fees contributed by a development shall not be used by the same or other developments to fund the electric vehicle charging infrastructure that is required to meet the minimum standards described in Table D.1.
- f. The in-lieu fees collected by the City shall not be utilized to fund electric vehicle charging infrastructure that is otherwise required to meet minimum zoning standards.

E. General Requirements for Electric Vehicle Infrastructure

- 1. Electric vehicle charging stations within single-family and two-family residences are exempt from the below general requirements. This does not exempt electrical or other permit obligations.
- 2. General station requirements
 - a. Size. A standard-sized parking space shall be used for an electric vehicle charging station where such a station is required or planned.

Equipment Standards and Protection. Where provided, parking for electric vehicle charging purposes shall meet the standards:

- i. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.
- ii. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the top of surface where mounted and shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
- iii. Charging Station Equipment Protection. When the electric vehicle parking space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.

- iv. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.
- b. Signage. Electric vehicle charging stations, other than in residential use, shall have posted signage allowing only charging electric vehicles to park in such spaces. For the purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment. Signage for parking of electric vehicles shall include:
 - i. Information regarding the charging station to identify voltage and amperage levels and any time of use, fees, or safety information.
 - ii. Restrictions shall be included on the signage if removal provisions are to be enforced by the property owner
 - iii. As appropriate, directional signs to effectively guide motorists to the charging station space(s).
- c. Lighting. Site lighting shall be provided where EVCS is installed unless charging is for daytime purposes only. Lighting standards should be met pursuant to the Biddeford Code of Ordinances.
- d. Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging/parking. If applicable, warnings shall be posted to alert charging station users about hours of use and possible actions affecting EVCS that are not being used according to posted rules.
- e. The EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves. If applicable, warnings shall be posted to alert charging station users about hours of use.

3. Accessible Facilities

- a. EVCS-Installed parking shall comply with the Americans with Disabilities Act (ADA) as needed.
- b. Accessible electric vehicle charging stations should be located in proximity to the building or facility entrance and shall be connected to a barrier-free

accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

4. Charging and Parking

- a. EVCS parking spaces are to be included in the calculation for both the number of minimum and maximum parking spaces required, as provided by Part III Land Use Development, Article VI Performance Standards, Section 49 Off Street Parking and Loading in the City of Biddeford Code of Ordinances.
- b. EVCS parking spaces, where provided for public use, are reserved for charging electric vehicles only.
- c. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

5. Parking Restrictions

- a. No person shall stop, stand or park any non-electric vehicle in a space designated through signage as an electric vehicle charging station. Any non-electric vehicle is subject to removal by the property owner or the property owner's agent.
- b. Any electric vehicle in an electric vehicle parking stall that is signed exclusively for electric vehicle charging and that is either (1) not electrically charging or (2) parked beyond the days and hours designated on regulatory signs posted at or near the space shall be subject to removal as posted by the property owner or the property owner's agent. For purposes of this subsection, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

6. Decommissioning

Unless otherwise directed by City of Biddeford, within ninety (90) days of cessation of use of the EVCS, the property owner or operator shall restore the site to its original condition. Should the property owner or operator fail to complete said removal within ninety (90) days, the City of Biddeford shall conduct the removal and disposal of improvements at the property owner or operator's sole cost and expense.

F. Effectiveness, Interpretation, Severability

1. This ordinance shall become effective January 1 following the date of its adoption. Applications already in review at time of adoption shall not be subjected to the above requirements.
2. All other portions, parts, and provisions of the Code of Ordinances of the City of Biddeford as heretofore enacted and amended shall remain in force and effect.
3. The invalidity of any section or provision of the ordinance shall not be held to invalidate any other section or provision of this Ordinance.
4. If any part of this ordinance conflicts with any other applicable federal, state, or local regulation, the more restrictive regulation shall be considered in effect.

G. Enforcement

All site plans submitted to the City for Planning Board review and permitting shall demonstrate that the provisions of this ordinance have been met. EVCS-installed chargers must be operational prior to the issuance of Occupancy Permit, and all conduit and electrical capacity for EVCS-ready installations shall be inspected prior to backfilling and landscaping.

What are EVs and what does the future of transportation look like?

Biddeford Sustainability Commission

What is an EV?

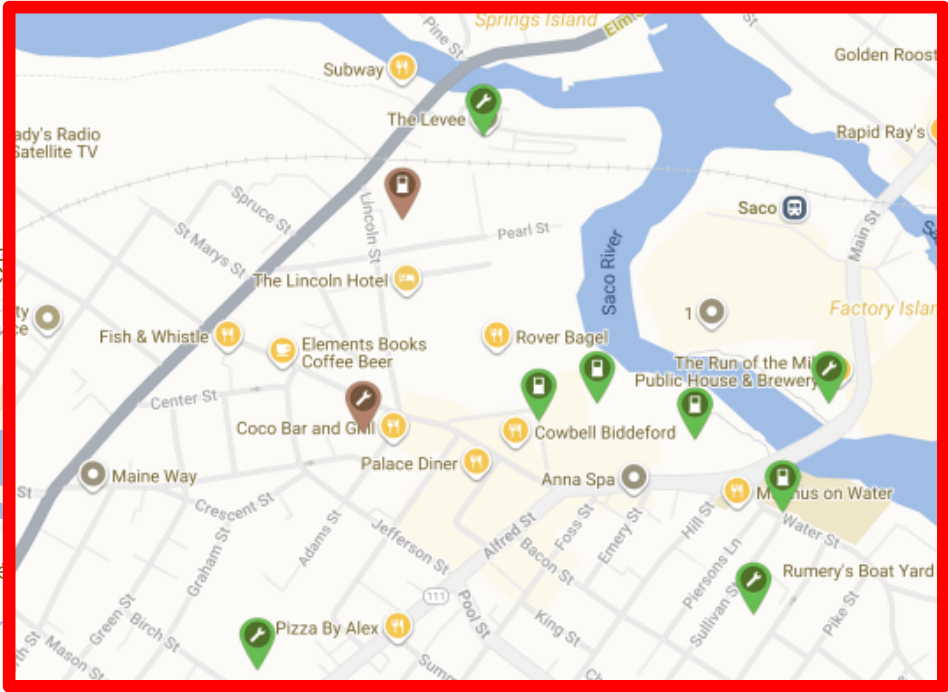
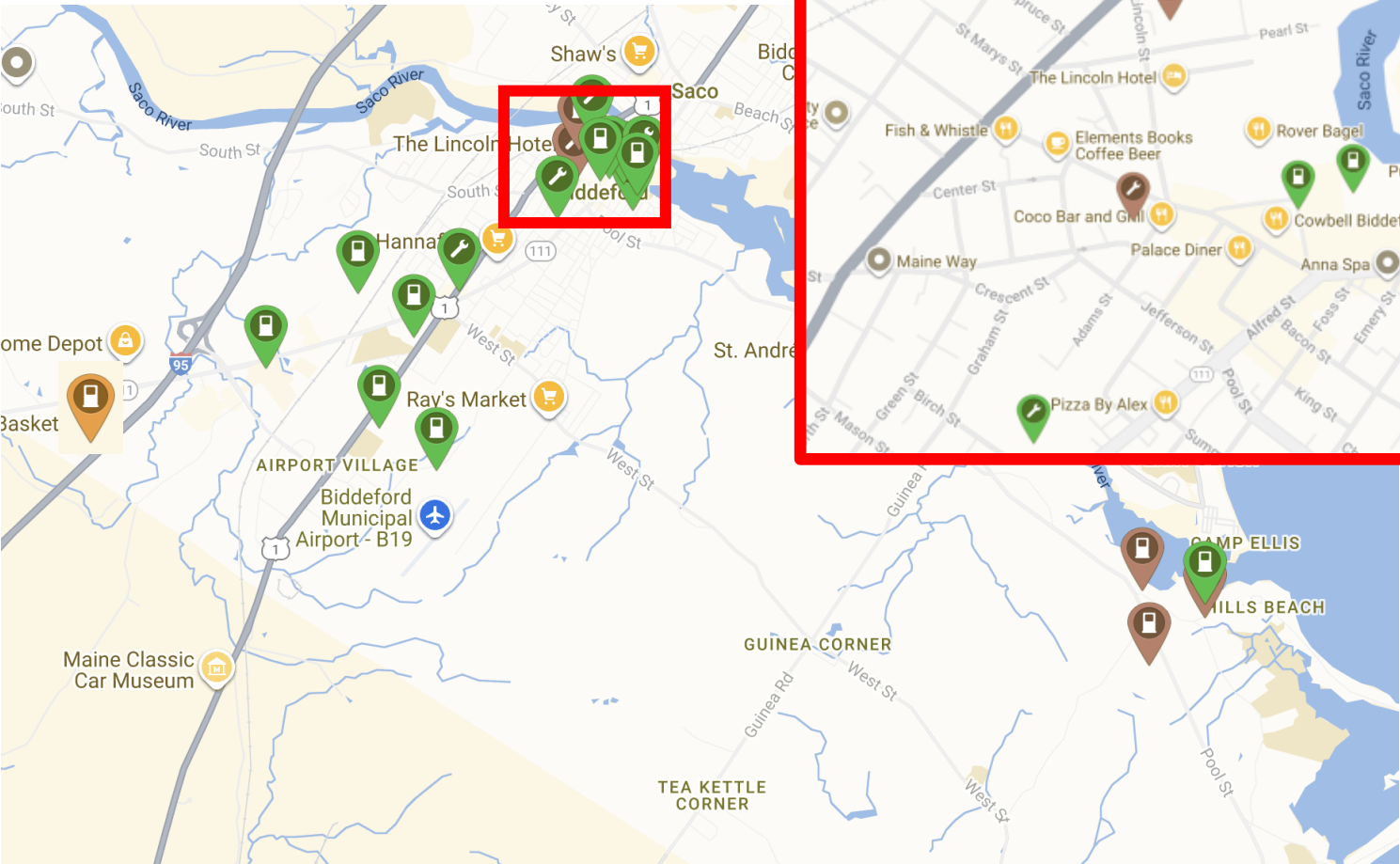
- An electric vehicle in two flavors:
 - Battery electric vehicle (BEV) – 200-500 mile electric range
 - Plugin hybrid electric vehicle (PHEV) – 20-50 mile electric range
- Battery powers an electric motor
- EVs are faster and quieter than combustion engines
- Average American drives 29 miles per day, average EV goes 300 miles
- BEV is equivalent of paying \$1.95 per gallon according to Efficiency Maine (assumes \$0.24 per kwh, comparing Rav4 with Tesla Model Y)

How do EVs charge?

- Level-1 - 120 volts AC, 2-5 miles per hour
- Level-2 – 240 volts AC, 20-60 miles per hour (overnight)
- DC fast charge – 400-1000 volts DC – 100-1000 miles per hour (road trip)



