**CEREMONY FOR CITIZEN OF THE YEAR**

**6:30 pm Town Council Chambers**

**Katrina Van Dusen was awarded the 2021 Citizen of the Year Award with a small ceremony outlining her accomplishments.**

**MINUTES**

**FREEPORT TOWN COUNCIL MEETING #05-22**

**TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT**

**TUESDAY, MARCH 1, 2022**

**Chair Piltch called the meeting to order at 6:41 pm**

ROLL CALL OF MEMBERS: PRESENT EXCUSED ABSENT

Councilor Chair Daniel Piltch, 25 Quarry Lane X

Council Vice Chair, John Egan, 38 Curtis Road X

Councilor Matthew Pillsbury, 36 Todd Brook Rd X

Councilor Chip Lawrence, 93 Hunter Road X

Councilor Darrel Fournier, 3 Fournier Drive X

Councilor Jake Daniele, 264 Pownal Road X

Councilor Edward Bradley, 242 Flying Point Road X

**FIRST ORDER OF BUSINESS**: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS**: To waive the reading of the minutes of Meeting #04-22 held on February 15, 2022 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting # 04-22 held on February 15, 2022 and to accept the minutes as printed (Lawrence & Bradley)**VOTE:** (6 )

(0 Nays)(1 Abstain)

**THIRD ORDER OF BUSINESS**: Announcements (15 minutes)

* The Library Board of Trustees is preparing a community survey to go live the first week of March. The board and FCL staff are interested in the community’s thoughts about the library, current and future services, and how FCL can best serve the community. This quick online survey will give library users the opportunity to provide us with valuable and specific suggestions for library services. The survey link will be included in the next Municipal Bulletin, the Library’s March newsletter, and on the library’s website.
* The town’s Public Works Department posted roads effective February 28th. A posted road guide is available on the Public Works page of the Town website.
* The Maine DOT Bridge work will begin at Exit 20 / Desert Road with equipment mobilization in early March and construction demolition and earthwork starting in mid-March. Both bridges will be worked on simultaneously, with Exit 20 starting first in March 2022. Exit 22 demolition will start in late 2022. Exit 22 construction will commence in early 2023. The contractor’s goal is to complete both bridges by late 2024 to early 2025 as work permits; the project’s scheduled completion date is November 1, 2025. Updates for major work items will be provided on the Town’s website, through social media, Maine DOT’s Project Website, and the Portland Press Herald.
* The AARP Foundation has a Tax-Aide program. They are doing taxes at the Freeport Community Center, 5 Depot Street by appointment on Wednesdays only from 8:30 am to 1 pm.

**FOURTH ORDER OF BUSINESS**: Information Exchange (15 minutes)

Councilor Pillsbury: Wanted to call attention to what is happening in the Ukraine and the humanitarian crisis there. He encouraged people to learn as much as they can about what’s happening and why. He listed several international charities that people can donate to.

Councilor Bradley: The information on the Island Rover launch plan has been shared with consultants hired by the town and 2 volunteers from BIW engineers. We have set up an informal meeting with those people and Mr. Grindle, the engineer for Carter Becker and Harold Arndt to talk it through.

Councilor Bradley held a District Two meeting via Zoom last night and had 10 to 12 participants to which he explained his understanding of the Downtown Visioning process. There were two things to point out. The first is that everybody is excited and secondly, there are a lot of people who are learning about this for the first time. As we go through the next couple of weeks, we need to make sure everyone gets the information who may not be on computers or in touch with town affairs the way they are. He is willing to talk with anyone.

He also attended the Sewer meeting and subsequent discussions. We’ve been apprised as a council and community of the Sewer Districts need to significantly upgrade the sewer plant to protect the harbor, to protect the quality of the water, to protect the marine resources, to protect our neighborhoods and for the next generation. From a downtown perspective the sewer connection fees are a problem in terms of revisioning and changing large spaces into small ones when these fees are so high. There has been an effort to engage the Sewer District due to these important issues and they are open to a discussion. At the FEDC meeting, it was suggested that the town council approve the development of a strike team to meet and talk about the intersection of these issues. He is willing to be part of that team as a member of the Council if he is the right person. He would like the council to assent or dissent to the idea as there is a meeting scheduled for next week hoping that the council would approve this concept. The idea of the strike team consisting of two councilors, and possibly town staff, who will bring back information to the Town Council and has no authority was endorsed.

Chair Piltch: As part of the Downtown Project team, he is open to ideas of how to get more people involved who feel they’ve been left out. Heading into budget season, keep this in mind as we will discuss adding a Communications Director position. Regarding the Sewer piece, we have been open to collaboration with them. FEDC could be a real ally to help us. His suggestion would be to have Councilor Pillsbury also join because the facility is in his district and he has concerned citizens.

