

City of Biddeford
Policy Committee Meeting Minutes
October 28, 2024 at 6:00 PM
City Hall Council Chambers & Zoom

1. Call to Order 6:08 PM

Roll Call

- Councilor Belanger - P
- Councilor Beaupre - P
- Councilor LaFountain - P
- Rene O'Neil - P
- Jake Pierson - E

2. Pledge of Allegiance – Those present recited the pledge of allegiance

3. Adjustment(s) to Agenda

There were no adjustments to the agenda

4. Approval of Minutes

None available. It was noted that there is backlog requiring approval of minutes for July 22, August 26, September 30 at the next regular meeting.

5. Discussion/Review

5.a Public Art Policy - Update

COO Phinney provided the Committee with an update noting availability of a draft ordinance specific to a public arts commission. It was identified that staffing a new committee may prove problematic from a staff availability perspective otherwise the draft is available for comment.

Public comment requested:

- Reconsideration of the provision that the committee move to independent non-profit status within 5-years;
- that remembrances and memorials be added;
- that community placemaking be noted;
- there be an affirmative statement that art is an enrichment of public life;
- that experiences and performances art should also be included;
- that “inventory” be added to the Master Plan task list stating that the inventory should include public and private displays where such private art is public facing;

- that composition be consistent with other committees;
- identify any easements where art may be placed; and
- include provisions for public input.

Member O'Neill questioned how donations would be managed and may require participation by a sister agency for support.

Councilor LaFountain requested the provision for non-profit status be less hardline opting more for a report to be issued within a defined period of time addressing the readiness to achieve non-profit status. He further questioned the provision designating the role of agent for the city asking for clarification.

COO Phinney noted that several board/commissions are designated or may be designated as an agent for the city. As an agent, the City is officially bestowing the authority to act on its behalf whether that be for grant applications, official testimony, etc. This will also serve as a potential provision for a future agreement once the committee reaches non-profit status.

Councilor LaFontain pointed out that there are no provisions defining the cadence of meetings or member expectations such as attendance requirements.

Member O'Neill suggested review of the designated number of members citing concerns with the ability to fill current vacancies on other boards/committees and the committee's ability to meet. Noting "up to" rather than a required total number of members.

Councilor Belanger suggested provisions for temporary art. He questioned the provision for requiring non-profit status given the implications of abdicating responsibility to some entity. He noted that the draft is silent on who make nominations and how that process works. He suggested that composition state the number of members required with a reference to a specific number with certain credentials rather than "at large" representatives, for example, "...six members three of which possess the following credentials.

Councilor Belanger suggested the draft be reworked to incorporate the suggested changes and reviewed further before advancing the draft to the City Council.

Councilor LaFountain also stated that there is a larger policy issue to consider; should the ordinance include a policy for decision-making or should the ordinance be adopted and the committee charged with developing policies for adoption?

Motion to table until the next meeting.

Motion by Councilor Belanger

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion

5.b Status Update - 2024.146) Amend/Part II: Code of Ordinances, Chapter 42 Motor Vehicles and Traffic, Article IV Specific Street Regulations, Sec, 42-90(a) No Parking - Lester B. Orcutt Blvd

COO Phinney provided an update on the status of the item. Staff was not able to coordinate notice to East Point Sanctuary, Maine Audubon, and BPIA to facilitate participation in a workshop on the topic. Staff is anticipating coordination for the November meeting.

5.c Solid Waste Services for 6-8 Unit Residential Facilities

Councilor LaFountain updated the Committee on the review by the Recycling and Solid Waste Commission. A request came forward asking the Commission to reconsider the exclusion of multi-unit buildings upon the same of the unit. Several iterations of the Recycling and Solid Waste Commission review were discussed indicating that the Recycling and Solid Waste Commission made no decision on the matter.

The Policy Committee's general consensus is to maintain the ordinance as is. Councilor LaFountain will report the consensus decision to the Recycling and Solid Waste Commission.

5.d Proposed Vacant Building Registry Ordinance

COO Phinney introduced the item.

Councilor Belanger questioned the lack of a definition of a "vacant building" and requested a definition for consideration.

Councilor LaFountain raised concerns regarding a building that may have multiple units with one or more being vacant and if there should be a percentage-occupied threshold within the proposed ordinance. Further questioning whether a commercial build and a residential building should be treated differently.

Member O'Neil suggested consideration of a hardship provision.

Councilor Beaupre questioned the basis for charging a registration fee and does not generally support a fee. He also questioned whether s snowbird, for example is required

to register the building as vacant and concurred with prior comments. He voiced general opposition to the ordinance as written.