Chargers in Biddeford



Pearl St garage

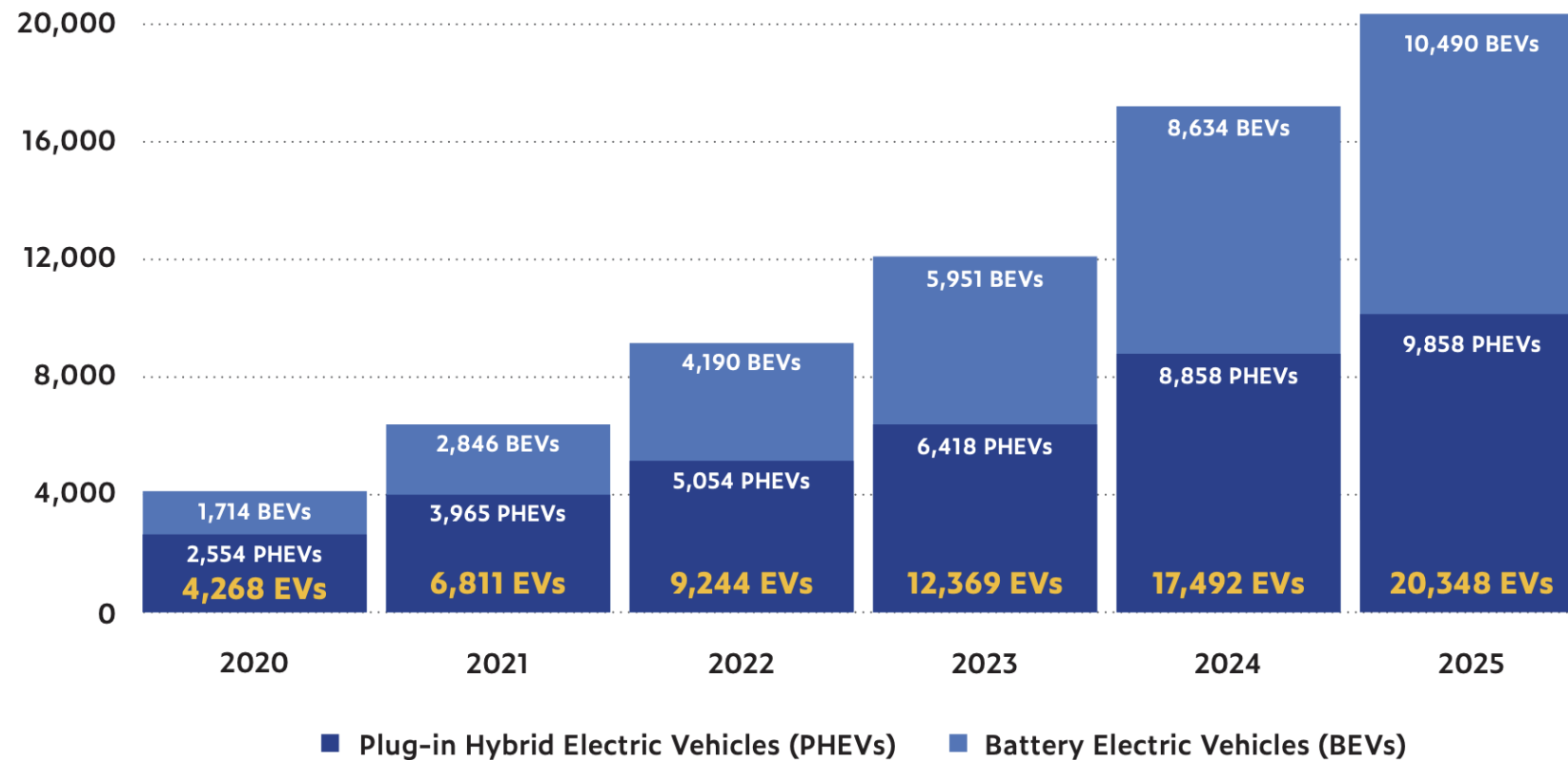


Market Basket



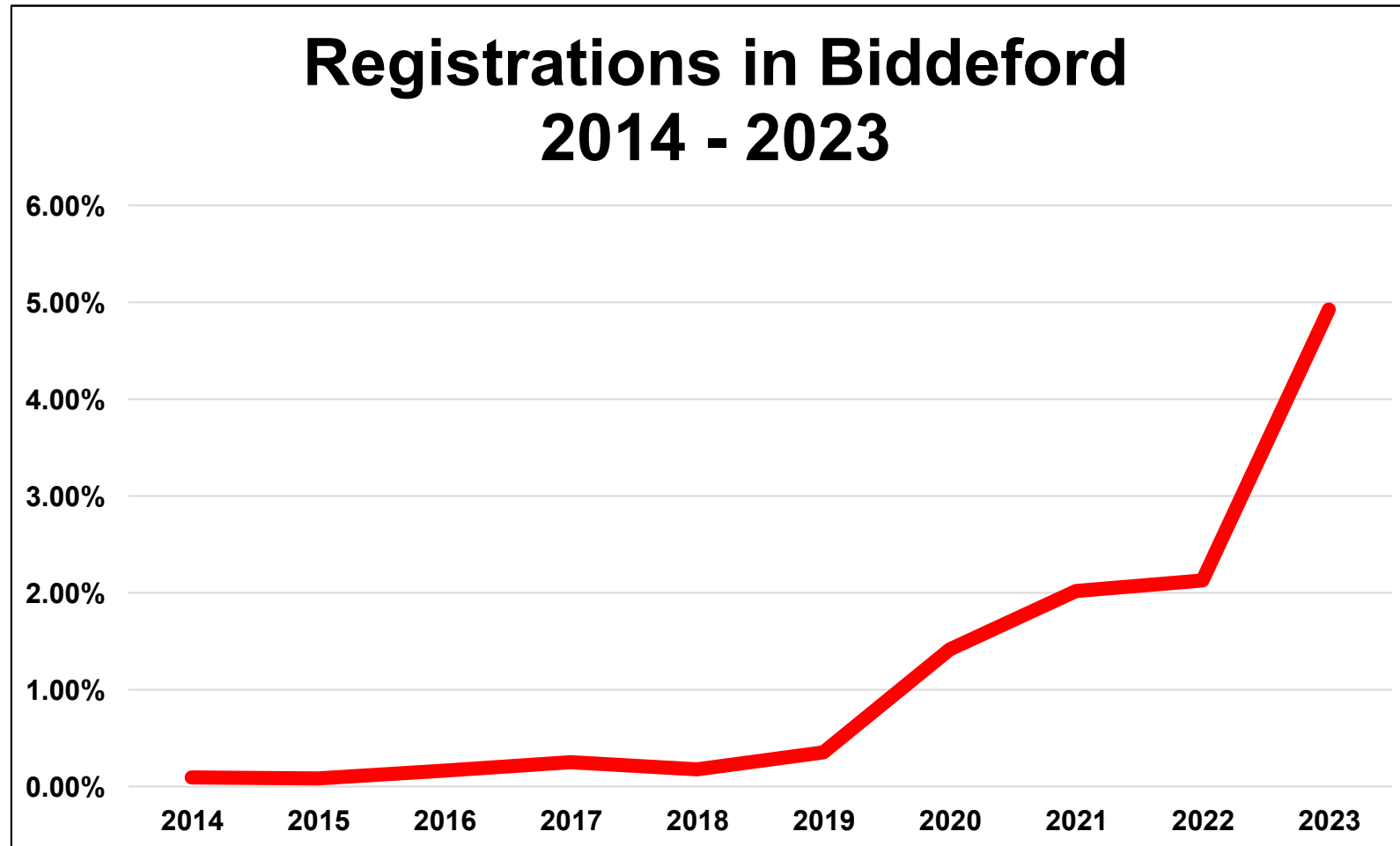
Registrations of EVs in Maine

Electric Vehicles on the Road in Maine



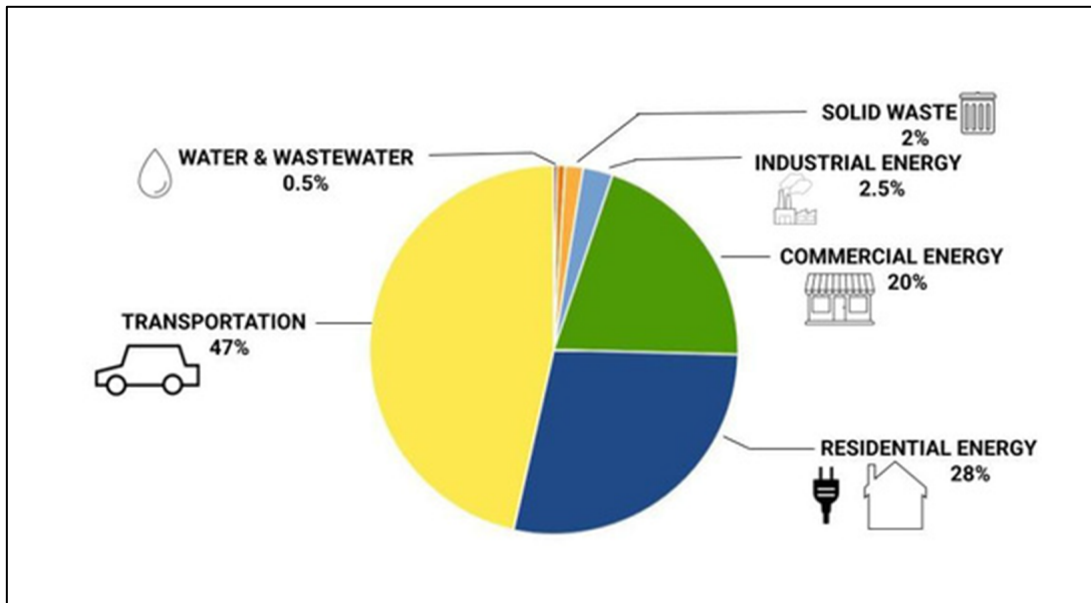
Source: Recharge Maine, 07/01/2025

Registrations of EVs in Biddeford

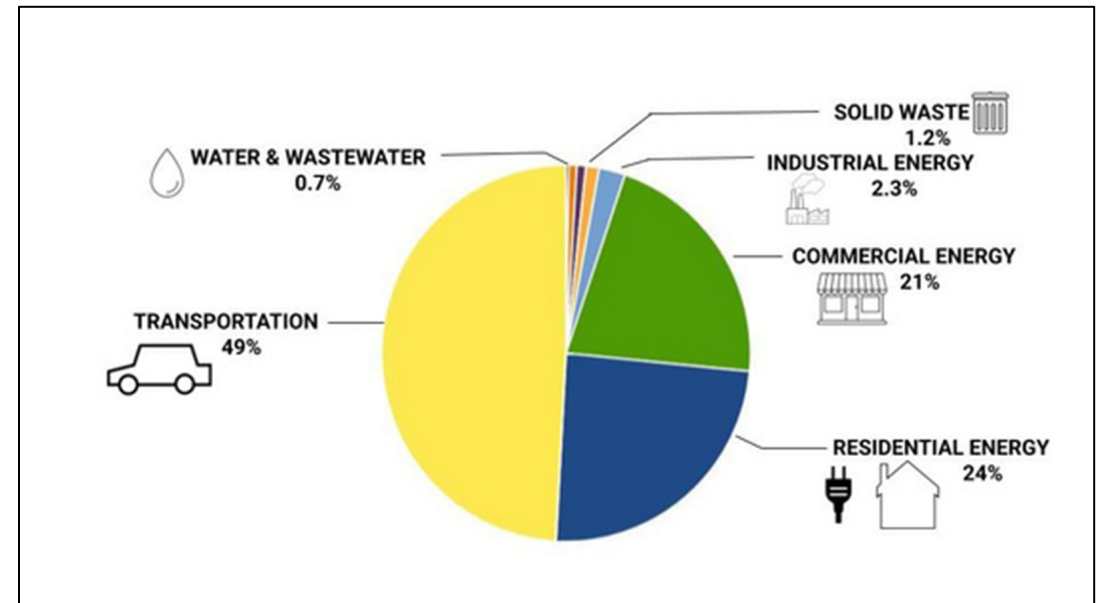


Climate goals

- Maine wants 150,000 EVs by 2030, currently 20346 (7/1/25)



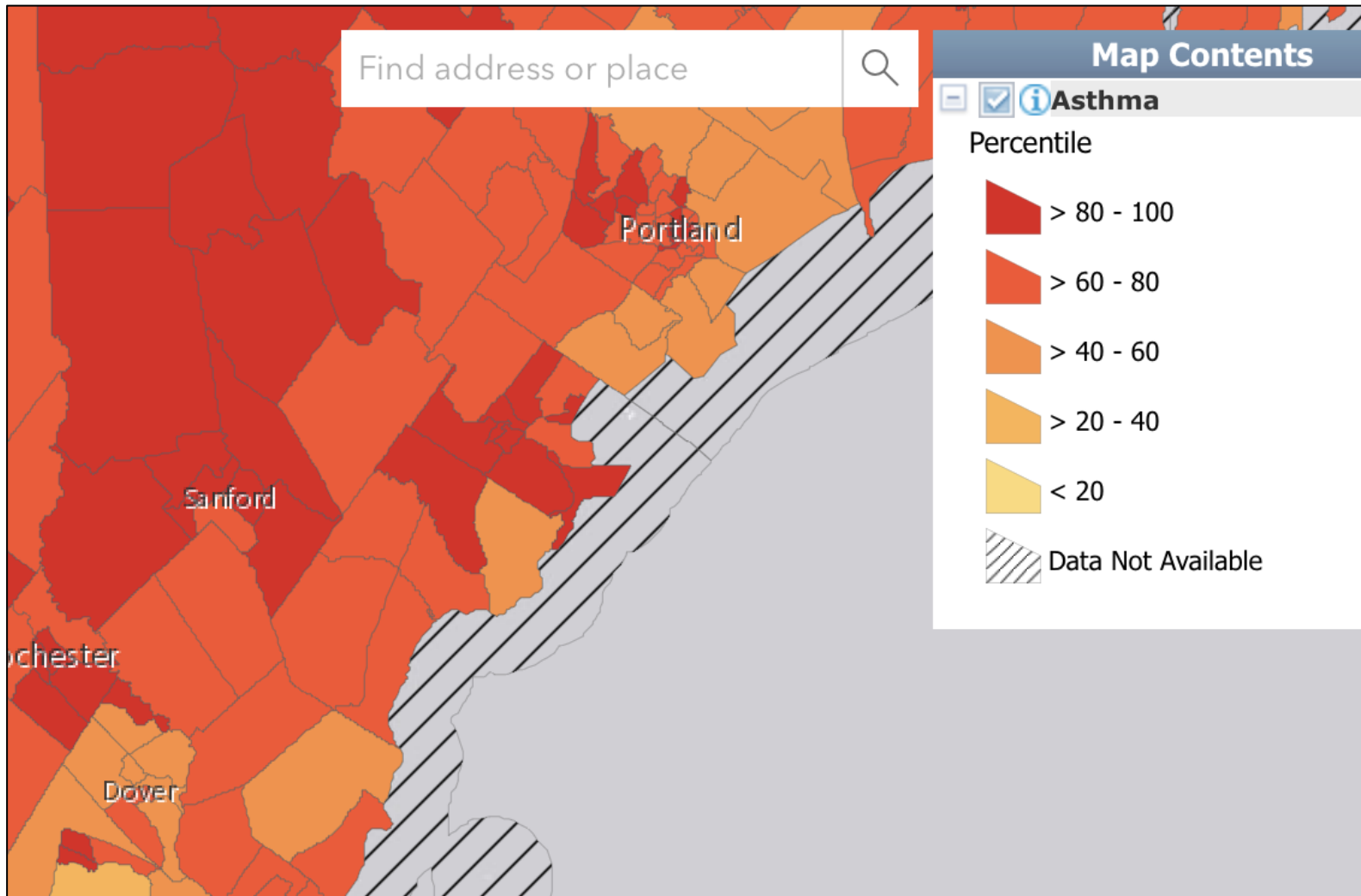
2019 – Transportation accounted for **47%** of Biddeford GHG Emissions



2023 – Transportation accounted for **49%** of Biddeford GHG Emissions

Improve public health

Very high asthma rates in Biddeford



American Lung Association found that switching to EVs would results in 90,000 fewer premature deaths and \$978 billion in public health benefits by 2050

”Long-term improvements in air quality were associated with statistically and clinically significant positive effects on lung-function growth in children.” (New England Journal of Medicine)

Barriers to EV adoption

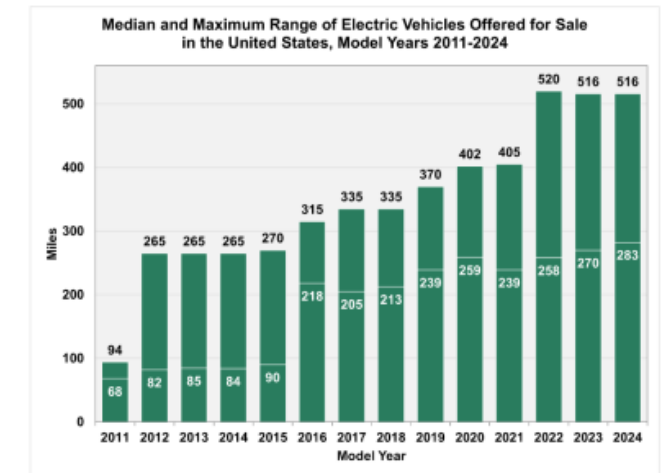
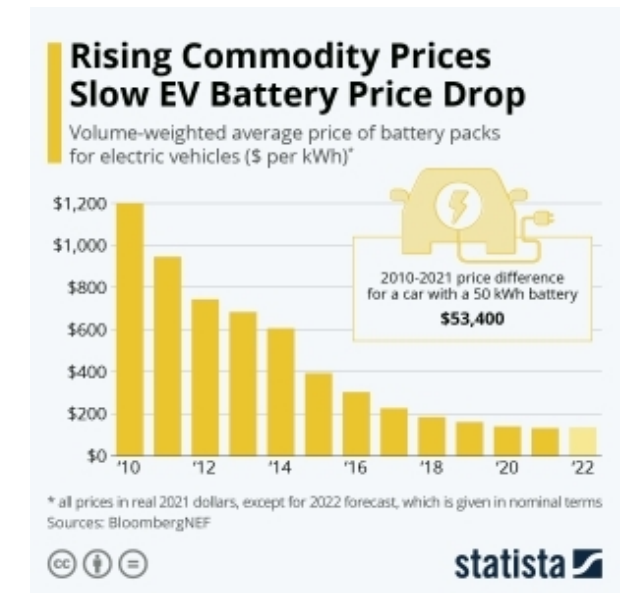
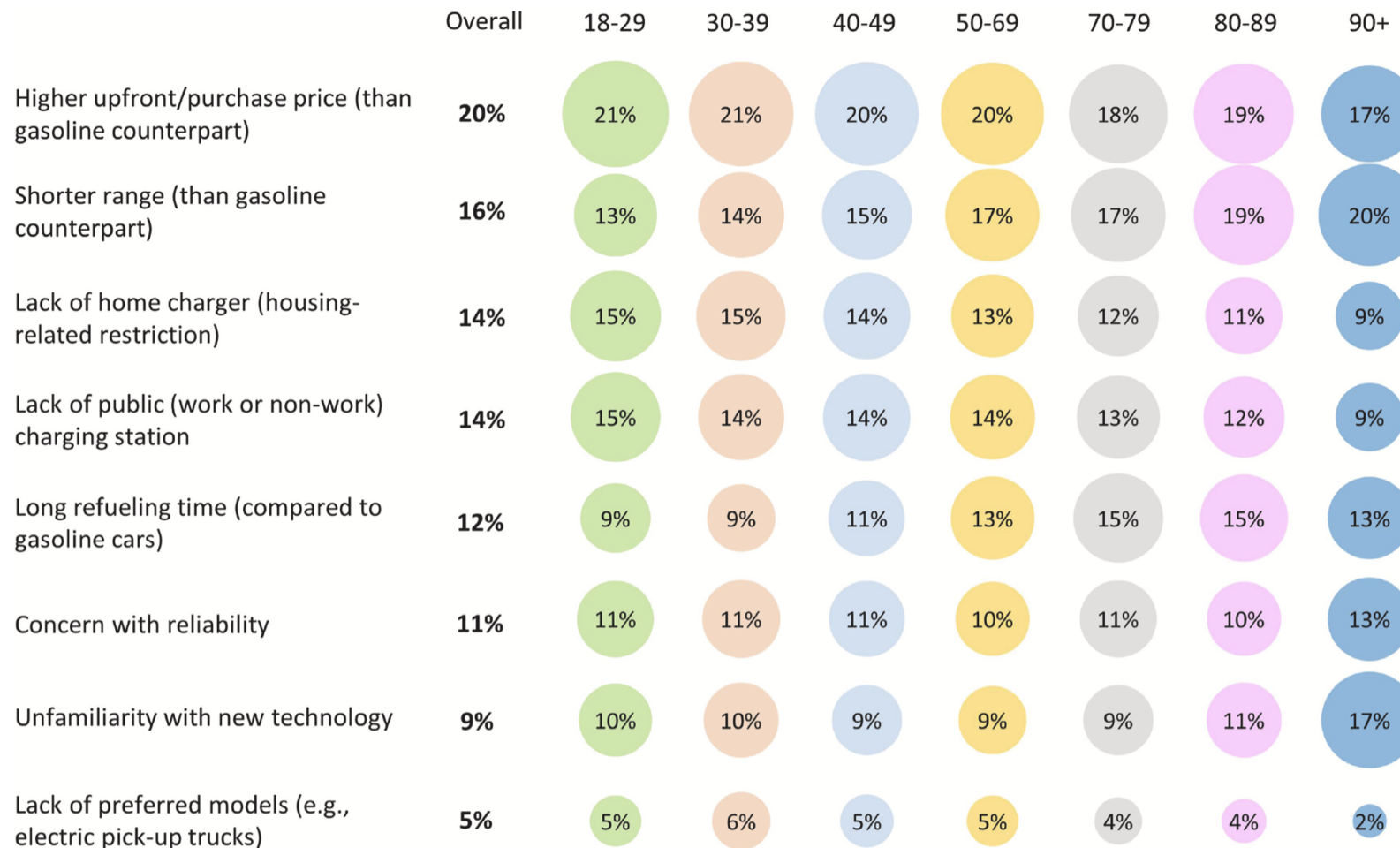
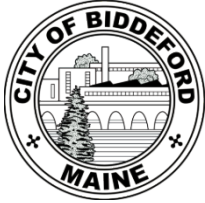


Fig. 4. Perceived barriers to PEVs by respondent age (as well as overall values in bold on the left), based on the responses to the question: What do you see as a barrier that prevents you from buying a plug-in electric vehicle (Select all that apply)?.