Councilor Lawrence: Had ideas for getting information out including posting at Bow Street, Shaw’s, Gritty’s, Mast Landing. If we do a poster that says “Learn about your town” and provide a website and a person in charge with a contact number, that might reach more people. The Chair stated the next big event is April 9th and we’ll make sure to have some in advance of that.

Chair Piltch stated that the consultants to the Sewer District, when they analyzed the infrastructure, noted that there are improvements that need to be made in the short term that range from 8 to 25 million so there are funding challenges ahead of us.

Councilor Fournier: Noted that the relationship with the Sewer District has not been good in the past and this is a chance to open that up. There are a lot of grants out there and if we can cooperate and work together we will be more successful.

Councilor Egan: ARPA Funds update-He was hoping to have something for the Council in terms of a strategy and plan for the funds. We’ve already allocated a significant portion for Hazard Pay for first responders, Police, Fire and EMTs. There’s a range of possibilities of what the funds can be spent on primarily hard lasting items that benefit the community infrastructure. Councilors Pillsbury, Bradley and Egan have worked to put together a document outlining and trying to balance the wide variety of ideas and opportunities out there with focus on the downtown projects and the likely capital budget that will accompany a lot of the ideas. They may have something to present at the next meeting or workshop.

Councilor Fournier: Reminded that the Council had a discussion at the last meeting about relief for citizens on fixed incomes. People are hurting and he hopes we make this priority one and act on it quickly.

Councilor Piltch reached out to Representative Sachs for more information on different State property tax programs that are available. He reminded that we have just wrapped up Downtown Design Week and Principal Group is writing the report which will come to the Council in 3 weeks’ time and they will have at least a week or so to look at it. They will hold a workshop to focus exclusively on the plan on March 29th to dive into all the ideas. Included in the report will be some idea of project costs and funding sources. They get a second chance to dig into the report on April 12th. In between those two workshops is a public open house here at Town Hall on April 9th. There is a vote scheduled for May 3rd to adopt the plan and our contract with Principle will be up and then it’s up to us to decide what we want to do from here.

**FIFTH ORDER OF BUSINESS:** Town Manager’s Report (15 minutes)

Bridge Construction update: In March we will start seeing mobilization and they will be maintaining two-way traffic during the 2-3 year disruption.

The town removed the municipal facilities mask requirement following the expiration of the town-wide mask mandate ordinance which expired following the last meeting. He went on to explain the current CDC guidance on community levels of COVID and masking recommendations. Our county is staying in the red category so masking is still recommended. Chair Piltch added that the RSU will be meeting on the 9th to discuss masking policies in school as we do not do that here at the Council level.

Tax Relief Program update: In regard to the Senior deferral or tax relief programs brought up recently, the town assessor has constructed a comprehensive document of the assessment status of the town. The manager confirmed that we do not have demographic data linked to property ownership because assessments should be neutral to who the property owner is. This shows that 18.2 % of the population is 65 or older. We however do not have a way to link property ownership to age so not all of that 18.2 % are property owners due to rentals and nursing facilities and things like that. The manager has been talking with the assessor about available existing and new programs for tax relief. He will pass onto staff that this is a priority issue for the Council.

**SIXTH ORDER OF BUSINESS**: Public Comment Period – (30 Minutes)

(Non-Agenda Items Only)

Andrew Arsenault: Inquired about our funds reservoir as we head into budget season. Have the funds grown or shrunk that were previously used to purchase equipment without bonding years ago. He would also like to have a public airing of what’s going on with the stock accounts when that information is available. What happened to our non-emergency ambulance transport contracts that we lost along the way? Are we going to try to get them back? They paid for equipment purchases. Councilor Fournier explained that they took a significant hit in non-emergency transports when Parkview Hospital closed. This is something that can be discussed on the Fire Department budget during budget season.

Councilor Egan reminded the audience that for the 6 years he’s been on the council, all the capital budget is funded with reserves, there is no bonding, except for the Bridge Project which was a special thing. One to two million is allocated each year and it’s entirely from reserves and not a burden on the tax levy.

Councilor Bradley stated that the single reserve fund that they used to have has evolved into a number of reserve accounts with significantly more money in them than is needed to fund the capital items that are projected. There will be discussion about the amounts in the reserve accounts during this council session which currently has $8 million dollars in it. Tonight, we will set a public hearing for the capital budget at which we dive into those proposals. Peter Joseph pointed out that on the backside of the front page of the capital budget document, it has those broken out by funds and you can see how they’ve grown.

Chair Piltch offered to send interested residents a copy of the periodic newsletter that he does that includes information the capital budget and how the process works. He talks about our long-term debt, which is less than $900,000 compared to 10 years ago when it was 6 million. Fifteen years ago, that amount was 17 million in debt. We’ve done good financial stewardship in the last 15 years.

