



City of Biddeford
Policy Committee
Meeting Minutes
September 22, 2025

City Hall Council Chambers & Zoom

Meeting called to order at 6:00 p.m.

1. Roll Call

Chairperson Norman Belanger	<u>Excused</u>	
Councilor Roger Beaupre	<u>P</u>	
Councilor Liam LaFountain	<u>P</u>	(Chairperson pro tem)
Member Jake Pierson	<u>P</u>	
Member Marie Potvin	<u>P</u>	

2. Pledge of Allegiance

Those in attendance observed the Pledge of Allegiance

3. Adjustment(s) to the Agenda

None

4. Approval of Minutes

Motion to approve the minutes of August 25, 2025

Motion by: Member, Potvin
Seconded by: Councilor Beaupre
Vote: Unanimous in favor of the motion

5. Discussion/Review

a) Remove from Table - Proposed Ordinance Solar Energy Systems (Continuing Review)

Motion to remove from table.

Motion by: Councilor Beaupre

Seconded by: Member Potvin

Vote: Unanimous in favor of the motion.

Discussion:

COO Phinney provided background on the status of the Solar Ordinance, noting that at the April meeting an economic analysis had been proposed. Staffing issues delayed the analysis. The item is being brought back to the Committee for discussion and to determine if there is interest in proceeding with a generic analysis to move this along given the staff shortages in the Assessing and Planning offices.

The packet materials included 3 attachments. Attachment 1 is the *State of Maine Services Property Tax Bulletin 29*. It is sent out to assessors provide guidance on how to assess solar energy installations.

Attachment 2 is 36 MRS §655 which is the personal property section of the Title 36. The solar installation section is highlighted.

The 3rd attachment is 36 MRS §565, which addresses solar equipment real estate related tax exemptions.

COO Phinney explained that solar installations have a couple of different criteria, but if applicable they can send an application to the municipal assessor. All of the equipment inland from the distribution point may be tax exempt personal property. If applicable, the City would get nothing other than property tax related to the whatever the property. From the transmission items that come out to the connection to the transmission line would be taxable. So, from a practical standpoint most of the installations that the city are going to see, especially if they're going to be commercial scale, will likely be tax exempt. There is a provision in state law that allows the City to negotiate a payment in lieu of taxes (PILOT) for tax exempt properties, which may be an option.

COO Phinney pointed out that the economic assessment could also include a survey of surrounding communities. The survey would gather solar installation tax information. Staff could then normalize the data based on the respective Mil rates. In any event, the economic assessment will be based on hypothetical info since we do not have any installations. COO then asked for questions. Receiving none, he proceeded to review the additional packet materials. The City's GIS department created maps showing forested land, prime farmland, and farmland of statewide importance for reference. COO Phinney also described how the public may access the maps through the City's GIS website.

COO Phinney also reviewed the ordinance related to the 5-year tree clearing provision. The current draft ordinance states that an application will not be considered if the land has been cleared of trees within the last five years. This doesn't prohibit tree clearing or solar installations, it just establishes a 5-year waiting period.

Chairperson Pro Tem LaFountain opened the discussion to questions and comments.

Mayor Grohman stated that he believes the Legislature changed the tax rules to eliminate the text exemption for solar installations. He believes solar installations are fully taxable and indicated that he would circulate the legislation.

COO Phinney asked for the date of the legislative change noting that he pulled the documents from the State website and reflect the latest published version.

Mayor Grohman indicated he believes the change occurred during the 2024 Legislative Session and indicated he would provide the reference.

Member Potvin indicated that she believes the Committee should consider the comments received and ensure that all questions are answered and everyone [all committees] understands the information before a decision is made.

Member Pierson commented that there seems to be a disconnect. A landowner that is a farmer cannot install a solar farm but can sell his land and develop condominiums. He asked, why the city is concerned with protecting farmland from solar developments but not development from condominiums? In his view, solar is much less intrusive and may make the farm viable but instead it is a prohibited activity. He believes the ordinance as written is disincentivizing farmers from installing solar. After commenting on some positive elements of the proposed ordinance Member Pierson proposed increasing the “clearing” timeframe to protect forested land from being cleared.

Councilor Beaupre suggested that the Committee consider amendments to the draft ordinance before moving the ordinance forward.