What this ordinance does:

- The aim is to be visionary – we want to build our future
- EVCS-installed vs EVCS-ready
- New parking lots with >25 spaces or increase capacity by 30%+
- 5% of parking spaces need to have EVCS-installed for non-residential
- 1 EVCS-ready per home for residential (except multi-family without dedicated parking)
- \$5k in lieu fee for EVCS-installed, \$1k for EVCS-ready



Policy Committee

Meeting Date: August 24, 2026
Meeting Time: 6:00 PM
Agenda Item No: 5.b
Item Description: Industrial Pretreatment Program Fee Ordinance
Submitted By: Jeff Demers

Key Terms:

Executive Summary:

As per Section 71-76 of the City ordinance "The City of Biddeford, Maine may adopt reasonable fees for reimbursement of costs of establishing and operating the City's pretreatment program...". The cost of running the IPP is designed to be paid for entirely by the industrial users.

Detailed Review:

As per Section 71-76 of the City ordinance, "The City of Biddeford, Maine may adopt reasonable fees for reimbursement of costs of establishing and operating the City's pretreatment program..." The cost of running the IPP is designed to be paid for entirely by the industrial users. The cost of the IPP will be broken into two separate units: Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). Each will take an even share of the IPP budget (i.e. if IPP budget is \$40,000 then BOD will comprise \$20,000 and TSS the other \$20,000). Industrial users will pay their portion of each unit based on their respective percentage of total unit in pounds.

Example:

- User X contributes 1,000 pounds of BOD to a total industrial BOD load of 10,000 pounds.
- User X contributes 10% of total industrial BOD load
- IPP Budget for FYXX is \$40,000
- BOD unit comprises \$20,000 of IPP budget
- User X would pay 10% of \$20,000 = \$2,000
- This calculation is repeated for TSS portion

With this approach, the user with higher flows and concentration of BOD/TSS would pay a higher percentage of the IPP budget. This setup is similar to current IPP billing but replacing Flow with TSS as a unit for dividing costs.

A proposed yearly administration fee of \$1,000 is applied to all users to cover the cost of reviewing all required testing/reports/site visits for the year. This fee is not changing from previous billing structure.

In addition to covering costs of the IPP, a surcharge for excessive BOD/TSS is proposed to accurately convey cost of treating additional load from excessive BOD/TSS discharge.

Surcharge fees of greater strength than normal domestic sewage already exists within the City's ordinances but are currently not utilized for IPP billing. Fee structure from Section 70-32.d.4 is summarized below.

- \$5.50 per 100 pounds BOD and COD
- \$7.50 per 100 pounds SS
- \$0.10 per pound other pollutant(s).

No limit of "greater strength than normal domestic sewage" is currently stated within the City's ordinance. A limit of 250mg/L of both BOD/TSS is proposed. This would require an ordinance change to correctly convey this limit.

Users would be billed on a pounds basis for any concentration over the proposed limit of BOD/TSS.

Example:

- User X discharges 1,000,000 gallons of 350mg/L BOD sewage
- 100mg/L BOD exists within sewage discharge over the limit
- Calculating User X's pounds overage = 834 pounds
- User X would receive BOD surcharge fee of \$45.87

Total industrial user fee would consist of the following items:

BOD Unit Portion of IPP Budget + TSS Unit Portion of IPP Budget + BOD Surcharge + TSS Surcharge + Administrative Fee

Funding Source:

No funds are required.

Staff Recommendation:

Make the billing as fair and self-funding as possible.

Next Steps:

Meet with Policy committee and send forward to council.

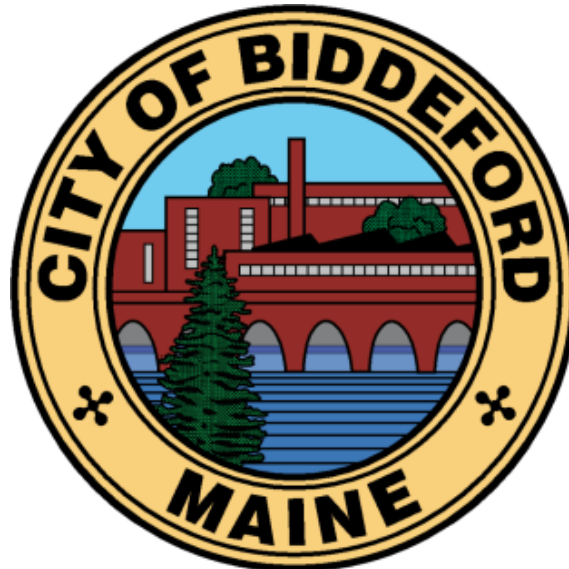
Attachments:

1. City of Biddeford Industrial Pretreatment and Surcharge Updates

2. DRAFT IPP_Billing_Structure_Memo_08242026
3. DRAFT Surcharge_Billing_Memo_08242026

City of Biddeford Industrial Pretreatment and Surcharge Updates

August 24th, 2026



Presentation Overview

Overview of City's Industrial Pretreatment Program
Proposed Industrial Pretreatment Program Billing Structure
Overview of City's Current Wastewater Surcharge Rates
Proposed Wastewater Surcharge Ordinance Changes
Questions?

Industrial Pretreatment Program (IPP) Background

- **The IPP protects the City's wastewater system and receiving waters by regulating pollutants discharged from industrial users.**
- **The City of Biddeford administers its own pretreatment program under Maine DEP oversight**
- **The IPP permits, inspects, samples, monitors, and enforces wastewater discharge requirements to protect the City's collection system, treatment facility, and the environment.**
- **Current ordinance allows the City to recover costs associated with administering and operating the IPP**

Why Update the Billing Structure?

- **Ensure industrial users pay a equitable share of program cost**
- **Improve transparency and consistency in cost allocation**
- **Align charges with the pollutant loading contributed by each industrial user**
- **No ordinance amendment is required to implement the proposed methodology**

Proposed Billing Methodology

Cost Recovery based on Pollutant Loading

- Annual IPP costs are based on Budget Line 35103 (Sewer Industrial Pretreatment Program)
- Budget is divided equally
 - 50% allocated to Biological Oxygen Demand (BOD)
 - 50% allocated to Total Suspended Solids (TSS)
- Each industrial user's BOD and TSS loading is calculated using discharge flow and sampling data
- Users are charged based on their percentage of total BOD and TSS loading
- An annual \$1,000 administrative fee will be applied to all users to act as a minimum charge



Current High-Strength Wastewater Surcharge

- Current ordinance does not establish a specific definition or threshold for what constitutes “high-strength” wastewater discharge
- As treatment costs have increased over time, the existing surcharge rates may no longer recover the City’s actual costs associated with treating elevated pollutant loadings
- This can result in users with higher-strength discharges contributing less than their proportional share of treatment costs
- Key Issue: Current Surcharge rates are not directly tied to actual wastewater treatment costs and may not provide equitable cost recovery

Basis for Proposed Surcharge Rate

Methodology Used

- Reviewed FY2026 sewer budgets associated with collection, conveyance, and treatment operations
- Evaluated Wastewater Treatment Facility (WWTF) influent and effluent data to determine average pollutant removal for:
 - Biological Oxygen Demand (BOD)
 - Total Suspended Solids (TSS)
- Calculated the City's actual cost to treat each pound of pollutant removed
- Reviewed WWTF design criteria to establish normal domestic wastewater characteristics

Proposed Definition of High- Strength Wastewater Discharge

BOD > 250 mg/L

TSS > 250 mg/L

Proposed Surcharge Strucutre



- Surcharge Rates to be reviewed annually
- Rate adjustments would be based on current wastewater collection, conveyance, and treatment costs reflected in the City's annual sewer budget
 - Annual updates ensure rates remain aligned with actual treatment costs
- Provides a transparent and equitable cost recovery mechanism for high-strength wastewater discharge
- Proposed FY26 Surcharge Rates
 - BOD Surcharge: \$2.70 per pound
 - TSS Surcharge: \$2.70 per pound
 - Applies only to pollutant loadings exceeding
 - 250mg/L BOD
 - 250mg/L TSS

Example Surcharge Calculation

- **BOD Concentration: 500 mg/L**
- **TSS Concentration: 300 mg/L**
- **Annual Flow: 1 Million Gallons**

User	BOD over Limit (mg/L)	TSS over Limit (mg/L)	Pounds BOD over limit (lb/yr)	Pounds TSS over limit (lb/yr)	Current BOD Surcharge	Proposed BOD Surcharge	Current TSS Surcharge	Proposed TSS Surcharge
ABC	250	50	2,085	417	\$114.68	\$5,629.50	\$31.28	\$1,125.90

- **Difference in Surcharge Revenue: \$6,609.44**

- **Pounds = Flow (MG) * Concentration * 8.34**

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THANK YOU

Date: **8/24/2026**

To: **Biddeford Policy Committee**

Subject: **Proposed Updates to Biddeford Industrial Pretreatment Program Billing Structure**

The purpose of this memorandum is to give an overview of the City of Biddeford's Industrial Pretreatment Program and proposed update to their current billing structure.

Industrial Pretreatment Program Overview

The National Pretreatment Program is a cooperative effort of federal, state, and local regulatory environmental agencies established to protect water quality. The program is designed to reduce the level of potentially toxic pollutants discharged by industry and other non-domestic wastewater sources before entering the municipal sewer systems, and thereby reduce the amount of pollutants released into the environment from these sources.

The U.S. Environmental Protection Agency (EPA) has assigned approval authority to the Maine Department of Environmental Protection for pretreatment programs at the local level and oversight of state-wide pretreatment activities. The City of Biddeford is such a community. The City of Biddeford (City) has authority to implement a pretreatment program, authority to issue industrial user permits, conduct inspections of industrial and commercial sources, sample industrial discharges, and enforce regulations.

Current Billing Ordinance

The current billing ordinance for the City of Biddeford's Industrial Pretreatment Program (IPP) is summarized in Section 71-76 of the City's Code of Ordinances. Section 71-76 is summarized below:

"The City of Biddeford, Maine may adopt reasonable fees for reimbursement of costs of establishing and operating the City's pretreatment program, which may include:

- 1. Fees for wastewater discharge permit applications including the cost of processing such applications;*
- 2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;*
- 3. Fees for reviewing and responding to accidental discharge procedures and construction;*
- 4. Fees for filing appeals;*
- 5. Fees to recover administrative and legal costs [not included in Section 71-76, Section (2)] associated with the enforcement activities taken by the Director of Wastewater or his/her designee to address IU noncompliance; and*
- 6. Other fees as the City of Biddeford, Maine, may deem necessary to carry out the requirements contained herein. These fees relate Solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties which may be assessed by the City of Biddeford, Maine."*

Proposed Billing Structure

The proposed Industrial Pretreatment Program billing structure is intended to recover the City's costs for administering and operating the program from the industrial users (IUs) enrolled in the IPP in an equitable manner. These program expenses are reflected in budget line 35103, Sewer Industrial Pretreatment Program. The proposed

approach can be implemented under the City's existing ordinance authority and does not require amendments to the current City ordinances. The following section outlines the methodology for calculating charges for each industrial user.

Methodology

The proposed methodology for calculating annual charges for each industrial user begins with the approved budget for line 35103. The total budget amount would be divided equally between two wastewater loading parameters: biological oxygen demand (BOD) and total suspended solids (TSS). Each parameter would therefore account for 50 percent of the total 35103 budget. Industrial users would be required to provide discharge flow and chemistry data, which would be used to calculate each user's total annual pounds of BOD and TSS. Each user's share of the total BOD and TSS loading would then be applied to the corresponding budget allocation to determine the user's proportional charge. In addition to the BOD/TSS-based charge, each industrial user would be assessed an annual administrative fee of \$1,000, which would serve as the minimum annual fee. The example below illustrates how charges would be calculated using a 35103 budget of \$10,000.

Example Billing

- 35103 Budget: \$10,000
- BOD Portion: \$5,000
- TSS Portion: \$5,000

User	BOD (lb/yr)	TSS (lb/yr)	Portion of BOD	Portion of TSS	BOD Charge	TSS Charge	Admin Fee	Total IPP Charge
X	100	50	28.57%	14.29%	\$1,428.50	\$714.50	\$500	\$2,643.00
Y	50	200	14.29%	57.14%	\$714.50	\$2,857.00	\$500	\$4,071.50
Z	200	100	57.14%	28.57%	\$2,857.00	\$1,428.50	\$500	\$4,785.50

Date: **8/24/2026**

To: **Biddeford Policy Committee**

Subject: **Proposed Update to City of Biddeford's Wastewater Surcharge Rates**

The purpose of this memorandum is to give an overview of the current City of Biddeford's wastewater surcharge rates and proposed update.

Current Wastewater Surcharge Rates

The City of Biddeford's current wastewater surcharge rate is established in Section 70-32, Subsection d.4 of the City's Code of Ordinances. This provision requires users whose wastewater exceeds the strength of normal domestic sewage to pay a surcharge in addition to the standard user charge. The current surcharge rates for operation, maintenance, and replacement are as follows:

- \$5.50 per 100 pounds of BOD and COD;
- \$7.50 per 100 pounds of suspended solids (SS); and
- \$0.10 per pound of other pollutant(s).

Wright-Pierce was tasked by the City of Biddeford to evaluate whether the current surcharge rates are consistent with industry standards and adequately reflect the costs associated with treating higher-strength wastewater pollutants at the City's Wastewater Treatment Facility.

Findings

The City's current surcharge rates were determined to be inadequate for recovering the actual costs associated with treating higher-strength wastewater pollutants. Based on Wright-Pierce's review, the existing rates do not appear to reflect current treatment costs, including operation, maintenance, replacement, and pollutant-specific treatment requirements at the Wastewater Treatment Facility. As a result, users discharging wastewater with concentrations above normal domestic sewage may not be contributing proportionally to the additional costs imposed on the City's wastewater system, inadvertently shifting some of the costs for industrial treatment to the domestic users.

The City's existing sewer use ordinance does not establish specific criteria or concentration thresholds that define high-strength wastewater discharge. Without a clear definition, the identification of higher-strength users may lack consistency. Establishing objective high-strength discharge criteria would provide a more transparent basis for administering wastewater surcharges and recovering treatment costs.

Methodology for Determining New Surcharge Rates

The City's Fiscal Year 2026 operating budget was reviewed to identify expenditures associated with the collection, conveyance, and treatment of wastewater. Three budget accounts were determined to directly support these functions: 35102 - Sewer Operations, 35104 - Public Works Wastewater Maintenance, and 35105 - New Sewer Operations Expenditures. Collectively, these accounts represent the baseline costs incurred by the City for

transporting and treating wastewater flows at the Wastewater Treatment Facility (WWTF) and provide the basis for evaluating the adequacy of the City's wastewater rate and surcharge structure.

Wastewater Treatment Facility (WWTF) data for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) were reviewed to evaluate the average quantity of pollutants removed through the treatment process. The pollutant removal data were then compared to the cost basis established from the City's wastewater collection and treatment expenditures to develop an estimated cost per pound of pollutant removed. This analysis provides a quantitative basis for assessing the relationship between treatment costs and pollutant loading and supports the evaluation of wastewater surcharge rates for higher-strength discharges.

To establish an appropriate definition of high-strength wastewater, the WWTF's original design criteria were reviewed to identify the pollutant concentrations assumed for a typical residential user. Based on this review, the facility was determined to have been designed around influent concentrations of 250 mg/L for both Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). These concentrations were therefore used as the benchmark for normal domestic wastewater characteristics, with discharges exceeding these values considered high-strength for the purpose of evaluating pollutant loading and associated treatment costs.

Based on the results of this analysis, a revised wastewater surcharge rate was developed to more accurately reflect the costs associated with treating elevated pollutant loadings. The analysis determined a surcharge rate of \$2.70 per pound for both Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) attributable to wastewater discharges exceeding the established high-strength threshold of 250 mg/L based on FY26 budget. This rate is intended to provide a proportional cost recovery mechanism for users whose wastewater characteristics impose treatment demands beyond those associated with normal domestic sewage.

Proposed Changes to Surcharge Ordinance

Because this analysis is based on the City's annual wastewater collection and treatment expenditures, the resulting cost of service may change from year to year as operating, maintenance, and capital-related expenses fluctuate. Accordingly, it is recommended that the City's sewer use ordinance be amended to provide for an annual review and adjustment of wastewater surcharge rates based on the fiscal year budgets associated with wastewater collection, conveyance, and treatment, as identified in this memorandum. This approach would help ensure that surcharge rates remain aligned with actual treatment costs and continue to provide equitable cost recovery from users discharging high-strength wastewater. The following is the proposed changes to the City's Code of Ordinance Section 70-32 subsection d.4

4. Any user discharging wastewater with concentrations of Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) exceeding 250 milligrams per liter (mg/L) shall be subject to a high-strength wastewater surcharge to cover costs for treating their load contribution above this design average pollutant concentration.