Joyce Clarkson-Veilleux: She knows there will be a lot of entities looking for funding from the ARPA funds, but she believes that money was given to the town, and all the town people should benefit from it. If you are going to help fund a sewer or water system upgrade that is only used by a small minority of this town, that they would be limited to how much money they could get, according to the percentage of the town that they service.

**SEVENTH ORDER OF BUSINESS**: To take action on the following items of business as read by the Council Chairperson:

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ITEM # 52-22 To consider action relative to adopting the March 1, 2022 Consent Agenda.

Chair Piltch reviewed the items on the Consent Agenda.

**BE IT ORDERED**: That the March 1, 2022 Consent Agenda be adopted.

**VOTE:** (Lawrence & Daniele) (7 Ayes)(0 Nays)

(Council Chair Piltch) (5 minutes)

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ITEM # 53-22 To consider action relative to the proposed Capital Program for FY2023.

Chair Piltch pointed out that there is a document in their packets that lists the different reserve accounts and what they’re intended to be spent on. At the end of the document is also some narrative explaining the different line items for this year. The town manager briefly explained the budget timeline as laid out in the town Charter.

**BE IT ORDERED**: That a Public Hearing be scheduled for April 5, 2022 at the Town Council meeting starting at 6:30p.m. to discuss the proposed Capital Program for FY2023.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the

Town Clerk’s Office, the Town Manager’s Office and the Freeport Community

Library for inspection by citizens during normal business hours, and the notice be placed on Freeport’s local cable channel 3 and the Town’s website. **VOTE:** (Pillsbury & Fournier) (7 Ayes)(0 Nays)

(Town Manager, Peter Joseph) (5 minutes)

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ITEM # 54-22 To consider action relative to amending the Winslow Park Fee Schedule.

Neil Lyman, Park Manager spoke about how the Winslow Park Commission has not raised fees since maybe 2009-2010. They would like a small increase now as opposed to waiting and having to institute a larger increase later. With these proposed changes the park would still be 25 to 50% under comparables. The back and forth on the fee increase was primarily over seasonal campsites. The Park is financially sound on its own. The campsites were booked at about 97% last year. The biggest increase is in payroll and if they don’t change fees they will stay stagnant because they can’t make any more money in the summer.

Councilor Bradley pointed out there is a budget line for dogs and being concerned that there is occasional talk of limiting the dogs in the park, raised the idea of a type of membership for park dog walkers that would include a fee and give those people standing just the way campsite users have. It would give them standing to suggest rules and regulations. Mr. Lyman’s concern was over who would regulate this dog membership. The town public road is where the main problems happen, it’s not part of the Park. Councilor Bradley encouraged Mr. Lyman to investigate the Downtown Freeport website and review the ideas (such as a bus to local attractions) for any that would be good (or bad) for the Park as we would like his input.

**BE IT ORDERED**: That the proposed Winslow Park Fee Schedule be adopted. **VOTE:** (Fournier & Lawrence) (7 Ayes)(0 Nays)

(Park Manager, Neil Lyman)(15 minutes)

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**TABLED:**

ITEM # 194-21 To consider action relative to amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507. Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns.

This was tabled in December due to questions raised and citizen concerns. The Town Planner met with Councilor Bradley and Piltch and they decided that one approach to take is to separate the Shoreland Zoning into a separate ordinance. The current Zoning ordinance is 275 pages and the current Shoreland Zoning is integrated all through that. They have pulled that text out into a stand-alone document that is being gone through with a fine-tooth comb. The goal is to have a draft document by the end of the week. If this is the approach we are going to take, we do need to then also create a second document which is the amended version of the Zoning Ordinance to take out the remaining references to Shoreland Zoning. Caroline Pelletier, Town Planner, thinks the best approach is to send it back to the Planning Board for public hearing of those two documents which does include a significant amount of public notice. We have also heard from Coastal Waters Commission that they want to pursue some possible amendments to Piers, Docks and Wharves that is also a Shoreland Zoning provision. It does have to go through Planning Board and follow notification process. If everything aligned, we could do it all at one time and notify our 800 shoreland zone property owners once which would be fabulous for efficiency and do it in one meeting. By tabling this item tonight, you keep it open. It already came before the Planning Board and through the public hearing process. Keeping it tabled will prevent having to repeat this process. Once you take action on the item, it’s done and it would have to start over. Caroline explained why bringing it back in April will fit the Planning Board’s timeframe better. It will also give time to go back to DEP and see if there’s flexibility on items that would create more flexible standards.

Chair Piltch clarified that if we table this tonight, the next time we see it most likely we’ll kill it in favor of a new recommendation that will come to us from the Planning Board. The Planning Board will meet hopefully in April, with a public hearing and do what they need to do. Once we are done with that process, that new item will be a new item on our agenda in the following months. Caroline Pelletier explained the Planning Board public hearing notification process requires them to have the document ready 12 days prior when the legal ad hits the paper and then there is legal notice to 800 people 7-10 days before. The next Planning Board meeting to have this is April 6th. She thinks if everything aligns perfectly they could have it as an agenda item then. However, if Coastal Waters is still working on their piece she would recommend we wait and do it all at one time. They hope to act on it before the summer season as they have heard from residents that this is holding up projects.