Motion to amend Sec D.6.(a)(ii) and Sec 7.(b) by increasing the prohibition on solar development after clearing of trees from 5 years to 10 years.

Motion by: Councilor Beaupre

Seconded by: Member Pierson

Discussion: None

Vote: Unanimous in favor of the motion.

Member Pierson suggested removing “pollinator friendly” from Sec. D.6.(g). He believes the language is too restrictive. Additionally, pollinator friendly is not defined.

Motion to amend Sec D.6.(g) by striking the term “pollinator friendly.

Motion by: Member Pierson

Seconded by: Councilor Beaupre

Discussion:

Richard Rhames, member of the public, wasn’t opposed to the amendment but pointed out that removing the canopy may lead to the proliferation of invasive species. He also commented that tree growth is prolific in Maine. He does not believe it is necessary to plant a new tree for every tree removed. He noted that good forest management involves cutting the trees that are not desired and allows the desired trees to then grow and reproduce.

Chairperson Pro Tem LaFountain asked if Planning Board approvals include a revegetation plan, which department then verifies compliance?

COO Phinney responded indicating the Code Enforcement Office is responsible for compliance pre and post construction.

Member Pierson asked for clarification on the invasive species reference found in Sec. D.6.(j). It appears there is a requirement to control invasives throughout the project and it is unclear where control of invasives is needed, at the solar installation, within the buffer or across the entire parcel. He believes the requirement would stifle any solar development due to the difficulty controlling invasives.

Richard Rhames, member of the public, commented that performance bonds were discussed by the Conservation Commission should an entity fold. Control of invasives is a matter that requires further discussion due to the complexity of the issue, the cost, and the difficulty.

Chairperson Pro Tem LaFountain commented that the cost of compliance will likely play a part in the effectiveness of this requirement.

Vote: Members LaFountain, Pierson, Beaupre in favor; Member Potvin opposed. Motion passes 3:1.

The Committee discussed the 50-acre reference in Sec. D.(8)(c) but made no motions.

COO Phinney referenced new language inserted at Sec D.7.(c) clarifying the basis for a violation of the section prohibiting a medium scale installation from being expended into a large-scale solar development over time. The Committee acknowledged the language.

Motion to table the item until the economic analysis has been completed.

Motion by: Councilor Beaupre

Seconded by: Member Potvin

Vote: Unanimous in favor of the motion.

- b) Review / Amend Code of Ordinances, Part II, Chapter 2 – Administration, Sec 2-3 Code of Ethics

Motion to remove the item from the table.

Motion by: Councilor Beaupre

Seconded by: Member Potvin

Discussion:

Chairperson Pro Tem LaFountain opened the discussion by acknowledging that Councilor Beaupre drafted the amendments to the code of ethics.

Councilor Beaupre confirmed his submittal noting that he believes there are deficiencies within the current ordinance. Specifically, there is no provision requiring a member of a committee to acknowledge receipt of the code of ethics, he believes the process should include a written warning, and he noted that he did not address the “violations” section.

The Committee discussed the general provisions of the draft amendments, how this ties into the work performed to create the board/committee/commission template, concerns with some vague language and a discussion on some form of notice prior to censure to allow the member the ability to self-correct.

Motion to amend Sec. 2-4(c) by adding, “or at least two members” after the word “chairperson” in the first sentence.

Motion by: Councilor Beaupre.

Seconded by: Member Potvin.

Discussion:

Richard Rhames, member of the public, voiced concern for the timing of this review.

Chairperson Pro Tem LaFountain conformed that this review is linked to the recent Planning Board censure discussion. However, the review is forward looking to ensure any future incidents allow for a decision based on a better defined process.

Vote: Unanimous in favor of the motion.

Chairperson Pro Tem LaFountain asked for clarification on applicability of Sec. 2-3. The first sentence includes “appointed” officials. He asked if appointed staff members are also subject to the code of ethics or if there's an exclusion.

City Manager Dever confirmed that the code of ethics only applies to elected officials and those appointed to committees. All staff members fall under the provisions of either a collective bargaining agreement or the Employee Policy Manual.

Motion to request clarifying language for Sec. 2-3 that specifically excludes municipal staff otherwise covered by a contract, collective bargaining agreement, or the *Human Resources Policies, Procedures and Benefits Manual*.

