



**City of Biddeford
Policy Committee**

October 27, 2025 at 6:00 PM
City Hall Council Chambers & Zoom

[Click to Join Zoom Meeting Online](#)

Or call in by phone: +1 312 626 6799

Meeting ID: 960 4836 8154

Passcode: 005475

1. Roll Call
2. Pledge of Allegiance
3. Adjustment(s) to Agenda
4. Approval of Minutes
5. Discussion/Review
 - 5.a Review Code of Ethics (from City Council)
 - 5.b Staff Update — Condominium Conversion Ordinance
 - 5.c Staff Updates - Solar Ordinance and Clifford Park Conservation Easement
6. Adjourn



Policy Committee

Meeting Date: October 27, 2025
Meeting Time: 6:00 PM
Agenda Item No: 5.a
Item Description: Review Code of Ethics (from City Council)
Submitted By: Brian S. Phinney, COO (transmitted on behalf of the City Council)

Key Terms:

Executive Summary:

The City Council voted to forward a redraft of the Code of Ethics to the Policy Committee for review (Code of Ordinances, Part II, Chapter 2, Article 1, Sec 2-3). A council member initiated the review and provided draft amendments for consideration. The Code of Ethics was last reviewed in June 2017. The Policy Committee is further directed to complete its review and provide recommendations to the City Council no later than November 18, 2025.

Detailed Review:

The City Charter was amended in 2016 to include a requirement that the city adopt a code of ethics. The Charter reference is [Article XII, Sec. 10 - Code of Ethics](#). A Code of Ethics was adopted in June 2017 at [Code of Ordinances, Part II, Chapter 2, Article 1, Sec. 2-3](#).

Councilor Beaupre requested a review of the Code of Ethics with draft changes for consideration. In accordance with the Rules of the Council, Sec. A-2(6)(m), a member may place an item on a city council agenda with the concurrence of at least one other member within 30 days with final agenda review and approval by the Mayor and Council President. The request was seconded by Councilor LaFountain. The item appeared on the September 16, 2025, city council agenda and received a unanimous vote to forward to the Policy Committee for further review. See, Order 2025.131 included as Attachment 2. The redraft includes a new "acknowledgment" item and a new section specific to "censure". The censure section includes a definition of censure and subsections for "purpose", "process", and "violations", although there is no proposed language under the "violations" subsection.

The Policy Committee is directed to the redraft and provide the City Council with recommendations no later than the last regular council meeting in November.

Funding Source:

N/A

Staff Recommendation:

Staff is neutral as this is a policy matter initiated by the City Council.

Next Steps:

The Policy Committee is directed by the City Council to review the redraft and provide recommendations to the City Council no later than November 18, 2025. As an ordinance amendment, any change(s) will require two readings, with final changes taking effect 30 days later.

Attachments:

1. 20250916 2025.131 Refer to Policy Committee - Amend Code of Ethics Part II, Chapter 2, Article 1, Sec 2-3 - ORDER REFERENCE
2. 20250916 Attachment 1 - Amend Code of Ethics Part II, Chapter 2, Article 1, Sec 2-3 - REDLINE

Attachment 1

Code of Ordinances

Part II

Chapter 2 – Administration

Article I – In General

Sec. 2-3. Code of Ethics. [Added 6-20-2017 by Ord. No. 2017.56]

There shall be a Code of Ethics for all elected and appointed officials in and for the City of Biddeford:

- (1) Officials shall view service to the City as an opportunity to serve the public, state and nation as the best means to promote the City of Biddeford and its citizens. We are working to make Biddeford the best place to live, work and do business.
- (2) Officials must maintain a courteous tone, especially in reference to any divergence of opinion and shall avoid injecting any personal note into discussions or debate. Officials must never attack or make any allusion to the motives of another official.
- (3) Officials shall remember at all times that they have no legal authority within the City outside the scope of their position, and shall conduct their relationships with the City of Biddeford staff, the local citizenry, and all media communications in recognition of their authority.
- (4) Officials shall not interfere with the daily administration of City business.
- (5) Officials shall listen to all citizens and shall refer all complaints or concerns to the proper authorities.
- (6) Officials shall not criticize City employees publicly, but shall make such comments to the City Manager for investigation and action, if necessary.
- (7) Officials shall make decisions only after all facts bearing on a question have been presented and discussed.
- (8) Officials shall not disclose the confidential business of the City to unauthorized persons.
- (9) No official shall be permitted to vote on any question when his or her private rights or interests, distinct from public interest, is immediately involved.
- (10) Officials shall take notice of the date and time that meetings at which their attendance is expected are scheduled and shall punctually attend all meetings unless for good cause they are unavailable.
- (11) [Acknowledgement required – All persons appointed to serve on a Commission, Board or Committee must sign a statement of compliance with the Code of Ethics, and that violations thereof may result in removal.](#)

[Sec. 2-4. Censure](#)

a) Definition.

Censure is a formal, public, condemnation of a duly appointed member of a Board, Committee or Commission, whose actions run counter to the group's acceptable standards for individual behavior, or for a violation of the City's Code of Ethics.

b) Purpose.

The purpose of the censure process is to place an appointed Board, Commission or Committee member on notice of misconduct and to provide the appointed member with an opportunity to correct the misconduct. The City Council may censure any Board, Commission or Committee member at a regular or special meeting open to the public following a good-faith determination by the Council that the member has engaged in conduct that is contrary to rules and regulations applicable to the Board, Commission or Committee that impedes the orderly business of Board, Commission or Committee operations. Grounds for censure include, but are not limited to, persistent disruptive conduct at meetings, violations or abuses of the Code of Ethics bylaws or rules, acting on behalf of the Board, Commission or Committee without authorization. The City Council shall use the following procedure when censuring an appointed Board member, Commission or Committee member:

c) Procedure:

- i. Motion to censure a Board member may be initiated by the Chairperson of any Board, Commission or Committee. The recommendation for Censure shall be delivered to the Mayor and Council President. The recommendation shall be in writing and provide the specific facts and grounds for the proposed censure, including the date and specific conduct relied upon for the motion. The motion shall not be conclusionary, eg, "for alleged violations of the Code of Conduct," but shall be a factual statement that describes conduct only and is not intended to embarrass or humiliate the board member.
- ii. The Mayor responsible for promulgating the agenda shall include the motion on the agenda of the next regular or special Council meeting scheduled at least thirty (30) days following the delivery of the proposed censure motion.
- iii. The Board, Commission or Committee member subject to censure shall be given a minimum of thirty (30) days prior written notice. The notice shall provide the specific facts and grounds for the proposed censure as specified in 1 above. .
- iv. The member subject to censure shall be given a reasonable opportunity to be heard at the meeting, either orally or in writing, prior to the Council's vote on a motion of censure.

v. 5. The Council shall decide by a majority vote of those present and voting whether or not the Board, Commission or Committee member should be censured. For the purpose of censure motions, abstentions shall not be counted as votes.

d) Violations:



Policy Committee

Meeting Date: October 27, 2025

Meeting Time: 6:00 PM

Agenda Item 5.b

No:

Item Staff Update — Condominium Conversion Ordinance

Description:

Submitted By: David C.M. Galbraith, Acting Director Planning and Development and Permitting
/ City Planner

Key Terms:

Executive Summary:

The City's Condominium Conversion Ordinance (Section 72) was adopted under Council Order 2006.12 on March 21, 2006, and has not been amended since that time. The Policy Committee has initiated a review of the ordinance. Proposed text amendments have been developed to capture the Council's desires expressed during the meetings and development of the "Mutual Release and Settlement Agreement" between the City and Pepperell Mill Progression, LLC and Pepperell Mill Progression, LLC. dated December 10, 2024. The Policy Committee also offered comments and guidance at the June 23, 2025 regular meeting.