Caroline explained that we also have our own Shoreland Zoning standards which don’t fall consistent with the State standards. The Codes officer is enforcing our Shoreland Zoning along with the State’s standards. Any time we make changes it helps some people and hurts others. The new language removes the volume calculation. People with small houses on small lots, this would actually allow them to add on more. Part of this is amending the Zoning map to remove some areas from Resource Protection 1, in which you can’t do anything.

Councilor Fournier asked if with the existing ordinance we have currently, are we enforcing it as up to date or as if everything had been put on hold. Ms. Pelletier said we are enforcing it. The State adopted the Shoreland Zoning regulations in 2015. The Town of Freeport did not pursue updating it. 2018-2019, the town went through the process and ordinance amendments were drafted, but it got sent back by the State. This meant they had to start over. Councilor Fournier’s concern is getting it done as quickly as possible. Caroline believes this is the right approach. It’s more user friendly and is 60 pages as opposed to 275 and the end product will be better and easier for residents to understand.

Councilor Daniele asked if the plan is to move away from this, what’s the harm in adopting this tonight? He knows it takes away from the opportunity for us to make changes to it and not have to repeat the public notice. If the plan is to public notice again for the big changes, if we adopted it now, wouldn’t those residents be able to build right away? It would fix that issue and then we are going to change it all. Adopting this would be a 2-month adoption and we’re already enforcing this based on the State. The Council could adopt as is, but they had heard from concerned citizens last time who wanted us to take a step back and see how the regulations impacted them. Keep in mind that once it is approved, it has to go to the DEP and once they receive it, they have an additional 45 days to review and comment. Councilor Daniele doesn’t see the point in keeping this as a placeholder in case the new way we think we’re going doesn’t work. In which case, we’d have to adopt it anyway. Caroline laid out the options before the Council.

Councilor Bradley feels the document is incomprehensible. He was a marine attorney his whole career and he doesn’t understand it because it’s so integrated and confusing for the user to read. The Code Officer might be the only person who would know what the document meant and there would be a lot of arguments, debates and discussions which is why they recommended splitting it apart. He doesn’t think it makes sense substantively, even though procedurally he understands the point. Councilor Lawrence agrees that if it’s unintelligible and creates confusion, we shouldn’t do it. If not intelligible, the document at least could be simplified.

Chair Piltch agrees that passing something as a temporary measure, and then passing something new while the first item is still under review will create a very complicated situation for anybody who would be applying for a permit under this temporary ordinance that’s been approved but not yet ratified by the State. And then a new ordinance hot on the heels of that creates a complex legal situation we would be hesitant to put somebody in or put the town in. He commended Jake for always trying to find the middle ground.

One issue is whether we can change the zoning map now to free up parcels that are not going to be in Resource Protection One in the new plan. The Zoning Ordinance is a separate item than the Zoning Map. Why is it that the council can’t pass the new map without passing the corresponding ordinance changes?

Caroline explained that they are related and you do have to make the text changes to support the map changes, and DEP has to review them both and sign off on the whole thing. It makes more sense to do it as one complete package so that your text and map align. It is bird habitat that is being removed from Resource Protection 1 that’s making a big difference for some property owners as to whether they can build or not.

The suggestion before the Council is to table the item till April 5th with the intention of most likely abandoning this in favor or a new, simpler ordinance and map that we hoped the Planning Board would take up on April 6, followed by Coastal Waters and their changes so that by the end of April the ordinance could be back before the Council for public hearing and adoption. Peter Joseph hopes that the Coastal Waters changes should take place at the same time as Shoreland Zoning or it’s too burdensome on residents.

Councilor Piltch asked if the Piers, Wharves and Docks is regulated in a separate ordinance that’s managed by Coastal Waters, is Coastal Waters making a recommendation to the Planning Board to update a land use related ordinance? Does Coastal Waters make the recommendation to either Ordinance Committee or Council to update that? And if they need to make the recommendation to Planning Board, should they have the recommendation in before the April 6 meeting? The Town Manager affirmed. It’s the Planning Board’s job then to recommend it to the Council. Zoning amendments can come from the Planning Board, Project Review Board and applicant or the Council. We would need those Coastal Waters amendments to include in the draft of the Shoreland amendments package that we publicly circulate.

Councilor Bradley reminded that we have seen the Coastal Waters recommendations and were reluctant to act on them because we didn’t understand them due to not having had a site walk to see how they apply. He believed we were going to schedule a site walk, but that hasn’t occurred and needs to be in this somewhere. If Coastal Waters does a site walk the Councilors can attend that.