Motion by: Councilor Beaupre.

Seconded by: Member Potvin.

Discussion: None

Vote: Unanimous in favor of the motion.

Motion to amend Sec. 2-4(b) Purpose, by inserting, “The chairperson is encouraged to provide the member with a written warning identifying the conduct of concern and an opportunity for the member to participate in training or refresher prior to the initiation of a formal censure motion.” before the last sentence of the paragraph.

Motion by: Councilor Beaupre.

Seconded by: Member Potvin.

Discussion: None

Vote: Unanimous in favor of the motion.

Motion to amend Sec. 2-4(b) Purpose, by inserting text after number 10 to read as follows, “(11) Orientation and Training Requirements. All persons appointed to serve on a Commission board or committee shall complete mandatory training as follows:

- (i) New Member Orientation. A city conducted orientation shall be held quarterly for newly appointed members. Each new appointee must attend the next available session following their appointment.
- (ii) Term Orientation. At the beginning of each new council term all appointed members of committees, commissions, boards shall attend a mandatory orientation covering the code of ethics, rules of procedure, and responsibilities of service.
- (iii) Additional Training. Ethics and governance training sessions provided by the city shall be encouraged for all serving members. Members are also encouraged to attend other relevant trainings offered by the Maine Municipal Association or other organizations connected to their commission’s, board’s or committee’s work.
- (iv) Documentation. Attendance at mandatory orientation shall be recorded by the city clerk or their designee a member who fails to attend an orientation shall be instructed to attend the next available quarterly session lack of attendance may be considered in any progressive discipline procedure including censure or removal provided that the city offered the required training session.”

Motion by: Chairperson Pro Tem LaFountain

Seconded by: Member Potvin

Discussion:

Member Potvin reflected on her term on the School Board and the importance of the orientation program.

Councilor Beaupre offered support for the amendment. Stating that he believes the City has an obligation to ensure that everyone serving has been properly trained, especially considering the role that many committee members have and the impact on citizen’s property, as an example.

Vote: Unanimous in favor of the motion.

Motion to amend Sec. 2-4.C(4), by directing staff to propose language address the option for a member facing censure to be given the opportunity to be heard in executive session.

Motion by: Member Pierson

Seconded by: Chairperson Pro Tem LaFountain

Discussion:

The committee members and the public discussed the nuances of elected vs appointed vs employed individuals. The consensus is that there are valid concerns that may need to be considered in each case that may come forward.

Vote: Unanimous in favor of the motion.

Motion to table the item to allow Chairperson Belanger the opportunity to provide comment before the item is advanced to Council.

Motion by: Councilor Beaupre

Seconded by: Beaupre, Pierson, Potvin

Discussion: None

Vote: Unanimous in favor of the motion.

c. Updates

Condominium Conversion Ordinance

- Planning continues to work on this ordinance. This item dates back to April. The Planner has been on vacation and will return on the 29th. There will be a more detailed update at the next meeting. To date the Committee has requested amendments:
 - Consider and include language that addresses a conversion for a property that is covered by a TIF CEA agreement and standardize fees relative to TIF and non-TIF conversions.
 - Consider and include language that addresses the number of units that trigger applicability thresholds, such as eight units or more.

Clifford Park Conservation Easement

- This item also dates back to April.
- Multiple inquires to Maine Coast Heritage Trust. Will continue to inquire about their interest in participating in a conservation easement for Clifford Park.
- Staff will work to have this back before the Committee at the October meeting.

Program Fee Review (\$150k Cumulative Fee Increase)

- This is an open budget item. The budget approval contemplated \$150,000 in additional unspecified fees. Staff is directed to review the fee structure and make recommendations for increased revenue.
- The fees have been consolidated. Unfortunately, the units are not readily available and therefore require calculations for most if not all of the various fees. The calculations are required in order to verify the proposed individual fee changes cumulatively meet or exceed the designated \$150,000 increase.
- Additionally, once the fees are adopted there will need to be council action to create a fee schedule to be adopted that consolidates all of the fees into a single location.

d. Other Business

None

Motion to adjourn.

Motion by: Councilor Beaupre

Seconded by: Member Potvin

Meeting adjourned at 8:21 PM