4.1 The City shall review the high-strength wastewater surcharge rates annually as part of the wastewater utility budgeting process. The review shall consider all current budgeted costs associated with wastewater collection, conveyance, operation, maintenance, replacement, and treatment.

Based on this review, the surcharge rates shall be adjusted annually to reflect the actual cost of treating excess pollutant loadings.

4.2 The Director of Wastewater, or his/her designee, shall be responsible for determining applicable surcharge rates, calculating surcharge assessments, and administering the provisions of this section.

DRAFT

August 18, 2026

To: City of Biddeford Policy Committee

From: Biddeford Public Art Commission

Re: Memo to accompany Public Art Commission submission of Master Plan Draft for review.

Purpose

The Biddeford Public Art Commission (BPAC) requests the Committee's review of the attached draft Public Art Master Plan. The Plan establishes the vision, goals, governance structure, and operating procedures for public art in Biddeford, and is intended to guide the Commission's work over the next five years. This memo summarizes the Plan's contents and outlines a set of open questions where we are requesting Committee guidance before the draft moves forward, and requests placement on the Policy Committee agenda for August and September meetings to provide adequate review of the existing draft and any new policy considerations arising from recent events.

Background

The Public Art Commission was formally established by ordinance in March 2025 and convened its first meeting in July 2025. Since formation, the Commission has focused on building the foundational systems required to steward public art responsibly and transparently, in alignment with the City's Cultural Plan, Comprehensive Plan, and adopted ordinance. This work has included establishing annual goals, reviewing peer municipal models, and developing the first draft of a Public Art Master Plan. The Public Art Master Plan is intended to guide the selection, placement, maintenance, and deaccessioning of public art citywide. The draft plan aligns with ordinance requirements and includes guiding principles; artist and artwork selection criteria; community art processes; equity and accessibility standards; maintenance and lifecycle planning; and procedures for both permanent and temporary installations.

In drafting this plan, we consulted with the staff at the City of Portland, PAC Liaison Erika Dube in Recreation, City Staff Brad Favreau in Economic Development and have sent this draft to the Diversity, Equity, and Inclusion Committee, as well as Heart of Biddeford and Art of Biddeford for feedback. We believe the draft Plan meets the basic requirements laid out in the ordinance, and we are looking forward to the work ahead to ensure it meets the City's needs. The following items may need input from the Policy Committee, and in some cases from Codes, Legal, or other departments.

Open Questions:

- **Interaction with Existing Ordinances:** Portland's public art ordinance includes a section added at the end addressing certain exceptions for how public art provisions interact with other existing city ordinances. We believe Biddeford's plan may need similar clarification, and we are requesting Policy Committee support in identifying where our draft needs to align with or reference other sections of city code. This may also require input from Codes, Legal, and possibly other departments.



- **Memorial-Specific Guidance:** The Commission is actively coordinating on memorial-specific additions to this draft in coordination with City staff and stakeholders. The Commission's founding ordinance (Sec. 2-337.14) defines public art broadly, including "other expressive media," but does not explicitly name memorials as a category, unlike the Portland guidelines our Master Plan was modeled on. In the weeks since Johan Sebastián Durán Guerrero's death, Mechanics Park and the intersection of Hill and Pool Streets have become sites of spontaneous, community-driven remembrance: chalk messages, flowers, signage, and other tributes that fall outside any existing City process. The Commission has been asked by the Mayor to help guide the City's approach to these spaces, and brings this framework to Policy Committee for initial guidance before further development.
- **Community Art Works Section:** Would section may work better as a standalone document rather than as part of the Master Plan itself as a program managed by PAC on an annual basis
- **Percent for Art Policy:** We have a draft percent for art policy, consistent with practices in other cities that have made a formal commitment to public art funding through capital improvement projects. We would like to bring this forward for Policy Committee review as well as this kind of policy often functions in tandem with municipal Public Art Master Plans.

Given these open questions and the recent request to the Public Art Commission by the Mayor regarding temporary and permanent memorials, we would like to request placement on the Policy Committee agenda for both August and September, if possible, to allow for a first read in August and a follow-up discussion in September as we continue to refine the plan, and have adequate time to solicit and include any public comment and feedback from other City commissions and committees, staff, and community organizations.

City of Biddeford

Public Art Master Plan — Draft

(Prepared for review by the Biddeford Public Art Commission)

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GUIDING PRINCIPLES

Introduction

Public art inspires, ignites, and animates our public life. It enriches and connects a community and enhances our sense of place. This Master Plan is a direct response to Biddeford's Cultural Plan and Public Art Commission Ordinance, which prioritize placemaking, accessibility to the arts, and community engagement. Public art in the City of Biddeford should foster a sense of place, welcome visitors, and celebrate the evolving identity of Biddeford as a hub for creativity and cultural exchange.

The Master Plan will be reviewed every five years, with progress reports provided annually to City Council.

Purpose & Vision

The **Public Art Master Plan** guides the selection, placement, care, and promotion of public art in Biddeford to:

- 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.

Vision Statement:

Public art in Biddeford will express our city's creativity, history, and diversity; enliven our public spaces; and invite participation from all members of the community.

Cultural Plan Integration

This Master Plan responds to the goal to "Weave art and culture into Biddeford's public spaces" through the following objectives in the 2021 Cultural Plan:

Objective C.1: Foster public engagement through community art projects

Objective C.2: Highlight Biddeford's history and its connection to the built environment

The Master Plan vision statement is inspired by the city's cultural plan vision. *"Biddeford hums with a palpable energy that reflects its rich history. The remarkable mill architecture is preserved, and its gritty creative spirit continues to inspire present day Biddeford. Vivid public art and cultural and heritage celebrations help community members and visitors to make*

connections between past and present, between original inhabitants and generations of newcomers. There is an exciting balance between preservation of what came before and what is emerging now. Cultural and arts organizations, creative professionals, artists, the city, and business community all collaborate to cultivate a welcoming, interesting, culturally nourishing experience. Here in Biddeford, the arts and culture are a means to greater connectivity, engagement, learning, and care. Diverse opportunities to experience the arts are accessible to people of all ages and backgrounds -- and they are welcomed to become creators themselves -- creators of art and culture, and creators of community. There is a link between this meaningful improvement to the quality of life for all and a sustainable economic development model. Biddeford actively grapples with how to ensure community art supports wellbeing and an economically just community. People here thrive. We co-create our community; others are drawn here to invest in and support Biddeford."

Goals (Per Ordinance)

Public art in Biddeford advances the City's goals for **open space and parks planning, cultural tourism, economic development, quality of life, and placemaking.**

Public art in Biddeford seeks to open avenues for artists to engage directly with the public, and to provide opportunities and incentives for artists to propose and realize works that reflect community identity and shared spaces.

Public art projects will be integrated into:

- **City planning initiatives:** including the Comprehensive Plan, Downtown Revitalization, and Waterfront Redevelopment.
- **Cultural Plan recommendations:** creating gathering spaces, celebrating cultural diversity, and supporting arts-based community development.
- **Community events and partnerships:** seasonal markets, festivals, and neighborhood placemaking initiatives.

Site Identification and Prioritization Criteria

Priority sites will be identified using the following criteria:

- **Visibility and accessibility:** easily viewed by pedestrians, transit users, and the general public.
- **Gathering potential:** existing or planned spaces that host community activities.
- **Transformation potential:** underutilized or transitional sites that can be revitalized through art.

- **Capital alignment:** opportunities to integrate art within infrastructure or capital improvement projects.
- **Equitable distribution:** balanced representation across Biddeford’s neighborhoods and wards.

Accessibility Criteria

All public art must be **free to view** and **accessible to all members of the public**.

- Designs and installations will follow **ADA guidelines** for physical access and visibility.
- **Interpretive materials** (labels, signage, maps, or QR codes) will be provided in **multiple languages** where possible.
- Public art will use **multiple modalities**—visual, tactile, digital, and auditory—to ensure inclusion for diverse audiences.

Cultural Equity

A. Introduction

The City of Biddeford is committed to fostering a community where all residents feel welcome, represented, and able to participate in civic life. The Public Art Program advances this commitment by ensuring that public art reflects the diversity of the community and is accessible to all.

Cultural equity in the Public Art Program means that the values, policies, and practices guiding public art:

- Support artists and cultural workers from a wide range of backgrounds and experiences
- Ensure public art is distributed across neighborhoods and accessible to all residents
- Create opportunities for meaningful community participation in the development of public art
- Respond to Biddeford's diverse community and imagination

Cultural equity (as defined by Americans for the Arts) is meant to embody “the values, policies, and practices that ensure that all people—including but not limited to those who have been historically underrepresented based on race/ethnicity, age, disability, sexual orientation, gender, gender identity, socioeconomic status, geography, citizenship status, or religion—are represented in the development of arts policy; the support of artists; the nurturing of accessible, thriving venues for expression; and the

fair distribution of programmatic, financial, and informational resources.”

B. Equity and Processes

1. Artists and Artworks:

a) The Public Art Commission, in accordance with the goals of the Public Art Ordinance, encourages or prioritizes diverse representation of artists when selecting artists or artworks to be added to the Public Art Collection.

2. Governance:

a) As an administrative body, the Public Art Commission historically has had a diverse representation of age, race/ethnicity, gender, profession or skillset, and geographic location.

b) Although the Mayor appoints members to the Public Art Commission, the Public Art Commission endeavors, to the best of its ability, through communication and outreach, to attract a diversity of applicants for open positions.

3. Artwork Location:

a) The Public Art Commission works with stakeholders including residents, neighborhood and arts organizations, residents, property owners, businesses as appropriate, and City departments, to identify potential locations for new artwork. In some instances, public meetings or similar methods may be used to create greater opportunity for public engagement and decisions regarding public art location and siting.

b) The Public Art Commission attempts to locate artworks in all parts of the city, to increase access to public art for city residents, employees, and visitors.

4. Interpretation, Education, and Outreach:

a) The Public Art Commission provides historical interpretation of and outreach for artworks in the collection through the City’s/Commission’s website, printed materials, and other mechanisms.

b) The Commission solicits information on specific artworks from arts and cultural organizations, like Maine Historical Society, and from individual historians, who can provide research and expertise.

c) The Public Art Commission seeks feedback or input from community stakeholders with regards to artwork goals, priorities, or location.

d) The Public Art Commission facilitates accessibility of its resources such as

multi-lingual versions of its web site and other printed materials for residents and visitors for whom English may not be their primary language.

5. Evaluation:

a) The Public Art Commission periodically (every 2 years) assesses the Commission activities and the collection as a whole. The assessment should consider best practices and comparison with similar cities in New England and throughout the country. The assessment should include evaluation of:

- a. Diversity of artist representation in the collection;
- b. Diversity and accessibility of artwork locations;
- c. Diversity of representation in the Commission membership;
- d. Implementation and effectiveness of interpretation, education, and outreach measures; and
- e. Overall, how well the Public Art Program follows the Public Art Ordinance goals

The evaluation may also provide further recommendations to better meet the stated purpose of the Public Art Ordinance and these Master Plan.

SELECTING ARTWORK AND ARTISTS

A. Introduction

The Biddeford Public Art Commission presents an Annual Art Plan to City Council for review and approval. The Annual Art Plan includes recommendations for acquisition or commission of artwork for the public art collection. Once the site and concept of an acquisition or commissioned artwork project is approved as part of the Annual Art Plan, the Public Art Commission will establish an Artist/Artwork Selection Panel for each project. The Artist/Artwork Selection Panel will make a recommendation for artist/artwork selection to the Public Art Commission. The Public Art Commission will review the recommendation according to the review criteria and will accept, accept with conditions, or not accept the recommendation of the Artist/Artwork Selection Panel. In case the recommendation is not accepted, the Public Art Commission will work with the Artist/Artwork Selection Panel to resolve issues concerning the recommendation.

B. Summary of Artwork Selection Process

1. A project is identified in the Public Art Commission's Annual Art Plan and is approved by the City Council. The project may be the acquisition of artwork for a site, or the commissioning of an artwork for a site.
2. The Public Art Commission appoints an Artist/Artwork Selection Panel for the project to coordinate the selection process.
3. The Artist/Artwork Selection Panel makes a recommendation to the Public Art Commission regarding the selection of an artist or artwork.
4. Upon acceptance of the Artist/Artwork Selection Panel's recommendation, the Public Art Commission and City staff will present the project to City Council and manage the project through installation.

C. Artist/Artwork Selection Procedure

1. Establishment of the Artists/Artwork Selection Panel
 - a. The Public Art Commission will establish a separate Artist/Artwork Selection Panel to select an artist/artwork for each public art project under consideration.
 - b. At a minimum, the Artist/Artwork Selection Panel consists of five voting members including two site, neighborhood or district representatives who have a vested interest in the project, two visual arts professionals, and a representative from the Biddeford Public Art Commission. The number of voting panelists and composition of the panel may be different depending upon the size and complexity of the project. Non-voting advisors, consisting of community, design, technical and City departmental representatives etc. as deemed appropriate by

the Public Art Commission can serve on the panel. The Public Art Commission member will chair the Panel. If the project site is to be integrated with a newly constructed building, park landscape, or public plaza, the designer of the new construction, or designer's representative, shall be included in the Artist/Artwork Selection Panel.

A panel shall include, but need not be limited to:

- One designee from the Biddeford Public Art Commission;
- Biddeford Public Art Commission City staff liaison
- One City staff designee from the Department of Public Works (DPW);
- A designated artist.
- Residents most affected by the location.

For a given site, the review panel may include additional designees. Additional designees will be included when the proposed site involves the following conditions:

- For proposals involving City parks, a designee from the Recreation Department.
- For proposals involving an historic landmark, landscape, or district, the panel will include a designee from the Historic Preservation Commission;
- For proposals involving a site with an established “friends” organization, or equivalent, the review panel will include a designee from that organization;

Additional stakeholders or interested parties may be invited to provide input during the review process to be determined in consultation with the relevant councilor(s) such as community and arts organizations.

c. Community involvement is expected and encouraged. All meetings of the Artist/Artwork Selection Panel are open to the public and are held on site or near to the site of the proposed artwork installation.

d. Before the first meeting of an Artist/Artwork Selection Panel, the Public Art Commission shall issue written instructions to the Artist/Artwork Selection Panel detailing duties and responsibilities relating to the project and process. If consensus cannot be met regarding the selection of an artwork or artist, then a vote shall be taken with the majority carrying the decisions. The Artists/Artwork Selection Panel shall have the option of making no selection. The Artists/Artwork Selection Panel's decision will be recorded by the Artists/Artwork Selection Panel chairperson in the form of a written recommendation to the Public Art Commission for their formal vote of acceptance. Artists will receive notification of the results of the selection process after the Public Art Commission has taken a final vote.

Additional Review Requirements

Upon the receipt of a temporary or permanent art application, the Selection Panel shall:

1. Schedule a meeting open to the public to obtain public comment prior to rendering a decision on the application.
2. Publish a notice of the meeting on the City's website at least fourteen days prior to the date of the meeting.
3. Notify stakeholders such as the applicant, abutters, and neighborhood groups of the meeting at least fourteen days prior to the date of the meeting. Public Notice shall be posted by City staff following usual practices.

2. Artists/Artwork Selection Methods

The Public Art Commission will identify in the Annual Art Plan one of the following methods or combination of methods for selecting a public art project:

a. Direct Purchase: Artists who have finished work available for direct purchase for a public art project will be solicited to submit the following to the Artist/Artwork Selection Panel:

a1. Artist Submission Form

a2. A proposal sheet with the artist's name including the following information on each piece: title of artwork, dimensions, medium, date produced, price, location, and other information the artist deems pertinent.

b. Open Competition: The project and accompanying Request For Qualifications (RFQ) shall be advertised through various media (local and/or national) and in the Maine Art Commission's Percent for Art Newsletter.

c. Invitations or Limited Competition: A limited number of artists are chosen directly from the New England Foundation for the Arts Creative Ground directory, or some other source, and are invited to prepare proposals in the same manner as the Open Competition method.

d. Gift / Donation to the City

e. Temporary Public Art Permit Application

e. Community Art Works Proposal

3. Artist/Artwork Selection Rules

a. The Artist/Artwork Selection Panel and/or the Public Art Commission may request additional information before selecting finalists. Artists selected as finalists may be asked to submit a final proposal, which may include a model, drawings, photographs, or sample materials. Depending on the project budget, consideration may be given to advertising within a limited geographic area.

Note: Particular selection guidelines will be established on a project-by-project basis and outlined in each respective call to artists. All selection criteria are subject to review and approval by the Public Art Commission.

b. Conflicts of Interest: Public Art Commission members or Artist/Artwork Selection Panel members shall recuse themselves when they are associated with an artist or artwork under consideration for any percent for public art project if the relationship may compromise the objectivity of that process.

c. Return of Submission Materials: Entry materials will be returned to the artist only if the artist provides appropriate packaging, postage, and insurance. Non selected artists will be informed of the final artist/artwork selected when entry materials are returned.

d. If two art pieces by two separate artists share one site, these pieces shall be considered in relation to each other when selecting the pieces for the site.

4. Artist and Artwork Selection Criteria

The selection of Artists and/or Artwork for all percent for art projects will be based on the following criteria:

a. Artwork

(1). Quality: The work should be of the highest standard with regard to workmanship, materials, assembly, content, location on the site, and appropriateness in theme and character as determined by the Public Art Commission.

(2). Artistic Merit: Artistic merit is evaluated by the quality of production, project innovation, and the intent of the proposed work for that site, in the context of its surroundings. If the visual arts professional is part of the application team, their training, experience and previous work are part of the evaluation.

(3). Elements of Design: The Artist/Artwork Selection Panel and the Public Art Commission will take into account the fact that, as differentiated from works in a museum context, art in public spaces may function as focal points, modifiers, definers of public spaces and/or creates identity within the public realm.

(4). Style and Nature: Work of any style or nature which is appropriate for the public art collection and which is responsive in scale, material, form and content with its surroundings will be considered. Works may be participatory in nature.

(5).. Media: All forms that are allowed by ordinance may be considered.

(6). Conservation: Due consideration shall be given to structural and surface soundness and to performance in terms of relative proof against theft, vandalism, weathering, or excessive maintenance or repair costs.

(7). Project budget as specified in the Request for Proposals. This budget shall include at minimum the following items:

- All costs related to the acquisition, fabrication and installation of the piece
- Project Manager
- Traffic Management and Police Detail
- Street Closures
- Structural Engineer
- Conservation Evaluation
- Landscape Architect
- Plant Materials
- Signage – temporary
- Signage – permanent (in accordance with City specifications)
- Fencing – temporary
- Mitigation of any utility problems identified by Digsafe.
- Contingency of 5% of total project cost.
- Other issues that may be identified during planning, review and implementation.

b. Artists

(1). Cooperation: The demonstrated ability of the artist to work closely and cooperatively with the Commission, staff, and community.

(2). Communication: The artist must have the ability to clearly communicate concepts both visually and through clearly written materials. In addition, the ability to develop specific drawings of the artwork placed at the site will be required. (See *Requirements for Design Documentation and Project Records*)

(3). Experience. The artist and project team is required to demonstrate the ability to create and execute a public art project within the timeframe and budget.

(4). Measurements. The artist is responsible for all measurements of the site, to be taken in the field. Failure to do so, or errors, shall be the responsibility of the

artist, and be corrected at the artist's expense.

(5). References. The artist must provide at least three references of persons who can speak to the artist's demonstrated ability to implement art in the public realm.

c. Site Selection

(1). The City of Biddeford's public spaces include historic landscapes, parks, open spaces, and trails which vary in dimensions, natural elements, and historic character. The placement of temporary art should respect and enhance the organic character of the site and must not result in either physical or aesthetic damage to the landscape.

(2). In proposing sites for temporary or permanent public art, applicants should consider the following:

- Placement shall be in a public space;
- If more than one site is appropriate for a particular installation, it should be identified in the application;
- Final approval of an installation is contingent upon the appropriateness of the proposed site, including adequate visibility;
- Artwork shall not interfere with active use of open space by the public;
- Cemeteries will not be considered as sites for temporary art installations; and
- Certain sites may be subject to additional restrictions as determined by the review committee.

(3). The project site(s) for the art should be identified in the application, and the significance of these sites to the neighborhood or the larger community should be described, such as accessibility, prominence, cultural or historic significance, and proximity to other sites.

d. Public input and feedback received at public meetings.

e. Focus, clarity and achievability.

f. Ability to produce a public project.

g. Realistic funding and implementation plans.

h. Maintenance requirements.

GUIDELINES FOR TEMPORARY PUBLIC ART

Temporary public art adds to the range and impact of public art, providing a changing array of installations. The Public Art Commission (PAC) stewards the Temporary Public Art Guidelines. The guidelines are intended to inform applicants of the process.

A proposal to display a work of art temporarily on City owned property must be approved by a temporary art review panel established pursuant to these guidelines. Only artists who are 18 years or older shall be eligible to apply. An applicant must adhere to the following application, installation, and removal process. The Biddeford Public Art Commission has the authority to approve applications, approve applications subject to conditions, and to reject applications. An installation permit will be issued by the appropriate City of Biddeford Department following approval of an application by the Biddeford Public Art Commission.

Eligibility

For the purpose of these guidelines, temporary public art is defined as physical structures or combinations of material that may be installed for a maximum of one year, and that can be removed without lasting alteration or damage to the existing site. A request for an extension of up to one additional year may be considered, although a request for extension may not be considered at certain sites or public right-of-way.

Works of art will only be approved if they are suitable for display to the general public and for the particular site. Works shall not be displayed for commercial purposes, and shall not be advertised for sale while on public display. Credit for sponsorship of the temporary installment may be recognized on approved signage. Artists 18 years and older may apply, with consideration for school-aged applicants provided a guardian as a primary applicant. Artists must demonstrate capacity to execute, install and remove proposed pieces.

Application Process

Applicants should submit a complete application not less than three months prior to the intended date of installation. Incomplete applications will not be accepted.

An interview with the applicant may be requested by the review panel prior to approval or denial.

Approval/denial notification will be sent to the email address provided on the application.

If the review panel requires further review, an additional meeting will be scheduled with the artist at the panel's next monthly meeting. Revisions requested by the review panel must be made in order to receive final approval and an installation permit.

The proposed contractual agreement with the appropriate City of Biddeford Department will be emailed to the applicant with the notification of approval of the installation.

Following receipt of the approval email, each applicant must submit a signed contractual agreement in the form provided with the approval email, signage information, proof of insurance, an endorsement page, at least five digital images of existing site conditions, and a security deposit in the amount required in the approval email.

Applicants should feel free to contact The Biddeford Public Art Commission with questions concerning their applications.

Contractual Agreement

The contractual agreement will be emailed to the applicant with notification of approval.

Proof of Insurance & Endorsement Page

Proof of liability insurance and an endorsement page naming the City of Biddeford as an additional insured with general liability coverage of at least \$1,000,000.00 for bodily injury or death is required. The Certificate of Insurance must state the name of the artist, the site of installation, and duration of agreement. Insurance coverage must extend from installation through artwork removal and site restoration. If an extension is approved, the liability insurance must also be extended. The certificate and endorsement page provided by the insurance company must be emailed in PDF digital format to the appropriate City of Biddeford Department.

Security Deposit

A security deposit will be required and must be submitted in cash, check, or by credit card to The City of Biddeford. The amount of the deposit will be based on the estimated cost to remove the installation and restore the site as determined by the Department of Public Works. Typical security deposits will range from \$100 to \$1000. The security deposit will be retained until the artwork is removed, site restoration has been approved, and all required documentation has been submitted. (See "Artwork Removal and Site Restoration Documentation".) Upon fulfillment of these requirements, the security deposit will be returned in full. In case it becomes necessary for the City to remove the artwork and/or restore the site, the City's costs will be deducted from the security deposit.*

*The Biddeford Public Art Commission does not wish that these fiduciary requirements become a major impediment to otherwise worthy temporary art. Applicants for whom these requirements impose a genuine hardship are encouraged to complete the application process and submit a statement of need to the panel. Should the piece be otherwise acceptable, efforts will be made by BPAC to secure a small stipend to be used to defray the cost of insurance, deposit or other expenses associated with the project.

Installation, Maintenance, & Removal Process

1. Installation may begin upon receipt of the installation permit.

2. The artwork shall be installed in accordance with the approved timeline.
3. Artwork to be installed near trees shall be subject to approval by the City Staff.
4. Site must be marked and DIG SAFE (1-888-344-7233) approval must be obtained for all post and foundation locations. The artist should keep in mind that DIG SAFE requires a four-day advance notice.
5. Digging holes or drilling is not permitted on hardscapes; digging on softscapes, and driving vehicles on grass or unauthorized areas, requires prior approval from Department of Public Works (DPW) staff.
6. Artist or artist's approved designee must maintain the artwork in the condition originally approved. The artist or approved designee must monitor the installation and take action to amend or remove the artwork if necessary within specified time frames.
7. Artist must provide required documentation to the Public Art Commission within 30 days of removal and site restoration. See Requirements for Design Documentation and Project Records.

Signage

Only official temporary public art signage is allowed on or near the artwork. Signage shall include the name of the artist, title of work, construction materials, and period of installation. A list of project sponsors and an optional summary description of the artwork may also be included. No commercial content or sales information may be included. A QR code, web link, or similar information for contacting the artist may be permitted.

Required Maintenance & Unanticipated Repair or Removal

Periodic inspections by the artist or the artist's designee are expected. Damage to the site or the artwork, including vandalism and graffiti, must be repaired or removed within 72 hours following notification by the City. If an installation becomes a safety hazard, it must be repaired, removed, or stabilized as soon as possible, but no more than 48 hours following notification by the City. If repairs are not made within the required time frames, the artist will be advised that the City will take appropriate action to repair and/or restore the site, and any costs incurred will be deducted from the security deposit. The City reserves the right to remove the artwork and will not be held financially responsible for site restoration or any damage to the artwork.

Scheduled Removal & Site Restoration

A timeline for installation, removal, and site restoration must be submitted with each application.

Duration from start of installation to complete site restoration may not exceed 12 months.

Artwork removal and site restoration must take no more than 5 days to complete. The liability insurance of \$400,000 must cover the period from artwork installation to site restoration.

If the approved timeline is not adhered to, the City may carry out all unperformed actions. The

artist will be informed if the City decides to take such action, and all associated costs will be deducted from the security deposit.

Application

See Appendix for application form.

Application Exemptions

For proposed street murals, this process may be expedited for any city owned streets within commercial or mixed-use areas (the downtown, major thorough fares). In these cases, there will be at least a one week notice to stakeholders for comment/meeting participation. Additional members of the review panel may include Metro or MDOT depending on the proposed location.

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Supplemental Guidelines for Temporary Painting within Public Roadways

The City of Biddeford's roadways and crosswalks vary in dimensions, materials, and historic character. The placement of temporary painting within public roadways should maintain visibility of crosswalks and/or all roadway markings, respect and enhance the organic character of the roadway, and must not result in either physical or aesthetic damage to the roadway. In proposing roadways for temporary public painting, applicants should consider the following:

- City of Biddeford Department of Public Works has municipal jurisdiction over roadways with a posted speed limit of 25 miles-per-hour or less. Roadway paintings shall not be allowed on any street with speed limits at or above 30 miles-per-hour.
- MaineDOT shall review state roadways as indicated in the City of Biddeford's Technical Manual Section 1. Transportation Systems and Street Design Standards federal street classification (Figure I-26).
- Roadway painting shall utilize temporary chalk paint, as recommended by MaineDOT and the City of Biddeford Department of Public Works and shall not be retro-reflective.
- Painting shall completely fade within one year of installation;
- Three dimensional (3D) crosswalks and word messaging, and directional signals within the crosswalk are not allowed;
- Roadway paintings shall not distract drivers or lead to dangerous road conditions, nor shall they mask existing unsafe road conditions such as potholes. The condition of the roadway or crosswalk shall be adequate, as confirmed by up-to-date pictures provided by the applicant. City of Biddeford Department of Public Works staff may conduct site investigations to prove roadway conditions are adequate;
- Painting of white crosswalk stripes (known as "keys") is not allowed;
- If more than one roadway or crosswalk is appropriate for a particular installation, it should be identified in the application. The Review Panel shall reserve the right to restrict the number and location of roadways or crosswalks for any application;
- Each application will require a traffic-control plan that includes a timeline to the satisfaction of City of Biddeford Department of Public Works staff. This timeline shall include the date and duration of street closure;
- Streets under a Street Moratorium or those that have been paved within one year prior to receipt of an application shall not be allowed for painting.
- Final approval of an installation is contingent upon the appropriateness of the proposed roadway, including adequate visibility;
- Roadway paintings shall not contain content that is harmful to Biddeford's diverse communities, including content that is harmful on the basis of race, color, religion, national origin, age, disability, gender, sexual orientation, gender identity, gender expression, genetic information, marital or parental status, political association or veteran status.
- Cemeteries will not be considered as roadways for temporary painting;
- Roadways with paving patterns including but not limited to: cobblestone, Belgian-block,

brick, or masonry, will not be considered as roadways for temporary painting;

- Certain roadways may be subject to additional restrictions as determined by the review panel. Applicants shall consult City of Biddeford Staff to determine the roads and/or intersections proposed are appropriate; Receipt of a temporary painting within public roadways permit from the Department of Public Works does not constitute receipt of all required permits. Additional permits may be required for road closure from the Department of Public Works and other applicable departments. Applicants shall provide documentation of receipt of all required permits prior to installation.
- Materials, fabrication, and transportation to and from the roadway is the sole responsibility of the applicant and not that of the city. Materials related to street closure, such as flags, sawhorses, etc. can be rented from DPW but are the sole responsibility of the applicant and not that of the city.

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REVIEW CRITERIA FOR PROPOSED GIFTS OF ARTWORK

A. Introduction

From time to time, the City of Biddeford receives offers from potential donors interested in contributing artwork to the City's Public Art Collection for placement on City property. These gifts are generous and much appreciated gestures to the citizens of Biddeford, and they often represent substantial investments of time, resources, and effort on the part of donors.

Installing works of art in public spaces must be viewed as a partnership between the City and the potential donor/artist in conception, design and implementation. It is an honor for an artist's work to be included in the City of Biddeford's collection of public art. Many gifts of art are offered to the City, but only a few can be accepted. There are a limited number of public spaces in Biddeford, and the City is entrusted with deciding how these spaces are to be enhanced for the greatest good of the community.

The Biddeford Public Art Commission is charged with the responsibility of reviewing all artwork offered as gifts to the City. Depending on the proposed location for siting the artwork, other review Commissions may also render a subsequent recommendation.

After reviewing a proposal of artwork, the Biddeford Public Art Commission shall make a recommendation to City Council to accept the gift or decline the gift. The artwork must be approved and accepted by the City Council before placement can occur. Nothing in this Master Plan limits or modifies in any way the authority of the City Council to accept or reject gifts of public art.

The following criteria provide the City, the Biddeford Public Art Commission, and the potential donor a framework to assure a timely and responsive review process. The criteria will also assure the appropriateness of such donations. The Biddeford Public Art Commission shall review potential gifts of art with regard to:

1. Appropriateness of the gift to the City's Public Art Collection as defined in the criteria for review;
2. Quality of design, materials and construction of the proposed gift; and
3. Accessibility, public safety, site improvements, costs to the City, and maintenance requirements.
4. Compatibility with the current Public Master Art Plan and Annual Art Plan.

B. Summary of the Review Process

1. The potential donor shall discuss the idea of donating artwork to the City's Public Art Collection with the Public Art Commission at the inception. A staff liaison and member

of the Public Art Commission will be designated to work with the potential donor throughout the review process.

2. Artist selection is a critical step. If the project is to be gifted to a site on public property, the Public Art Commission must be part of the selection of the artist and the project unless otherwise agreed to by the Public Art Commission. A list of potential artists and other resources shall be provided by the Public Art Commission.

3. The potential donor works with Planning staff and the Public Art Commission to review the appropriateness of a proposed gift to the Public Art Collection. This threshold issue of appropriateness should be addressed before the applicant invests inordinate amounts of time or money in designing a work or in preparing a detailed application.

4. Once the Biddeford Public Art Commission has rendered a decision regarding the appropriateness of the proposed gift, the potential donor will prepare additional application materials for review according to the *Criteria for Review* (see below). Planning staff will assist the potential donor to assure the completeness of the application.

5. The Biddeford Public Art Commission reviews a potential donor's application material according to the *Criteria for Review* (see below). To assure a timely review of a potential gift, the Public Art Commission will schedule a review of a project at its next regularly scheduled meeting, or as requested by the potential donor. Public comment will be taken at the time that the project is reviewed by the Public Art Commission.

a. If the proposed site of the artwork falls within the jurisdiction of another review body (e.g., Historic Preservation Commission for sites in an historic district), the Public Art Commission will assist the potential donor in scheduling a review by the other review bodies. The Biddeford Public Art Commission will consider all recommendations received from other review bodies, if any.

b. If the application is determined to be complete at the time of its review, and once other appropriate review bodies, if any, have rendered a recommendation, then the Biddeford Public Art Commission will vote to make a recommendation to City Council as to whether to accept or not accept a proposed gift. The recommendation of the Public Art Commission is then forwarded to City Council for review and action. The submission to City Council will include designs, plans and supporting documents reviewed by the Biddeford Public Art Commission, as well as the recommendation from the Biddeford Public Art Commission and recommendation(s) from other appropriate review bodies, if any.