Councilor Daniele asked for clarification on the history of this proposed ordinance in regard to the process it has been through. Mr. Joseph explained that this ordinance started back in 2016-2018 and was paused. We hired a consultant to work with the Planning Board to develop the standards about a year ago. Last fall the Planning Board brought these to the Council and there were major concerns in some parts about the structure. The concerns were that it was incomprehensible, unintelligible, dense and interlaced with the Zoning Ordinance. One suggestion is to just adopt the ordinance as is and then amend it later, but the Councilors were not comfortable with that, so they hit the pause button. Any substantive change to the ordinance would trigger it going back to the Planning Board for due process.

**MOTION:** To table both items, #194-21 and #195-21, until the April 5, 2022. (Lawrence & Fournier)(6 Ayes)(1 Nay-Daniele)

**BE IT ORDAINED**: That proposed amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations be approved. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507. Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns.

(Town Planner, Caroline Pelletier)

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ITEM # 195-21 To consider action relative proposed amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning).

**BE IT ORDAINED**: That proposed amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning) be approved.

(Town Planner, Caroline Pelletier)

*Note: The boundaries of the Shoreland Zone, as regulated by State law, will be updated. Many areas previously designated as Resource Protection 1 are being amended to “shoreland area”. Areas within coastal flood plains will remain in Resource Protection however will not be shown on the map, as the boundaries will be based upon the FEMA (Federal Emergency Management Agency) Flood Insurance Rate Maps, as adopted by the Town Council.*

**OTHER BUSINESS:**

1. Preliminary Discussion of an Auxiliary Fire Station (Chair Piltch)(5 minutes)

We currently have one Fire Station and the question is whether we need a second. To go about exploring this it will go to the Municipal Facilities Committee (Councilors Fournier, Egan and Pillsbury and to also include Councilor Bradley). This needs analysis and it’s best to have that done in a committee and point staff at the right research that needs to be done. Councilor Fournier explained the history. Ten years ago, we challenged the ISO rating, which is what we pay for insurances on our downtown businesses and what we pay for insurance in our residential homes. At that time our rural rating was a 9, the highest it could go was 10 and the rating for town areas was a five. They did a test and could flow in rural areas, 1,000 gallons a minute without disruption. That allowed them to drop the rural rating from 9 to 6 (lower the better). This is for homes within 5 miles of the station, outside of that 5 miles the rates increased significantly. They worked with a consultant and identified the area of Flying Point Rd, Wolfe’s Neck, Outer Flying Point Rd as the area we did not cover through either a fire station that’s close or mutual aid. We have the northern part of town covered by Pownal and Durham because they’re within a 5 mile distance. During Councilor Fournier’s time as Fire Chief, Wolfe’s Neck Farm generously offered land for a fire station and they identified area where it would go. Plans were drawn up for a 2 bay stick built station with a small kitchen to house 1 engine and a rescue boat, etc. This area has homes of significant value. This idea had some momentum years ago, but priorities changed. A lot of work has already been done and Councilor Fournier would be glad to get this moving forward with the Municipal Facilities Committee.

Councilor Bradley pointed out that people have these homes of significant value but that doesn’t mean they necessarily have a lot of money and their insurance bills go up sometimes $3,000 because they are more than 5 miles from the fire station. His suggestion is to do a survey of those homes that would be affected and see if we can get some contribution to the cost due to the potential savings in insurance. He’s not sure if they still have land for this, but he is sure they’d be open to the question. As they’ve grown and developed they have their own issues with fire insurance. They also have young people who may be anxious to get involved with a fire-fighting operations at a substation. Building a fire station doesn’t mean it’s necessarily staffed so getting people in that area involved might kill two birds with one stone.

Councilor Egan asked about the availability of a map showing everything outside the five mile area surrounding the current fire station. Mr. Joseph believes that was done before and three areas were identified including Staples Point, Fogg Point, Winslow Park area, Spar Cove, Councilor Egan’s neighborhood and a good chunk of Wolf’s Neck pass the farm and Lower Flying Point Rd half way down. He can easily recreate that for the Council. There was a report that may take some time to dig out, but it laid out response times and did automatic responses.

1. Discussion of Downtown Plan Response (Councilor Bradley)(15 minutes)

When Councilor Bradley asked to have this on the agenda, he was thinking ahead of what the process is going to be in terms of receiving and dealing with the Principle Group Plan. If we wait and vote on the plan in May, we would have lost some time that we could have spent putting together a group, whether it’s at the council level, the FEDC level or a subgroup of the Council to advise the Council about priorities and funding opportunities which are closely related considerations going forward. FEDC is in agreement that there needed to be a point for taking the report, looking at the opportunities identified, the funding potentials that exists, matching those up and planning a timeline. FEDC would like to commit the time of Brett Richardson, the new FEDC Director, to be the lead on that effort going forward. He supports this and believes it’s hard for the council to sort through technical issues and make prioritization decisions. Once the council knows the options, they are very good at deciding, but they’re not great with analysis. Let a nimble group of people who want to be involved do the analysis and bring back to the Council clear options and alternatives without them having to spend the time to get there. He also thinks there should be a staff piece to this. He wanted to have the conversation before they found out they had waited a couple of months and lost the time where they could have had this group in place doing preliminary work getting ready for decisions they’re going to have to make.