Detailed Review:

Background:

On December 10, 2024, the City and Pepperell Mill Progression, LLC and Pepperell Mill Progression, LLC. (Collectively "Pepperell") signed a "Mutual Release and Settlement Agreement". This agreement came about when "Pepperell" began an effort to convert a 154 existing apartments within Pepperill Mill (buildings # 15, 17, 18 and 35) into condominiums. At that time, the Council expressed concerns about such a large number of rental units being turned into condominiums as it removed these rental units from the available rental stock.

Following the signing of the settlement agreement, former City Manager James Bennett, directed Staff to review the hearing tapes of these discussions, review the settlement agreement, and incorporate those standards into a draft Condominium Conversion Ordinance for consideration.

Project Status:

This matter was last discussed at the June 23, 2025, Policy Committee meeting. The Committee and City Staff reviewed the presented “draft ordinance”, and Staff was directed to incorporate additional criteria, desired by the Policy Committee, into the Ordinance. Regretfully, Staff have been unable to dedicate the required time to amend the draft ordinance further due to multiple more pressing projects/assignments, duties, personnel issues, and insufficient staffing. These duties / reasons include, but are not limited to: Completing the City’s 2023 Comprehensive Plan Update by the required imposed State deadlines; the Planning Department being short staffed; The Elm Street Corridor Plan (design and implementation); a large amount of development review projects (such as 3 Lincoln LLC., Devine Capital, Upper Falls Road redevelopment, UNE research pier, Five Point Shopping Center Residential, Westbrook Development Corporation (WDC) at 37 Barra Road, and WDC’s Pearl Street 90-unit LMI housing development to name a few.

Staff recognize the importance of updating the Condominium Conversion Ordinance but do not want to hastily bring changes before the Committee, Planning Board or City Council that don’t meet the desired goals. Staff will do our best to bring the amended Ordinance back to the Committee in December for your review. It should be noted that prior to going to the City Council for a full vote on the proposed amendments, the Council will need to refer this matter to the Planning Board for their review and recommendation at the required public hearings. My sincere apologies to the members of the Policy Committee for this unavoidable delay.

Funding Source:

N/A

Staff Recommendation:

N/A

Next Steps:

Staff will do our best to bring the amended Ordinance back to the Committee in December for your review. It should be noted that prior to going to the City Council for a full vote on the proposed amendments, the Council will need to refer this matter to the Planning Board for their review and recommendation at the required public hearings. The final version will require two readings. Upon an affirmative at the second reading, the approved amendments will become effective 30-days thereafter.

Attachments:

1. 20250304 Section 72 Condo Conversion Ordinance - WORKING DRAFT

City Council Ordinance Amendment:
Code of Ordinances, Part III - Land Development Regulations, Article VI - Performance Standards, Section 72 - Condominium conversions.
Blue Underline = Text Additions and Red Strikethrough = Text Deletions
DRAFT Amendment: 3-4-2025

Section 72 - Condominium conversions.

[Ord. No. 2006.12, 3-21-2006]

A. Purpose. The purpose of this article is to regulate the conversion of rental housing to condominiums in order to:

- 1.** Minimize the potential adverse impacts of such conversion on tenants.
- 2.** To ensure that such converted housing is safe and decent.

To these ends, this article shall be liberally construed.

B. Applicability. This article shall apply to the conversion of any rental unit to a condominium.

C. Definitions. For the purpose of this article, the following terms shall be defined as follows, unless otherwise clearly implied:

CONDOMINIUM

Any interest in real estate created pursuant to the Unit Ownership Act, 33 M.R.S.A. § 560 et seq., or its equivalent, as it may from time to time be amended.

DEVELOPER

Any person or other legal entity, but not including an established lending institution unless it is an active participant in a common promotional scheme, who, whether acting as principal or agent, records a declaration of condominium that includes real estate, any portion of which was previously a rental unit.

TENANT

Any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise.

UNIT

Any building, or portion thereof, used or intended to be used primarily as a separate dwelling.