Councilor LaFountain clarified that there are exceptions within the text that exclude for example, snowbirds and active military. Councilor LaFountain voiced general support for fees noting the actual and potential for increased oversight and monitoring of unoccupied buildings with support for hardship provisions and possibly designating all or a portion of the funds towards a grant program to assist owners that may not have the financial capacity to make improvements sufficient to result in occupancy.

Councilor Belanger finds reasons to support a registration program and some fee structure. Noting the current fee structure may not need the penalty provision.

COO Phinney offered comment that the incentive should be to register and offered consideration of no fee for registration with applicability of the \$500 penalty provision if the owner fails to register thus incentivizing registration.

Motion to table the item further review and development.

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion.

5.e Review - Authority Granted to Downtown Parking Authority

COO Phinney introduced the item.

Councilor Beaupre reviewed the history of the Parking Authority, the link to the Downtown Committee and the impetus for rapid response and changes at that time to respond to community needs in the downtown.

There was general consensus that the underlying conditions that led to the creation of the Parking Authority are no longer valid and as such the Parking Authority is no longer needed. There was also general consensus that the Downtown Committee has similarly served its purpose and may no longer be needed but that discussion may be a future topic for discussion.

Motion to send to Council, a recommendation for the elimination of Sec 42-8 Parking Authority.

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion

5.f Solar Panel/Power Ordinance

COO Phinney queued up the item for the Committee. The intent is to forward the item to the Conservation Commission then to the Planning Board.

Councilor LaFountain questioned the rationale for small, medium and large classifications. There was further discussion on how the code enforcement officer would become aware of issues. Brian Phinney noted that “issue of right” is intended to state the City wishes to affirmatively support and promote solar panel installations. The limitation on a design footprint is a safety provision. Should there be a fire for example there needs to be the ability to directly access a portion of the roof for venting. The code enforcement office would become aware of the installation because installations would be considered a modification to the building triggering review. The ordinance language provides a basis for issuing a permit for the installation by default unless there are valid reasons form denial. There are no safety provisions identified within the current ordinance structure that establishes the CEO’s authority to deny or modify the proposed installation for safety reasons. The proposed language is intended to address this “authority gap”.

Councilor Belanger questioned the language at section 1.D that references “proximity to ground mounted systems relative to buildings...” since the ordinance addresses rood mounted and building mounted systems.

Councilor LaFountain questioned Performance Standards at D.3. as there is no definition linking solar systems to “structures” and how such structures relate to what is already allowed in respective districts.

Councilor LaFountain also questioned the “must consider” and “encourage” language within the Performance Standards section opting for more direct language specific to restriction rather than checkboxes for consideration or encouragement. He would also recommend consideration of applying sensitive environmental provisions to all installations not just large solar projects.

Member O’Neill questioned Performance standard at D.5.b. relative to impact studies being paid for by the developer but hired by the City specifically asking if the practice is consistent with other programs and asking how potential conflicts of interest are handled.

COO Phinney confirmed consistency citing the Planning Board’s use of prequalified consultants whose services are in fact paid for by the developer. Also making note that the consultant has a professional obligation to identify conflicts, and the developer certainly is not prohibited from voicing concerns relative to conflicts of interest. It would also be in the City’s best interest to address any conflicts of interest before any work is performed to ensure the use of the resulting date/work product.

Councilor Belanger noted a grammatical error at section 7 of the Performance Standards identifying misspelling of the word “scale”. He also asked for clarity on item 7.a. asking for the rationale for restricting installations on land that has been forested within five (5) years of the application.

Councilor LaFountain asked for clarification on the tax implications for medium-scale and large-scale solar installations for the City.

The Committee’s consensus is to move the item to the Conservation Commission and Planning Board with the Committee’s comments.

5.g Review - Clifford Park Deed Restrictions

COO Phinney noted staff changes that lead to the project stalling confirming that it is still the Committee’s desire to move the review to the Recreation Commission and Conservation Commission for review and recommendations to be returned to the Policy Committee.

Councilors Belanger and LaFountain asked to ensure that Maine Coast Heritage Trust is involved in the review process and that any recommendations align with Maine Coast Heritage Trust’s level of participation and that such recommendations include potential future uses such as future entrances/access to the park, parking areas, etc.

The consensus is to move the item to the Conservation Commission and Recreation Commission.

Motion to adjourn

Motion by Councilor Beaupre

Seconded by Councilor LaFountain

Vote: Unanimous in favor of the motion

The Committee adjourned at 7:44 PM.