Chair Piltch would like to see the Council be more involved in what’s going on with the project than they have been from the beginning. It was a fault of the process, not the Council. At this point, it’s difficult to do a lot of analysis during a meeting which is partly why we have the two workshops scheduled at which they can dig into the Plan. Mr. Richardson who starts in 2 weeks can hopefully run point on getting grants and coordinating efforts across lots of different initiatives focused on downtown. He and Mary and the rest of the team are focused on coming back with a recommendation which he personally doesn’t think he’ll be ready to do until after the first workshop. The workshop is the first step and the Council will have a much better idea of what they need to carry on.

Councilor Lawrence brought up possible funding from the Federal Government, which he thinks Greg Michaud from Complete Streets, is already on top of. Putting together a team so that when we get these opportunities we can go right through them. We probably don’t have time for this one, but we should go through the exercise so next time we are ready. Chair Piltch pointed out that there are grant opportunities that we probably miss out on because it takes a lot of effort to apply for grants. Some are easy with a couple pages and many are multiple pages and sections with supporting data like the one identified by Mr. Michaud which is between 5 and 25 million with a one million dollar match by the town. The town engineer has secured several transportation grants. GPCOG is around and has reached out to us to offer support and we have talked with them. He’s hoping that as we go through our operating budget and talk about staffing and communications and the role of FEDC, that the Council identifies a person, team or group to be the grant group that says, something is coming up, let’s stick this team on it. Councilor Bradley sees the process of prioritization of projects as being integral and connected to the question of what funding is available to support those priorities. The same group of people needs to be talking about both funding and prioritization of projects and should be put in place in advance of the first workshop and get their feet wet.

We are waiting for the Principle Group report and how they have distilled all the information from   
Design Week and how that will help us. We are going to have to have this group ready to respond to it. These are not projects that the report will say have to be done right now, so we have time to distill and say these are what we want. We need to prioritize what we want to do then go out looking for funding to see which we can do first. He doesn’t see any harm in putting the team together to help us get the funding. We’d be able to say here are the projects and now we need to get the funding and having that funding team together will keep the ball rolling.

Councilor Egan asked if there was a way to encapsulate this conversation into a sentence or two for Mary Davis and Brett? Is there a way to take this and informally have at least some outline together so that the council has something to chew on for the March 29th? He wants to keep our momentum going. It would be good even if we had an informal look for Mary and Brett and a few others to search through the plan elements that are coming and having to identify a list of potential sources which we can start matching the source to the project.

Councilor Fournier would like to see the people who have been working on this come out with a list of wants and needs. The things they really need will be a priority to him. One of the challenges of the Council is that they need to know what the needs are, what’s going to have the biggest effect.

Councilor Lawrence suggested that we look into what grant opportunities are out there now to give us an idea of what is possible.

Greg Michaud, Chair of the Complete Streets Committee, sees this broken into two distinct pieces. The first is leveraging the visioning information and turning that into priorities which is what Principle Group and FEDC have been doing. The second piece is taking those priorities and getting the funding to make it happen. It’s the execution piece and that is where he thinks he can help. His thought is that we need a readiness plan so that the next time we want to write a grant, we’ll be ready. He listed the things needed for the readiness plan including:

1. Town volunteers and the roles needed to complete the proposals

2. Develop time and resource estimates

3. Identify the town employees required to submit the proposal

4. Significant portion of grant writing is benefit and cost analysis-an enormous effort

5. Determine the consultant’s resources that we want to use and pay for that would help us with the cost benefit analysis.

6. We may need project management support, grant writers or graphic design for the proposal

7. Estimated funding required to the town

8. Secure letters of support from Congressional representatives

9. Determine and work with State agencies

He sees all these things as creating the Readiness Plan, so the next time they write it, they know who all the people are.

Councilor Bradley stated that it seems to him, before you get to that stage, you have to know what you want to do. And you have to know what the funding is for doing the things you want to do to know whether or not your readiness group should be responding to a grant application for that. Who is it in the town that should be looking for funding opportunities which Principle is going to identify for us. Who is going to take a first cut at what a plan might look like and the timing of it and the scope of the investment that the community will have to consider doing if we bite into it. That is a circular question, but Mr. Michaud would start with the Readiness group. You don’t need to know what the recommendations for the town are going to be to start working on a readiness plan.

Mary Davis from FEDC joined via Zoom. She is thrilled with the momentum. She agrees there are two large tasks here. Principle has a process that they’re rolling out on how to bring the ideas to us and how to prioritize them. That’s one group of work that has to be done in the next month to 6 weeks. In addition, start thinking about the funding group and how do we go about that. How do we put the resources in place to be able to make that happen is another large group of work. We need to move both forward, concurrently. Freeport is collaborating with one another in a way that is marvelous. If we had these two groups set up with the right people there will be collaboration between them because there’s so much desire to get this done. The group that has been moving principle forward are Caroline Pelletier from the Town, Dan Piltch from the Council, herself from FEDC, an LL Bean representative, Tawni Whitney from the Chamber and Chip Gray, owner of the Harraseeket Inn. She thinks there is going to be a power of resources that need to be pulled together to make that happen. She’s happy to staff it and drive it forward and to drive the financing portion along with the right people. The funding portion takes time and resources, so we need to keep this in mind as we head into the budget season. This will take into the summer before they come back with something. Mr. Michaud stated that they will need some town resources to help put the Readiness Team together. This is going to take months and we will be through our budget season before potential requests for funds for this may come in. Councilor Fournier is in hopes we have a reserve account that will pay for potential expenses such as hiring an expert for example. The Town Manager explained the budget timeline and how requests may not make it into this budget. If we are outside these dates we will need to take additional steps. Is there something we can do now, during this budget process to make sure we have some kind of pot for this (for example a $1,000 for a consultant or something similar). Mr. Joseph explained that there is not a pot there now, but the Council could make it.

Chair Piltch also reminded the council that there is also a workshop on May 24, which is after they’ve adopted the plan in theory. That is exclusively for them and FEDC and the public. It’s a good opportunity to say “we’ve seen the plan, how do we get this done?” We may say then that we need more money and we could shift things around then. Mr. Michaud stated it is odd to say today that we need to find money, knowing we’re going to get recommendations and not want to wait another year to act. We already have an inkling to what those things are that will bubble to the top so it makes sense to be thinking about setting aside money now, knowing it’s coming.

Directive to add #15 to the Council to do list: Discussion of assembling a Readiness team and a Prioritization team to act on future initiatives.

1. Presentation of 5-Year Capital Program. (Town Manager, Peter Joseph & Finance Director, Jessica Maloy) (30 minutes)

Jessica Maloy, Finance Director gave the council the definition of a Capital Item which is an asset with a depreciable life of more than one year. Items are commonly over $5,000 to $10,000 in value. She also highlighted the goals of the Capital Planning Process.

The 2023 Capital Plan is coming in at $1,565,052 which is $57,000 less than last year due to staff pushing out projects to allow our reserves.

Ms. Malloy provided the Proposed Capital Budget to the Council prior to the meeting. She presented and reviewed the highlights of each Department’s request as laid out below and answered introductory questions concerning:

**POLICE: $100,000 for 2 new units**

**FIRE: $137,000 for SCBA bottle replacement and SCBA fill station**

**RESCUE: $19,000 for computer aided dispatch units for apparatus**

**PUBLIC WORKS: $190,000 replace truck 6 (chassis, plow and wing)**

**SOLID WASTE: $70,000 replace skid steer with a tractor plus attachments**

**COMPREHENSIVE TOWN IMPROVEMENTS: $375,000 including Arnold Rd rebuild, Mallet Drive Pavement Preservation & Sidewalk Extension, ADA Compliance Work, Road Condition Survey, Concord Gully Brook Watershed Restoration.**

**MUNICIPAL FACILITIES: $440,000 including Computer Upgrades, Town Wharf repairs, Town Hall Bathroom Upgrades, Library Door Replacements, PW Air Compressor System, Town Wharf -Steel Piling, PW Equipment Lift, File Digitization, Red Light Upgrade, Revaluation Reserve Fund.**

**CABLE: $24,000 Equipment Replacement and other improvements**

**BOARD, COMMITTEES AND COMMUNITY GROUPS AND OTHER REQUESTS: $50,000 for Comprehensive Plan Update**

**DESTINATION FREEPORT TIF: $160,000 for Sidewalk (4500 sq. ft) and FEDC-All TIF expenditures are considered in the Capital Process.**

Following the presentation of Capital requests she discussed and provided a chart on the Reserve Funds as of 12/31/21 (unaudited).

The low benchmark is 20% of the 20-year plan and the high benchmark is typically the five-year plan. Four of our eight reserves are underfunded. She explained that the Rescue line at $207,000 more than our average benchmark, actually has a designated funding source that comes from emergency rescue charges.

Councilor Egan asked if she remembered what we contributed to the overall Reserves from the fund balance at the end of last fiscal year. She thinks it was 1.2 million put into Reserves. Councilor Egan wanted to remind folks that these don’t just appear out of nowhere. We’re funding these with budgeting through our operating as well as savings throughout the year. Some of these items have their own revenue stream. The Reserve balances that we have to make these purchases of 1.5 million this year and 1.6 million last year, are because we’ve had this fiscal discipline about how we plan for these big capital items. We haven’t had to bond for any capital pieces in over a decade so what we are following is paying off.

Ms. Maloy explained the funding sources to the Council. The primary one at this point is fund balance in excess of our policy, which is currently at one and a half months of budget. Five years ago that was not the primary funding source.

Councilor Fournier asked if we thought about bringing back the emergency transports for revenue. We have not done that to date.

Some other funding sources are sale of equipment and property, both real and personal property are funding your reserves, lease proceeds including the Bartol Library lease (prior major funding source, now throwing pennies), cell tower leases (now down to $75-100,000 annually to the Reserves) and when there are balances left in these capital accounts.

Councilor Pillsbury wanted to know how they are doing estimates this year with the cost of goods and labor rising? In reply, we typically go out for quotes on the larger ticket items and usually there is an inflation clause in there to make sure we’re covered.

Lastly, Ms. Maloy explained that the last two sources are amounts that are established for the reserves within our annual operating budget. Within our operating budget the Council can choose to fund a component of the Reserves. The third is interest that gets earned on the investment portfolio, which in this environment is not helping us.

Councilor Bradley asked how the ARPA funds are accounted for in the process? The ARPA funds are not deemed or considered unanticipated in that regard, because there are very strict Treasury guidance on how and what they can be used for. They can be used for roadwork. There are other categories that can be explored. How do these work their way through the budget? Discussion around ARPA funds followed, but Jessica set up in her books as special revenue, where it’s designated funds for whatever projects they deem so that it can be tracked separate from the general fund. Right now Jessica has those funds separated because there are very specific reporting requirements also and for accounting purposes this is easier. The next meeting is a workshop and April 5 is the public hearing and workshops. We’ll have four meetings to dig in.

Councilor Fournier made a request that the Public Works Director, on the discussion of dirt roads, take a look at that and maybe there can be a cost savings down the road.

If we have one workshop and we get through everything that the Council has concerns on, we can strike the following workshops and condense the process that way. They spoke on how to condense the process.

Councilor Fournier brought up the possibility of starting future Council meetings at 5:30 p.m. There was also the suggestion of 6:00 p.m. An informal poll of the Councilors was taken to gauge interest. It may help some people attend and it may make it more difficult for others. We’ll look into making this change and what is needed administratively and bring it back as an agenda item at the next meeting.

**EXECUTIVE SESSION**

ITEM # 56-22 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to a Real Estate matter AND 1 M.R.S.A. § 405(6)(E) pertaining to a Legal matter.

**MOTION:** That the Town Council enter Executive Session. **VOTE:** (Lawrence & Bradley)(Ayes)(Nays)

**MOTION:** That the Town Council exit Executive Session. **VOTE:** (Daniele & Egan)(7 Ayes)(0 Nays)

(15 minutes)

***-No action taken upon exiting Executive Session***

**MOTION:** To adjourn at 10:10 pm. **VOTE:** (Lawrence & Fournier)(7 Ayes)(0 Nays)

**END OF AGENDA (Estimated time of adjournment 9:30 PM)**

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|  | **OUTSTANDING OR UPCOMING ACTION ITEMS** | **INITIATED ON** | **PROPOSED BY** | **ADDITIONAL INFORMATION** |
| **#1** | **Review of Town fee schedule this year** | **1/4/22** | **Councilor**  **Pillsbury** | **Tasked for 2022** |
| **#2** | **~~Research availability of PCR Rapid Test~~** |  | **~~Councilor~~**  **~~Bradley~~** | **completed** |
| **#3** | **Schedule dates for touring facilities** |  | **Chair Piltch** |  |
| **#4** | **~~Institute Indoor Town facilities Mask Policy~~** |  | **~~Town Manager~~** | **completed** |
| **#5** | **Determine how much is reasonable to keep in reserve accounts** |  | **Councilor Bradley** |  |
| **#6** | **Set process for how we are going to accept applications for ARPA funding before summer** |  | **Chair**  **Piltch** |  |
| **#7** | **Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities** |  | **Councilor Fournier** |  |
| **#8** | **Review our codes and permitting processes in Town Hall** |  | **Chair Piltch** |  |
| **#9** | **Explore new fire rescue substation in District 2** |  | **Councilors Fournier and Bradley** |  |
| **#10** | **Resolve Water Tank Contract** |  | **Mr. Joseph** |  |
| **#11** | **Sewer district-workshop** |  |  |  |
| **#12** | **Divestment Discussion and Investment policy** |  |  |  |
| **#13** | **Planning and Codes Permitting policies** |  |  |  |
| **#14** | **Victualer Ordinance Discussion/Review** | **February 2022** | **Councilor Daniele** |  |
| **#15** | **Discuss Readiness Team & Prioritization Team for future initiatives** | **March 2022** | **Chair Piltch** |  |
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