D. Protection of tenants.

- 1.** Notice of intent to convert. A developer shall give to each tenant written notice of their intent to convert no less than 180 ~~at least 120~~ days before the tenant is required by the developer to vacate specifically for the purpose of the condominium conversion. The notice shall set forth specifically the rights of tenants under Subsections 72.D.1, 72.D.2, and 72.E, and shall contain the following statement: *"If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments."* The notice shall also set forth the offer price and all terms and conditions of the option to purchase. If the notice specifies a date by which the tenant is required to vacate, the notice may also serve as a notice of termination under the applicable law of forcible entry and detainer, if it meets the requirements thereof. The notice shall be hand-delivered to the tenant or mailed, by certified mail, return receipt requested, postage prepaid, to the tenant at the address of the unit or such other address as the tenant may provide. ~~The notice shall be effective when actually received.~~ No tenant may be required by

City Council Ordinance Amendment:
Code of Ordinances, Part III - Land Development Regulations, Article VI - Performance Standards, Section 72 - Condominium conversions.
Blue Underline = Text Additions and ~~Red Strikethrough = Text Deletions~~
DRAFT Amendment: 3-4-2025

a developer to vacate without having been given notice as required herein, except for the reasons specified in the applicable law of forcible entry and detainer, and in accordance with the procedures thereof. The terms of tenancy, including rent, may not be altered during the notice period, except as expressly provided in a preexisting written lease. If, within ~~180~~ 120 days after a tenant is required by a developer to vacate, the developer records a declaration of condominium without having given notice as required herein, the developer shall be presumed to have converted in violation of this article.

2. Option to purchase. For a sixty-day (60) period following the giving of notice as required in Subsection 72.D.1, the developer shall grant to the tenant an exclusive and irrevocable option to purchase the unit of which the tenant is then possessed, which option may not be assigned. If the tenant does not purchase or contract to purchase the unit during the sixty-day period, the developer may not convey or offer to convey the unit to any other person during the following 180 days at a price or on terms more favorable than the price or terms previously offered to the tenant, unless the more favorable price or terms are first offered exclusively and irrevocably to the tenant for an additional sixty-day period. This subsection shall not apply to any rental unit that, when converted, will be restricted exclusively to nonresidential use. If, within two years after a developer records a declaration of condominium, the use of any such unit is changed such that but for the preceding sentence, this subsection would have applied, the developer shall be presumed to have converted in violation of this article.

E. Relocation payments. If the tenant does not purchase the unit, the developer shall, ~~before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two months. Additionally, the developer shall,~~ upon demand, provide assistance to the tenant in the form of referrals to other reasonable accommodations. Residents whose apartments are being converted who are not in default beyond the expiration of any applicable cure period of the terms of their lease, shall receive the following transitional support from the property owner as follows:

- a. The project owner shall make the cash payment for the amount equal to the rent paid for the two months immediately preceding the vacate date.
- b. Any residential tenant who, voluntarily or for reasons aside from their apartment being subject to the condominium conversion, vacates at the end of their current residential lease shall receive a cash payment of one thousand dollars (\$1,000.00) in relocation assistance at the time such tenant vacates.
- c. Except as set forth below, any residential tenant who is given a 180-day notice to vacate specifically for the purposes of the condominium conversion shall receive the payment described in Section 3.b above as well as two thousand dollars (\$2,000.00) in relocation assistance, payable upon such tenant vacating.
- d. Any tenant who is renting a unit with a base rent (not including any additional charges such as CAM charges, etc.) of less than one thousand seven hundred fifty dollars (\$1,750.00) shall receive an additional one thousand dollars (\$1,000.00) in relocation assistance, payable upon such tenant vacating.
- e. No transitional support will be given to residential rental tenants who are given a notice

City Council Ordinance Amendment:

Code of Ordinances, Part III - Land Development Regulations, Article VI - Performance Standards, Section 72 - Condominium conversions.