5. Artists are required to collaborate with an art conservation expert to determine issues related to sustainability, to make maintenance recommendations, and to submit a maintenance report.

C. Criteria for Review

1. The potential donor shall meet with the Public Art Commission to review the appropriateness of the gift. The proposed donation of artwork should be consistent with the current priorities defined in the Annual Art Plan approved by City Council and, if permanent, objectives of the Biddeford City of Biddeford's Public Art Collection. The Public Art Commission will work with the proponents to develop concepts that respond sensitively to the objectives of the Public Art Collection, the proposed site and surrounding context. Appropriateness is a threshold issue. It is recommended that a proposed donor gain the consensus of the Public Art Commission that the proposed gift is appropriate before investing inordinate amounts of time or money in planning, designing or documenting a potential gift.
2. The proposed donation of artwork shall be of the highest quality design, materials, and construction. It shall be designed and fabricated for durability as well as for relatively low maintenance. It should retain its intended appearance, quality, durability and function for the agreed upon terms for either permanent or temporary installations.
3. The proposed donation of artwork shall be accessible to the general public.
4. The proposed donation of artwork shall not contain commercial advertising including logos, slogans and mascots.
5. Proposed gifts determined appropriate by the Public Art Commission will be scheduled for review by a Selection Panel as described in SECTION Selecting Artworks and Artists. The appropriate level of design documentation will be required at all stages of the review process. Proposed donors must follow the documentation outline as set forth in Guideline III, Requirements for Design Documentation for Review of an Art Project.
6. The Biddeford Public Art Commission will work with the donor and/or the artist to integrate a Biddeford Public Art plaque into the site.
7. Any required commitment of public resources to the project must be thoroughly identified by the proponent, evaluated by the Biddeford Public Art Commission, understood and agreed upon prior to the acceptance of any donation. An itemized breakdown of all City contributions shall be required including estimates for all design time, labor, and ongoing maintenance.
8. All applicable considerations in Requirements for Design Documentation and Project Records.

REQUIREMENTS FOR DESIGN DOCUMENTATION AND PROJECT RECORDS

A. Introduction

The Biddeford Public Art Commission must review all temporary and permanent public art installations, whether by acquisition through gift or purchase, or by commissioning of artwork, to ensure that the artwork is of the highest quality in design, construction, materials and installation. Also, the Public Art Commission and staff are responsible for developing and maintaining permanent records regarding the public art collection. This Master Plan outlines the requirements of documentation to be provided by an artist, his or her representative(s), and/or their collaborator(s) in order to ensure a thorough review.

B. Requirements of Documentation for Review, and Project Records

1. The appropriate level of design documentation by the artist will be required at various stages of the design process. For projects requiring a significant amount of design development, structural/architectural detailing, or site work, the Public Art Commission shall require that the artist retain the assistance of a professional architect, landscape architect, and/or engineer. The following checklist for design documentation is intended to provide a thorough review process and provide sufficient records for the Public Art Commission's archives. The Public Art Commission will work with the project creators to determine the appropriate levels of documentation. All documentation submitted for review will become property of the City and will be included in the project records.

a. Conceptual Design:

- (1). Concept drawing(s) at an appropriate scale
- (2). Site context drawing(s) at 1" = 20' or other scale as appropriate
- (3). Working model, perspective sketches, and section and/or elevation drawings as appropriate

b. Existing Conditions Site Survey for Location of Proposed Art:

- (1). Proposed site or site alternatives

- (2). Existing topography, context, vegetation
- (3). Spatial and scale relationships
- (4). Historic context

c. Design Development

- (1). Response to context and historic character of the site
- (2). Proposed grading, site work, and proposed restoration of the same
- (3). Proposed construction and site materials including details/amenities
- (4). Proposed and/or required plaques: Commemorative, identifying, and/or interpretive
- (5). Review of liability issues (public health, safety, welfare)
- (6). Review of safety/security issues
- (7). Review of ADA accessibility standards

d. Construction Drawings and Specifications:

- (1). Construction drawings for all art objects, walls, paving, structural elements and/or objects to be built or installed on site
- (2). Planting plan and plant list,
- (3). Lighting plan, and plans of electrical and mechanical elements
- (4). Installation details, catalog cuts, and specifications for all additional amenities
- (5). Written Specifications

e. Proposed Schedule (all elements to be coordinated with City staff)

- (1). Design documentation and review schedule
- (2). Fabrication and installation schedule
- (3). Maintenance plan and schedule

f. Additional Documentation:

- (1). Artist's statement and/or interpretative narrative regarding proposed public art project

(2). Artist's resume

(3). References

(4). Photographic documentation of process and/or product through and including final installation

g. Maintenance Report

2. In addition to the documentation listed above, the Public Art Commission shall maintain record files on each project that shall include, but not limited to, the following:

- a. Contract(s) with the artist(s) engaged in the project;
- b. Record of the Commission's public hearing on the project;..
- c. Interdepartmental agreements relating to the siting and/or implementation of the project;
- d. Correspondence and memoranda relating to the project including media coverage;
- e. Record of all billing made in connection to the project

3. Digital Art Work

Digital content can be part of artworks in the Public Art Program collection.

Digital Formats

In the instance the artwork is being commissioned by or created in collaboration with the Biddeford Public Art Commission (BPAC), the artist will coordinate with BPAC or City staff to determine appropriate and preferred platforms.

Source material for digital content will be in formats which can be accessed without proprietary software, and accepted formats will be detailed in submission requirements.

For digital content hosted by external services (YouTube for video, Mixcloud for audio, or Mapbox for mapping, for example), source material will be provided to the BPAC/City. This is to ensure the BPAC is able to maintain and archive the work. The material will only be maintained and used for the purposes of backup and retention of content, if the external service ends, or if the external service provider experiences a disaster and data loss.

For digital content hosted by external services, in order for the BPAC to access and maintain the work in its holdings, the artist will provide the BPAC with credentials (e.g. username, password, PIN) to access the external services "control panel" usually provided for account management. Alternatively, the BPAC may enter into an agreement with service providers with access for account and data management.

Documentation for Temporary Public Art

The artist must provide final documentation of the project to the City staff within 30 days of site restoration demonstrating adequate site restoration. The final project documentation may be used by the Biddeford Public Art Commission to promote art in public spaces, and to refine the temporary public art procedures process. The BPAC shall have the right to use and reproduce the final project documentation material. Final Project Documentation shall include:

- Two or more digital images of the condition of the site prior to installation;
- Two or more digital images of the installation process;
- At least five images of the artwork while on display;
- At least five images of the site after completion of site restoration;
- Written feedback pertaining to this project, i.e. impact of your piece, public feedback, suggestions for improvement of temporary public art process, etc. (suggested length: 250 words).

MAINTENANCE POLICY

A. Introduction

The City of Biddeford is responsible for the maintenance of permanently installed artworks within the City's collection. The Public Art Commission is charged by ordinance to "Establish and maintain an annual operating budget to oversee the maintenance, care and repair of the public art collection."

The following Master Plan shall apply to the Public Art Commission in the preparation of an Annual Art Plan with respect to recommendations for maintenance.

Maintenance for temporary installations is the responsibility of the artist and/or commissioning organization.

B. Master Plan Regarding Allocations to and Implementation of Maintenance to Public Art

1. The Public Arts Commission will develop an inventory of the public art collection and periodically will work with a professional conservator to assess the condition of the collection. Based on this survey, the Commission will prepare a Public Art Maintenance Plan. The Commission will recommend to Council maintenance projects in an Annual Art Plan. Two levels of maintenance and their associated schedules will be identified within the Art Plan:

a. Major Restoration: Public Art Commission may recommend to City Council an annual allocation for a determined dollar amount identified for specific project needs. These recommendations must meet the criteria for capital improvements as defined by the City of Biddeford, and must generally be repairs or maintenance, which will have a lifespan of twenty years or more. Proposed work must be in accordance with recommendations and specifications made by a professional art conservator with expertise appropriate for the project.

b. Minor Rehabilitation: Maintenance of this type that does not meet the criteria of a capital improvement shall be the responsibility of and administered by the appropriate City of Biddeford Department as set forth by the Public Art Commission in the Public Art Maintenance Plan. The department having jurisdiction over the maintenance of particular projects/sites shall also be responsible for 1) keeping the Public Art Commission informed about any changes in the condition of the artwork, and 2) not altering the works of art or sites in any way without the prior approval of the Public Art Commission.

2. All maintenance and restoration work shall be reviewed and must be approved by the Public Art Commission prior to being initiated.

3. Selected Artists will be required to submit a comprehensive maintenance plan,

schedule, and specifications prior to the final acceptance of a project, as per their contract.

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RELOCATION OF PUBLIC ART

A. Introduction

These Master Plan recognize that over time there may be reasons to relocate artwork. The Public Art Commission shall review any proposed relocation of public art and shall forward a recommendation to City Council for action. After receiving the recommendation from the Commission, Council can vote to relocate artwork.

B. Summary of Relocation Process

1. A review for Consideration for Relocation may be implemented by direction of the Council, or by the Public Art Commission as part of the annual art plan.
2. The Public Art Commission will review the Consideration for Relocation according to the Master Plan.
3. The Public Art Commission will include a recommendation to Council regarding relocation as part of the next scheduled Annual Art Plan.
4. The Council, by majority vote, can order the relocation of the artwork.

C. Relocation Policy and Procedure

1. Eligible Artworks Works eligible for consideration for relocation through this policy include all artwork in the official City of Biddeford Public Art Collection. These works include:

- a. Artworks purchased or commissioned though the Public Art Program.
- b. Gifts of artwork accepted by the City of Biddeford in accordance with the gift acceptance policies of the Public Art Commission.

2. Relocation Procedure

- a. The Commission may consider relocation of artwork for one or more of the following reasons:
 - i. The current location of artwork limits public accessibility;
 - ii. The condition or security of the artwork cannot be reasonably guaranteed in its present location;
 - iii. Significant changes in use, character or actual design of the site require a re-evaluation of the relationship of the artwork to the site;
 - iv. Re-development of a public space offers a location that may be a more

appropriate site;

b. Sequence of action to relocation.

(1). The Public Art Commission determines that an artwork meets one or more of the criteria established above.

(2). The Public Art Commission shall inform the artist, if still alive, and the donor, if the artwork was a gift to the City, that the artwork is being reviewed for consideration of relocation.

(3). The Public Art Commission shall inform City Departments or Commissions that have a vested interest in the relocation issue of the impending review. The Economic Development and Planning Department will coordinate reviews by other parties as appropriate. Examples of other departments or Commissions which may have vested interests and/or review authority may include, but are not limited to the Recreation Department, Diversity, Equity and Inclusion Committee, Sustainability Commission, Traffic Commission, the Heart of Biddeford, Art of Biddeford, and the Historic Preservation Committee.

(4). The Public Art Commission holds a public hearing to consider a recommendation to City Council to relocate a work of art. If the Public Art Commission then votes to recommend relocation of a work of art, that recommendation will be forwarded to City Council in the annual Public Art Plan. Any relocation recommendation must also address all siting issues as outlined in the Master Plan for Design Documentation for Review of an Art Project.

(5). Acting on the Public Art Commission recommendation as included in the Annual Art Plan, the City Council holds a Public Hearing to consider relocation of the artwork.

DEACCESSIONING POLICY

A. Introduction

Deaccessioning is the process of removing existing installations of artwork from the public collection. This Master Plan recognizes that over time there may be reasons to deaccession artwork. Reasons for deaccessioning may include, but not be limited to, situations where artwork has been damaged beyond reasonable repair, where artwork is deemed inappropriate, or requires removal because of new developments in the direction of the public art collection. The Public Art Commission shall review any proposed deaccessioning of public art and shall forward a recommendation to City Council for action. After receiving the recommendation from the Commission, Council can vote to deaccession artwork.

B. Summary of Deaccessioning Process

1. A review for Consideration for Deaccessioning may be implemented by direction of the Council, or by the Public Art Commission as part of the Annual Art Plan.
2. The Public Art Commission will review the Consideration for Deaccessioning according to the Master Plan.
3. The Public Art Commission will forward a recommendation to Council regarding deaccessioning.
4. City Council, by majority vote, can order the deaccessioning of the artwork.

C. Deaccessioning Policy and Procedure

1. Eligible Artworks

Works eligible for consideration for deaccessioning through this policy include all artwork in the official City of Biddeford Public Art Collections.

2. Deaccessioning Procedure

- a. From time to time the Public Art Commission will review the Public Art Collection to determine those public art projects that may warrant deaccessioning.
- b. The Commission may consider deaccessioning of artwork for one or more of the following reasons:
 - (1) The artwork has been determined to be of inferior quality relative to the quality of other works in the collection.

- (2). The artwork has been determined to be incompatible with the intent of the collection
- (3). The artwork has been damaged or has deteriorated to the point where restoration is impractical or unfeasible, or the cost of restoration is excessive in relation to the appraised value of the artwork.
- (4). The artwork endangers public safety.
- (5). Significant changes in the use, character or actual design of the site require a re-evaluation of the relationship of the artwork to the site.
- (6). The work is not or is rarely on display.
- (7). The artwork requires excessive maintenance or has faults of design or workmanship, and the city cannot properly maintain the artwork.

c. Sequence of action to deaccession

- (1). The Public Art Commission determines that an artwork meets one or more of the criteria established above.
- (2). The Public Art Commission shall inform the artist, if still alive, and the donor, if the artwork was a gift to the City, that the artwork is being reviewed for consideration of deaccessioning.
- (3). The Public Art Commission holds a public hearing to consider a recommendation to City Council to deaccession a work of art. If the Public Art Commission then votes to recommend deaccessioning of a work of art, that recommendation will be forwarded to the City Council in the annual Public Art Plan.
- (4). Acting on the Public Art Commission recommendation, City Council holds a Public Hearing to consider deaccessioning the artwork.

d. If the City Council votes to deaccession a public artwork, the Public Art Commission shall consider the following courses of action, (in order of priority) to deaccession the identified artwork:

(1). Sale or Trade

- (a). The first consideration shall be whether to sell or trade the art work.
- (b). Regarding either sale or trade of artwork, the City shall offer the right of first refusal to the artist, if still alive, or the estate or family, and/or the original donor if the artwork was a gift to the City.

©. Sale through auction, art gallery, or dealer resale, or direct bidding by

individuals, in compliance with City law and policies governing surplus property.

(d). Trade through an artist, gallery, museum, or other institution for one or more other artwork(s) of comparable value by the same artist. (e). Funds from the sale of public art shall go to the Public Art Fund.

(2). Gift to another governmental entity.

(3). Destruction of the work if deteriorated or damaged beyond repair or if determined to have negligible value.

DRAFT

GLOSSARY OF TERMS

Permanent - For the purpose of this master plan, permanent public art is defined as physical structures or combination of materials that are intended to last 20-25 years.

Temporary - For the purpose of this Master Plan, temporary public art is defined as physical structures or combinations of material that may be installed for a maximum of one year, and that can be removed without lasting damage to the existing site. A request for an extension of up to one year may be considered.

Public Art Project - An acquisition or commissioning of an artwork that has been identified in the Annual Art Plan for addition to the public art collection.

Visual Arts Professionals - Professionals chosen from the following categories: architect, artisan, artist, art educator, museum curator or director, art historian, art critic, art collector, or layperson who has demonstrated interest in and understanding of the visual arts.

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.

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).

Amenity - Something that provides or increases comfort and convenience.

Applicant - The potential public art donor or donor's representative.

Appropriate - Suitable or fitting as determined by the review board responsible for particular aspects of site design and/or design quality.

Character - Distinguishing features or attributes.

Collaborative Art - Artwork generated from a group of designer/artists from different disciplines working together. Each discipline brings a different or new perspective to the design process. Often collaborative design teams consist of an artist, landscape architect and architect.

Memorial - A commemorative monument established to preserve the memory of a person, place or event.

Monument - A building, statue or other structure erected to commemorate a person, group of persons, or event, usually in recognition of some type of outstanding public service.

Site Amenity - Site furnishings or functional objects that provide or increase comfort and convenience such as: benches, trash receptacles, light fixtures, bollards, etc. Artists or collaborative design teams occasionally design functional objects or site amenities.

Theme - The subject or message of an artistic work.

Sec. 2-337.14. Definitions. [Added 3-4-2025 by Ord. No. 2025.16]

PUBLIC ART — A temporary or permanent object, located in or on a public space, created with skill and imagination that shall include:

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

Public art shall not include:

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

APPENDIX

ARTIST SUBMISSION FORM

Artist Submission Form Completed Artist Submission Form (need to create) example:

https://docs.google.com/forms/d/e/1FAIpQLSdjXda13OOIOvtfRYjzEf2_MLKqd9CeaVN4ViHN8iU75bMJGw/viewform

- i. Artist Resume or CV (emailed to submit@BPAC.me??)
- ii. Artist Statement (e-mailed to)
- iii. Image Inventory List (including medium, dimensions, title, date, and/or duration and trailer description)
- iv. 5-10 Images labeled: (jpegs in a zip file e-mailed to BPAC@biddeford.me??, no more than 10MB)
- v. References from previous similar projects.

GIFT INQUIRY FORM

After reviewing the guidelines detailed in the Public Art Master Plan, individuals interested in entering into the gift/donation process are strongly encouraged to fill out the form below and return it to PUBLIC ART COMMISSION EMAIL.

Images, renderings, or sketches for work proposed or, if available, are highly encouraged to accompany this form.

Name / Organization				
This individual is the primary contact regarding this inquiry. If the inquiry is coming from an organization, please be sure to also list an individual contact.				
Phone number				
E-mail address				
Inquiry regarding:	☐	Proposed neighborhood to site artwork	☐	Existing Artwork proposed
If you have a particular, site, location or neighborhood in mind, please fill out section B.		If you have an existing artwork or object, please fill out section C.		
If you have a proposal for an artist commission, please fill out sections C & D.				

Section B - Site location

Please fill out as much information as you have available.

Do you have a particular site location or neighborhood you are proposing public art for?	☐	Yes	☐	No
If yes, please provide the name/location of the desired neighborhood.				
Do you have a particular cross section/intersection/park/other landmark in mind where you would like to see this work of art situated? If so, please notate it here:				

Rationale:	
This is the reasoning for this particular site. If you do not have a rationale, the Public Art Committee is happy to discuss site options with you.	

Section C - Artwork or Object

Please fill out as much information as you have available or is applicable.

Proposed artist name(s)	
Proposed artwork Title	
Year of creation	
Proposed artwork medium(s)	

Proposed artwork dimensions	
Current artwork Condition	
Current artwork owner	
A conservation plan is required for all BPAC artwork. Please provide a plan based on the needs of the artwork.	

Why do you wish to add this artwork to the Biddeford Public Art Collection?	
---	--

Anything else we should know?	

8

BPAC Gifts & Acquisitions - Information & Inquiry Document

Section D - Artist commission

Please fill out as much information as you have available or is applicable.

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Summary of Commission process to date:	
Proposed project budget & funding sources:	

TEMPORARY PUBLIC ART APPLICATION

Email application in PDF or Microsoft Word Document (word.doc or .docx) format to the Biddeford Public Art Commission at publicartcommission@biddefordmaine.org

- Title of Work
- Artist Information
- Summary - Physical description of artwork including dimensions, materials used in construction and installation. Description of site location and plan for any site disturbance during installation.
- Technical Requirements - Lighting, sound or technical needs associated with the project and how they will be procured. Impact, if any, project will have on pedestrian or vehicular traffic. (Any projects using sound must follow the city ordinances regarding volume. Please submit a recording for review with the application.) Additional city licenses may be required.
- Maintenance and Safety - Brief description of maintenance requirements. Public health, safety, and welfare liability issues, i.e., toxic materials, sharp edges, structural stability, security issues, and obstruction of sight lines or issues related to pedestrian and vehicular traffic.
- Schedule – Timeline of installation, duration, and removal. Names and contact information for artist and parties responsible for installation, maintenance, security and removal of artwork.
- Attachments: Resume, 10 images and slide list, structural sketches, animation, or maquettes of proposed piece on site, optional expanded summary (no more than one page).

Application Checklist:

- Completed application (in word document form, .doc or .docx)
- Resume, including experience relevant to public art
- Sketches or scale rendering of art work
- Map of proposed installation including positioning of artwork on site
- Images, animation, or maquette of art work
- Images of previous/related work (Please limit images to a total of 10. Images should be no more than 5MB each. Please label images: Last name__Firstname__jpeg__)
- Optional expanded statement of intention (Limit one page)

COMMUNITY ART WORKS

A. Introduction

The Public Art Commission allocates a portion of its budget for Community Art Works. The goal is to facilitate artist led projects that engage citizens and community groups in the creation of public art in local neighborhoods.

B. Eligibility

Community Art Works grants are available to applicants that include a neighborhood-based not-for-profit partner which is able to legally and responsibly utilize grant funds. Such entities may include a local arts organization; neighborhood association; community center; community service group; or similar organization.

The organization must work in conjunction with a visual arts professional or group of visual arts professionals to create public art that is in compliance with the City's *Public Art Program Ordinance* and the *Biddeford Public Art Commission Master Plan*.

The Community Art Works funding may be used for artist fees; administrative costs; supplies and materials; technical requirements and rentals; and travel, housing and hospitality for artists.

C. Funding

The Biddeford Public Art Commission allocates a portion of its annual budget to be used as matching funding for Community Art Works. All awards are contingent upon the availability of funds from the Biddeford Public Art Commission budget and are subject to approval by the City Council.

Grant applicants shall commit to a contribution of in-kind services or cash match that is equal to, or greater than, the funding requested from the Biddeford Public Art Commission. Eligible in-kind contributions include, but are not necessarily limited to room rental, equipment, materials, donated services, volunteer participation, and staff costs. Applicants are encouraged to explore other sources of funds such as foundations and corporate resources.

City Public Art funds will be made available only when the applicant has demonstrated that it has sufficient funds to complete the project. The design must be finalized and approved by the BPAC before the funds are released, unless an alternate payment plan is approved in writing in advance.

D. Application

The attached application must be completed. In brief, applicants should address the following:

1. Describe the conceptual vision for the Community Art Works

project;

2. Identify the potential neighborhood site(s) for the art work;
3. Explain what makes the potential site(s) important to the neighborhood;
4. Identify a non-profit organization that can receive funds on behalf of the project act as fiscal sponsor);
5. Provide the contact info and mission statements of the team members and project lead;
6. List the skills or background desired in an visual arts professional;
7. Describe the scope of the visual arts professional's role;
8. If there is an interest in engaging a particular visual arts professional or the application is coming from a visual arts professional, please provide a resume and examples of previous work. If a visual arts professional has not been selected, please list the qualifications desired.
9. Detail sources of additional matching funds (cash and/or in kind sources).
10. Timeline for completion of project.

E. Requirements

Community Art Works projects shall be:

1. Located on City lands with documented permission of the appropriate authority.
2. Designed to meet permanent or temporary art guidelines.
3. Accessible to the general public.
4. Accessible to people with disabilities, as required by law.
5. Safe and vandal-resistant.
6. Evaluated by the City's Public Art Conservator for future maintenance issues.
7. Proposed by an artist or designer with demonstrated capacity to undertake and complete the project within one year.
8. Submitted under the auspices of a non-profit organization.
9. Applicants must include BPAC in all publicity related to the project.
10. Demonstrated outreach to the community, City Councilors and other local government officials.

F. Site Criteria

The applicant should prepare an explanation of the following issues as they relate to the project:

1. Preferred site(s) and general reason for this selection;
2. Written permission of the appropriate public authority (PAC will help to

- identify);
3. Public accessibility and any related potential safety issues;
 4. Traffic patterns and interactions with the artwork;
 5. Environmental impacts, if any;
 6. Relationship of proposed artwork to existing or future development plans for the area, architectural features, natural features and urban and landscape design;
 7. If located near a structure, description of the facility's function, and its users and surrounding community, as well as the interaction of the users with the proposed artwork; and
 8. Relationship of the proposed artwork to existing art works in the vicinity.

G. Restrictions

Community Art Works funds may not be used for the following purposes:

1. Work that portrays school, team, corporate or organizational mascots.
2. Art that has singularly religious or sectarian purposes.
3. Work that is not accessible to the general public.
4. Expenses incurred before the starting date of the period covered in the grant request.
5. Capital improvements, facility construction, structural renovation, and restoration.
6. Purchase of equipment, property, library holdings or acquisitions.
7. Publications or recordings for commercial purposes.
8. Scholarships or other activities related to academic credit or degrees.
9. Activities intended primarily for fundraising.
10. Receptions, parties, or gallery openings.
11. Food, beverages, or other refreshments.
12. Prizes and awards.
13. The application of new artistic work to historic buildings or structures, unless approved by the Biddeford Historic Preservation Commission as being in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. For more information, contact the City of Biddeford, Historic Preservation Program, historicpreservation@biddefordmaine.org; Contact Brad Favreau, Economic Development Coordinator, at 207-284-9115.

H. Application Process

Applicants should initially contact the Biddeford Public Art Commission to discuss the proposed project. Staff will provide feedback on the conceptual idea and determine if the activity is eligible for funding. Master Plan and an application will be forwarded after this initial contact.

Please contact the Biddeford Public Art Commission,
publicartcommission@biddefordmaine.org.

Exact details of the proposed artwork do not need to be determined at the application stage. In fact, applicants are encouraged to refrain from specifying details of the artwork

until a qualified visual arts professional is involved. The BPAC may provide input in choosing the visual arts professional.

Each application must clearly identify a lead organization or person. This lead entity will be asked to meet with the BPAC a minimum of two times. ***A member of the BPAC will be appointed as a liaison to the organization, and shall attend its meetings and report back to the BPAC.***

At the first meeting, the application and conceptual project will be discussed. The BPAC will help to establish a final scope for the project's design.

The BPAC may recommend appropriate visual arts professionals. If the applicant has an interest in engaging a particular visual arts professional or the application is coming from a visual arts professional, additional submission requirements would be submitted. The BPAC must approve the visual arts professional.

At the second meeting, the project lead will present an application which may include a draft design and budget as well as materials and specifications.

Unsuccessful applicants may request a meeting with the BPAC to discuss the project and opportunities for revision prior to the next funding cycle.

I. Review Criteria

The Biddeford Public Art Commission will review the final applications and recommend projects to City Council for approval. In addition to Artist/Artwork Review Criteria described in the SECTION entitled "Selecting Artwork and Artists", The Commission will evaluate proposals for the following:

1. Community process is evaluated by the level of community leadership, the cultural diversity of community participation, and evidence of support by community groups and individuals who may donate funds, materials and services. Projects are preferred that involve the community in "hands on" efforts.

J. Contract, Deliverables, and Disbursement

Community Art Works shall be subject to a written agreement or contract between the City of Biddeford and the sponsoring organization responsible for the creation and installation of the art work. Such agreement will stipulate the terms of payment, the obligations of the recipient organization, time frames for performance of the work installation, budget and work plan, reporting requirements, insurance requirements, a time frame at which the offer of funds for the work will expire, license requirements for work on city property, performance guarantees if necessary, and any other provisions, terms, or conditions necessary and appropriate to the proposed Community Art Work project. If the project involves additional fundraising by the sponsoring organization to match or supplement the BPAC fund allocation, such additional funds must be secured prior to the release of BPAC funds for the project. Any required funding match amount

shall be in cash, unless otherwise agreed to in writing by the BPAC

K. Timeframe and Deadlines

Submissions should be delivered to the Biddeford Public Art Commission, via email publicartcommission@biddefordmaine.org or via USPS to City of Biddeford Recreation Department.

Projects are required to be completed within one year of funding approval, unless otherwise approved in writing. (Some exceptions may be approved in writing by the BPAC due to unforeseen or extenuating circumstances.) The steps below are guides and may be subject to change.

1. Conceptual Development
2. Application
3. Review of Application and recommendation to City Council
4. City Council Approval
5. Notice of Decision
6. Use of Funds May Begin
7. Design Development/Final Design approval by BPAC
8. Fabrication and Installation
9. Midpoint Assessment Due
10. Use of Funds Must Conclude
11. Final Report Due
12. Evaluation of Project

L. Contact Information

For any additional information, and to submit an application or proposal, please contact the Biddeford Public Art Commission, publicartcommission@biddefordmaine.org.

Public Art Commission - Response to Mayor LaFountain's Request

PAC Discussion Summary August 13 Meeting

The members of the Biddeford Public Art Commission are deeply appreciative that you have asked for and value input regarding next stages of the temporary memorials. It's something very special about Biddeford city staff and officials, and we wanted to say that specifically.

We had a wide-ranging conversation at our commission meeting on Thursday, and eventually worked to separate the short-term and long-term response. We see the work of the commission being focused on the development of long-term policy and ordinance to help identify and define a response pathway to any potential future event. The commission agreed that this work falls under the purview of the group and falls in line with our draft Master Plan, allowing us to incorporate more relevant guidance into that plan so that we will be more prepared for emerging memorials and needs in Biddeford's future.

The Commission's founding ordinance (Sec. 2-337.14) defines public art broadly, including "other expressive media," but does not explicitly name memorials as a category, unlike the Portland guidelines our Master Plan was modeled on. In the weeks since Johan Sebastián Durán Guerrero's death, Mechanics Park and the intersection of Hill and Pool Streets have become sites of spontaneous, community-driven remembrance: chalk messages, flowers, signage, and other tributes that fall outside any existing City process. The Commission has been asked by the Mayor to help guide the City's approach to these spaces, and brings this framework to the Policy Committee for initial guidance before further development.

Regarding the current community response to the tragic loss of our neighbor, the commission also discussed the temporary memorials at Hill/Pool and at Mechanics Park, knowing that staff are open to suggestions on the care and upkeep of these sites.

Hill/Pool is a more reflective and private site as it is where the shooting occurred. This led to a spontaneous memorializing of the site by neighbors and beyond. It is on both private and public property (private being the hedge surrounding the multiunit house, public being the sidewalk and street). The Mechanics Park memorial began as a site for protest the day the shooting occurred, for a combination of factors - in particular, proximity to the shooting and more space for gathering.

Several updates were shared with the commission about the community and staff work already being done at both sites, and the differences in approach between the sites. Mechanics Park has a combination of activities, including protests, community events and gatherings, and temporary memorial activities, and city staff have been on site to clean up broken glass and other safety hazards, as well as to connect with those who are regularly occupying the site. As a public space, there are more specific considerations regarding both ordinance enforcement and public safety/comfort in the space for the wide variety of users. Hill/Pool, conversely, is a memorial site where the tragedy occurred, and the majority of the memorial is on private property. The immediate term response would look to ensure private property rights are honored, to prioritize the safety of residents visiting that space, and to carefully consider plans to caretaker that space.

In discussing the approach for these two sites, the group was supportive of the response that has already been loosely developed by community partners, which includes caretaking and archiving. Largely, our suggestion is to a) formalize that response and b) develop a Community Response Memo that provides a framework for staff and elected officials to follow and to create a mechanism for community updates to the public that includes information about how memorial materials are being preserved and ways they can support ongoing efforts.

Our understanding is that Mechanics Park is the location with more pressing concerns, which we have certainly seen in the public discourse and in our own interactions with the space, but we want to address both locations, as well as some suggestions that apply generally for overall management.

Input from City Staff, Council, and other stakeholders

Chairperson Muise has also met with heads of Recreation, Public Works, and Police, Council President Beaupre, Library Archivist Rose, and Delilah at Heart of Biddeford and Larry Weyand Art of Biddeford.

Needs and ideas surfaced in meetings with department heads and Council President Beaupre (note meeting TBD with Interim City Manager Knight):

- Growing concerns from families shared with the Recreation Department about safety and access based on activity in Mechanics Park point toward enforcing the existing ordinances and park rules, rather than waiting on new policy.
- Because protestors have informally taken over management of the memorial at Mechanics Park, it is creating a barrier to enforcing other ordinance and park rule violations by protestors such as park presence after hours, erecting structures, grilling, etc. City staff are being approached and questioned when they are on site doing their jobs. If the City limits size, materials, or safety features, those rules need to be applied the same way regardless of the memorial's message or religious character. Inconsistent enforcement - removing some items but not others based on their content - is a viewpoint-discrimination risk.
- The City has to weigh whether or not to formalize a policy based on prior attempts in Maine/lack of any examples in the State; although MDOT guidelines don't directly apply, State of Maine's signage statute for categorical signage [§1913-A. Categorical signs](#) could be useful to review for duration, size, and location guidelines.
- Legal risks - the need to adopt an affirmative policy rather than informally allowing memorials indefinitely. Courts have sometimes treated a government's inaction toward an unattended religious display on public property, such as allowing it to remain without any policy governing it, as tacit endorsement of that religious message, raising Establishment Clause exposure.

- Need to respect private property - The fence at Mechanics Park is private property - so nothing should be affixed to it. The memorial at Hill/Pool is partially on private property and requests from the property owner need to be respected.
- Communication plan considerations - staff raised concerns around creating community conflict or potential escalation if plans to transition memorials are announced publicly. Safety is a priority, and there are many complex considerations for ensuring the safety of staff and the public. A clear and transparent communication plan will be crucial to building trust and buy-in from residents.

Recommendations

We have attempted to bring all this feedback and discussion together in a series of recommendations; we've organized our response to follow the structure of the mayor's request. Each item in the mayor's email is first *"quoted in italics"* and then responded to. There are a few additional sections following those items: Stakeholder Map; Community Response Memo; Draft Site Management, Collections, and Archiving Plan; Maintenance and Collection; Archiving and Healing; Draft Timeline.

"An appropriate framework for temporary and permanent memorials on City property" and "a thoughtful process for evaluating future memorial requests on City property"

The commission has already completed significant work in drafting the Public Art Master Plan; going forward, **we'd recommend that both temporary and permanent memorials on City property be governed by guidelines in the Public Art Master Plan.** The Master Plan will cover temporary permitted public art projects and permanent projects to be owned by the City in public spaces, and would be the thoughtful process for evaluating future memorials requests on City property. Our Master Plan has cultural equity as a value, and has thoughtfully considered meaningful community input and collaboration across staff departments.

Recommended Next Steps:

- PAC reviews existing draft and adds any suggestions re: memorials
- Policy Committee Review of Master Plan draft at August and September 2026 meetings
- City Council Review and adoption October 2026

"Guidance on how temporary memorials should be accommodated and managed" and "How and when their duration should come to an end"

We recommend that spontaneous, i.e. arising from death, tragedy, or community trauma, **sometimes called "roadside" memorials, are not treated the same as temporary or permanent memorials as described in the Master Plan.** We suggest a distinction between an initial period where memorializing is allowed to happen without a permitting process, and a defined point after which a more formal process (e.g. permit as described in the Master Plan or other ordinance) would apply.

Any process we engage in should prioritize the following, in this order:

- 1) The wishes of the Guerrero family: The family has asked that nothing be done in Johan's name without their express permission. They have not requested a permanent memorial at this time, and their wishes should be included in this process.
- 2) The perspectives of those most affected: our immigrant neighbors. Our values in our Master Plan include cultural equity. You may have heard the phrase "Nothing about us without us" that arose out of disability equity movements; meaning for this situation that no decisions about memorial, remembrance, or public art in this space should be made without the people most affected at the table.
- 3) The broader community needs and desires: Mechanics Park belongs to all of Biddeford, and public input will be vital throughout this process.

Providing ordinance level recommendations here is challenging for a number of reasons. There are some examples in other states; notably, there are no municipalities in Maine with roadside memorial ordinances that we could find. [Scarborough declined to review or pass one in 2013](#) and [a bill to regulate roadside memorials failed to pass in the State legislature in 2019](#).

These examples need to be reviewed by the city in the context of whether or not Biddeford would want to have an ordinance related to spontaneous memorials. We were not able to find guidelines around this in any of the more than twenty Public Art Master plan examples we've reviewed. This would be setting precedent in a number of ways. Commission members were generally uncomfortable naming a specific timeline for removal, or considered that decision up to City Staff with guidance from appropriate staff and officials, such as the City Solicitor, City Administration, and/or City Council.

Recommended Next Steps

1. **Identify and form a Response Team moving forward**, with a point person for critical roles with the following roles, and define decision making authority. (Immediately below, as well as in a Stakeholder Map chart on page 8.)
 - a. Guerrero family via Mayor LaFountain - For any discussions that even remotely involve conversations around Johan, honoring his memory, supporting his family, etc., we are in complete agreement that anything related to Johan specifically goes through his family. Thus far, the Mayor has served as the main point of contact to the family, and unless suggested otherwise, he would remain the point person for making requests to the family either directly or through their representatives.
 - b. Immigrant Community - We are also in agreement that centering the immigrant community is crucial. We are less sure on a specific point person or agency for this, but it is an important one to determine. We want to respectfully center the voices of the immigrant community without putting undue burden on them around decision making. We also suggest that whoever the point person/agency is

should have a plan for engaging the immigrant community in a way that is inclusive of the diversity of experiences and opinions and, in particular, prioritizes immigrants in the immediate neighborhood of Hill/Pool and Mechanics Park.

- c. City staff - Identify a central communications staff person, who would engage with city departments as necessary to facilitate internal communication, including liaising with the mayor's office. Each department (e.g. Public Works, Police, Fire, etc.) will continue to be included in the discussions and work under their specific purviews.
 - d. Neighborhood/volunteer coordination - The Ward Councilor (or designee) should be the main point of contact, and would be in regular connection with the Council President and Mayor for coordination. The Mayor and President would bring information to the full City Council as necessary. This coordinating role would serve as the direct contact and coordinator for community volunteers who would like to assist with care and upkeep of the memorial sites and for immediate neighbors of the site to share thoughts, ideas, concerns, etc.
 - e. PAC commission member - For ongoing needs that are identified in the response process, commission members will have the opportunity to either form a subcommittee or response as a whole commission. This will ensure that any actions taken are in alignment with the Public Art Master Plan.
2. **Formalize the informal community-partner response already underway, and develop a Community Response Memo, a single reference document for staff and elected officials outlining how these sites are being managed, with option to share with the public.** The community trauma-informed approach, feedback from local community, and the archival expertise of the library have advised that removal or major alteration should generally wait until a transition process is established, except where immediate safety requires action. Any significant change to the existing memorials should include a clear communication plan whenever circumstances allow. Please see the Community Response Memo section at the end of this document for further details.
 3. Share the memo with Johan's family for their knowledge and, as needed, their blessing for temporary memorial management and transition. The goal is that we ask any remaining questions at one time, rather than having to do repeated outreach to the family. This does not preclude us from asking additional questions in the future if others come up as the response work continues, but seeks to reduce stress on the family at this moment.
 4. Prioritize safety resources to make this process safer for community members to move through in a reasonable period of time, not just focused on removal. Look at how other cities that have faced this specific tragedy have done this and replicate any processes

that proved helpful; for example, the addition of more cones / ropes to make the community feel safe during this transition process.

- a. Cities that navigated spontaneous memorials after high-profile deaths: Boston (Marathon bombing), Orlando (Pulse), Newtown (Sandy Hook), and Minneapolis (George Floyd Square) converged on a consistent pattern: an immediate light-touch phase, systematic photographic documentation before removal, direct coordination with the family on preservation and disposition, and a clear, published end-date or transition process to avoid an indefinite, unmanaged site.
5. Share with the public the community response around memorial management, item collection, and preservation/archiving plans - this is not the end; the memorial work is continuing. Memorial items transitioning into our community's archives; the family will have the opportunity to retrieve items of value to them; and remaining items could remain in the permanent public collection at the McArthur Library, or another location if needed that would offer free and public access to the community. Some items may be appropriate to consider including in future community led public art, memorial, or remembrance projects. Share details on the process for how artists/residents/community groups can propose projects in the future as the Master Plan is adopted.
6. Explore in earnest other meaningful and viable alternatives, such as a permission wall. Where possible, this should be in coordination and with support from stakeholder groups.

"There is also a more immediate role where the Commission's assistance may be valuable. Following consultation with our public safety staff, and provided that any involvement is consistent with their guidance, the Commission may consider a role in helping steward the temporary memorials that have formed in recent weeks. In coordination with City staff, this could include assisting with their care, upkeep, and thoughtful curation, as well as helping determine how materials might eventually be respectfully collected, preserved, documented, or otherwise handled when the time comes for these temporary memorials to transition."

The City staff and representatives should avoid curating, selecting, editing, or endorsing specific memorial content outside of safety / size / space guidelines; doing so risks converting private speech into government speech. Keeping memorials privately created and privately maintained, even when the City provides space or logistical support, helps preserve their legal status as private expression.

There is an existing process for collecting, documenting, and archiving memorial materials led by the Library, and that process should continue with community and stakeholder involvement, in coordination with the Response Team.

If the City has concerns in the interim, consider adding a disclaimer to memorial signage stating that memorials are privately created and do not represent an endorsement or message of the City.

“The circumstances under which a more permanent memorial might be considered”

Aside from the mural that was painted downtown, the family has not requested a permanent memorial at this time. That said, the community has its own grief process and there should be conversations about memorials, including permanent ones, that would honor that grief without specifically mentioning Johan.

The guidelines in the Master Plan would offer a framework for this process either as a gift or through the Community Arts Works process.

Recommended Next Steps:

- Master Plan Review by Policy Committee and City Council; with coordinated efforts to communicate with stakeholders (see *Stakeholder Map*) the expected schedule and a reminder of how to provide public comment

Stakeholder Map

Adapted from the PLAN–CARE–HEAL stakeholder-mapping tool. This is a starting point for the response team to fill in and correct - particularly the immigrant-community point person, which is still open. This list may not be comprehensive, and we welcome additions that may have been missed unintentionally.

Stakeholder	Point Person	Needs / Role	Risk if Excluded	Channel
Guerrero family	Mayor LaFountain (sole point of contact)	Consent before any action naming Johan; right of first refusal on archived materials	Re-traumatization; loss of trust in the City	Direct, in person or via family's representative only
Immigrant community	TBD — priority to identify	Voice in decisions about Mechanics Park and Hill/Pool without being burdened as decision-makers	Process perceived as excluding those most affected	TBD; consider trusted community organizations as intermediaries
City Council / Ward 2	Ward Councilor (Hill/Pool); Council President (coordination)	Constituent liaison; volunteer coordination	Neighbor concerns go unheard	Regular check-ins with Mayor's office
City staff (Police, Fire, DPW, Recreation, Code Enforcement)	Central communications staff lead	Enforce existing ordinances; flag safety hazards	Inconsistent enforcement; liability exposure	Response-team coordination meetings
McArthur Library	Library archivist	Leads item preservation and permanent collection intake	Materials lost or improperly handled	Direct coordination with response team
Biddeford Community Gardens	Garden coordinator	Compost flowers that cannot be preserved	Backlog of perishable items	As-needed pickup coordination
Local chaplains	UU Pastor Lori	Spiritual and community care; cleansing ceremony support	Community grief goes unsupported	Direct coordination with Mayor's office and family
Peer institutions (Lewiston/MTA, 9/11 Memorial, Minneapolis, Boston Marathon consultant)	PAC Chair / archivist	Comparative guidance on precedent and pitfalls	Reinventing lessons already learned elsewhere	As-needed consultation
General public / Biddeford residents	Communications staff lead	Transparency on process and timeline; avenues for comment	Rumor, mistrust, competing informal narratives	Community Response Memo; public comment periods
Heart of Biddeford/Art of Biddeford	Delilah and Larry via PAC	Supporting on-going community needs and events	Missed opportunity to include downtown input	Connection through their channels and local businesses

Framework source: PLAN–CARE–HEAL, spontaneoussmemorials.org.

Community Response Memo

As noted in the plan, the Community Response Memo is a single reference document for staff and elected officials outlining how these sites are being managed, with the option to share with the public. This section provides more detail on how this helps the immediate situation:

- Gives the Commission's memorial framework a defined home. Questions the Commission is being asked to advise/resolve (duration limits, family coordination, transition and removal) are trauma response questions as much as art commission questions. A parent document lets the memorial policy sit as one component of a larger plan, rather than asking an arts body to independently resolve public safety, mental health, and grief management questions outside its core expertise.
- Establishes a central coordination and accountability framework, so decisions about Mechanics Park are not made piecemeal by whichever department is closest to the issue at a given time.
- Creates a shared timeline and an "off ramp." Just as the Commission's memorial framework needs a defined duration and transition process, the City's broader response benefits from an explicit statement of what moving forward looks like and when, giving residents, staff, and Council a shared understanding of the arc of response rather than an open ended process.
- Gives Policy Committee and Council a clear vehicle for authorizing resources: budget, staff time, or partnership funding (expanded mental health services, translation and interpretation support given the immigration enforcement context, community listening sessions), rather than ad hoc requests arriving from individual departments or boards.
- Reflects practice elsewhere: cities that experienced comparable community trauma have generally paired memorialization guidance with a broader recovery or healing framework rather than leaving a public art commission to carry it alone. Examples include Orlando's OneOrlando Fund and long-term recovery plan after the Pulse shooting, the Eagles' Haven wellness center and community healing initiative in Parkland/Coral Springs after Marjory Stoneman Douglas, and Buffalo's community healing and victim support framework after the Tops shooting. In each case a citywide document defined mental health resources, communications protocols, memorialization guidelines, and a review timeline together, rather than as separate efforts.

Draft Site Management, Collections, and Archiving Plan

Mechanics Park:

- Post plans for transition, guided by the recommendations in this document. If transition is immediate, offer a 1-2 week period for voluntary compliance, remove items out of ordinance beyond that point. Removal may be conducted by city staff, library staff, and/or volunteers; we recommend that all these stakeholder groups take part in the process.

- Signage (laminated paper is sufficient) explains the process and who to contact, referencing the response team and, where available, a link or QR code to the Community Response Memo.
- Explore opportunities to educate the public about allowable activities in the park; supporting First Amendment Rights while also encouraging creative expression (e.g. tell people where they can make chalk art; see examples from other Cities).
- Continue discussions on the installation of more permanent and aesthetic barriers, which would replace the temporary jersey barriers.

Hill/Pool:

- Due to the sensitive nature of the site, allow community response plans to continue; coordinate timeline via Response Team. Prioritize safety for residents engaging in memorial activities, care, and maintenance, and transition to archives/other permitted activities.
- City resources to prioritize safety of residents engaging in this process.
- For this site, the key contacts are the property owner and Johan's family, and any plans should be made in consultation with both. Our understanding is that the mayor is in touch with both parties.
- In the event of any future discussion or approvals by the family of a permanent memorial at this site, considerations should be made regarding traffic and pedestrian safety in areas of public right of way.
- Coordinate with key stakeholders via Response Team; Local chaplains, led by UU Pastor Lori, have been providing spiritual and community care and bring prior experience with mass-casualty event response.
- Ensure there is a clear outline that explains how site management will occur, particularly around the archiving process that is already occurring and keeping the sidewalk clean and safe.
- Install signage (continuing to use laminated paper is sufficient) that outlines these details and who to contact with questions, using the response team as a contact guide and potentially including a link/QR code to the Community Response Memo.
- Finalize response to address where the blood had been on the pavement. The proposal is to have a more formal cleaning/cleansing event in collaboration with local chaplains. The mayor is getting in touch with the family for their blessing and to see if they wish to be present (and if so, whether they would prefer it to be private). If not private, recommend that there be traffic and safety control of some kind during the ceremony.
 - Once this is complete, remove memorial items from the street. Ensure there is public messaging on the site and in public communications about the cleansing. This would decommission the street itself as a spot to place memorial items.
- Avoid a total, permanent ban at the actual site. Courts have also found that removing memorials from the specific location where a death occurred can burden the memorial-makers' free speech rights, since the site itself carries meaning that can't be replicated elsewhere.

Maintenance and Collection

- Regular community led volunteer cleanup will occur on a weekly basis
- If a safety report comes in (e.g., broken glass), the response team coordinates addressing it directly.
- If rain is forecast, paper and other fragile items are removed for preservation ahead of the weather.

Archiving and Healing

- The McArthur Library archivist is leading item preservation and letting best practices and archiving ethics lead:
 - The family will be contacted and has right of first refusal on all archived materials before anything moves to the Library's permanent, publicly accessible collection.
 - Archives should remain in the library for long term public access as public stewards of our community's history.
 - Plastic and similar materials are saved for potential use in a future public art project, as has been done elsewhere after tragedies such as the Lewiston shooting.
 - Some dried flowers have been preserved for the family; others will be composted at the Biddeford Community Gardens to feed our community. *Note that flowers cannot be added to the Library's permanent archives as they continue to decompose/attract bugs and threaten other items in the collection.
 - The archivist, Councilor Woods, and I (as PAC Chair) are connected with archivists from comparable responses elsewhere - Maine MILL/Lewiston, the 9/11 Memorial, a contact in Minneapolis, and a museum consultant who worked on the Boston Marathon bombing memorial.

Draft Timeline

August 4 2026	Request to PAC announced at City Council Meeting
August 10 2026	Request made to PAC via email
August 13 2026	Public Art Commission Regular Monthly Meeting
August 11 - 21 2026	PAC Meetings with department heads PAC drafts and presents recommendations Staff Reviews PAC recommendations
August 24 - 31 2026	Response Team Formed
August 24 2026	Policy Committee Meeting - Master Plan Review #1
September 10 2026	Public Art Commission Regular Monthly Meeting
September 28 2026	Policy Committee Meeting - Master Plan Review #2
October 6 2026	City Council Meeting - Master Plan Reading #1
October 20 2026	City Council Meeting - Master Plan Reading #2