Blue Underline = Text Additions and Red Strikethrough = Text Deletions

DRAFT Amendment: 3-4-2025

of termination of tenancy for other reasons such as nonpayment of rent or lease violations, including residential tenants who are given such a notice during the pendency of the 180-day notice to vacate.

- f. Any residential tenant of the project who is given a 180-day notice to vacate specifically for the purposes of the condominium conversion shall have the option to give a thirty (30) day notice to vacate (i.e., end the lease) without any penalty within that 180-day period and shall be entitled to the assistance described within Ordinance.

F. Conversion permit. Before conveying or offering to convey a converted unit, the developer shall obtain a conversion permit from the Code Enforcement Office. The permit shall issue only upon receipt of a completed application therefore in a form to be devised for that purpose, payment of a fee of ~~\$150~~ \$500. per unit, and a finding, upon inspection, that each unit, together with any common areas and facilities appurtenant thereto, is in full compliance with all applicable provisions of Chapter **18** (Building Code), Chapter **18** (Electrical Installations), Chapter **18** (Minimum Standards for Dwellings) of this Code, and the Life Safety Code as adopted by the state. The developer shall post a copy of the permit in a conspicuous place in each unit, and shall make copies available to prospective purchasers upon request.

G. Parking Requirements: When condominiums are being created they shall each be sold with the number of required parking stalls per unit as required under the City's Code of Ordinances, Article VI - Performance Standards, Section 49 - Off-street parking and loading standards. A detailed parking plan shall accompany the Conversion Permit which shall show all existing on-site parking and the designated parking assigned / sold with each unit. These parking stalls shall run with the condominium they are associated with.

~~**G.**~~ **H.** Variation by agreement. No provision of, or right conferred by, this article may be waived by a tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage, or induce a tenant to waive any provision hereof, or right conferred hereby, shall be a violation of this article. Nothing herein shall be construed to void any term of a lease which offers greater rights than those conferred hereby.

**City of Biddeford Code of Ordinances, Part III - Land Development Regulations, Article VI
Performance Standards, Section 72 Condominium conversions.**



Policy Committee

Meeting Date: October 27, 2025
Meeting Time: 6:00 PM
Agenda Item No: 5.c
Item Description: Staff Updates - Solar Ordinance and Clifford Park Conservation Easement
Submitted By: Brian S. Phinney, COO

Key Terms:

Executive Summary:

Update on the status of the proposed solar ordinance and

Detailed Review:

The Policy Committee has the Clifford Park Conservation Easement and the Solar Ordinance pending from prior meetings.

The Assessing and Planning Departments will be working together to prepare an economic assessment of solar installations as directed by the Policy Committee. Staff shortages and higher priority issues have delayed completion of the economic assessment. The field lister has been hired and will attend the November orientation. It is anticipated that the economic assessment will not be available until after the first of the year, given the need for the new staff to get up to speed in Assessing, the upcoming holidays, and the ongoing pressures and director vacancy within the Economic Development/Planning Department.

Contact has been made with Maine Coast Heritage Trust (MCHT) regarding interest in being a party to the proposed Clifford Park conservation easement. The members are meeting on October 27th, the same night as the regular Policy Committee Meeting. The initial conversation was positive. However, there is a process that MCHT must follow. The first step is for the Board to hear the conceptual plan and indicate to MCHT staff whether to proceed. Staff expects to hear from MCHT staff regarding next steps after the MCHT Board Meeting. It was noted during the initial conversation that there is usually a payment to MCHT to establish an endowment fund for management of a conservation easement. The dollar value of a typical endowment payment was not available at the time of the discussion. Additional details and a timeline should be available for the next regular meeting, assuming a positive outcome from

the MCHT Board Meeting.

Funding Source:

N/A

Staff Recommendation:

N/A - Staff update

Next Steps:

Staff expects to hear from MCHT the week of October 27th regarding the organization's desire to continue Clifford Park conservation easement discussions. Details will be provided at the next regular meeting of the Policy Committee. As noted above, the economic assessment associated with solar installations is not anticipated to be available until after the first of the year due to workload and staffing pressures.

Attachments: