

**AGENDA**  
**FREEPORT TOWN COUNCIL MEETING #04-22**  
**TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT**  
**TUESDAY, FEBRUARY 15, 2022**  
**6:30 PM**

**Councilor Piltch called the meeting to order at 6:35 p.m.**

<b>ROLL CALL OF MEMBERS:</b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
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 and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #03-22 held on February 1, 2022 and to accept the minutes as printed.

**MOVED AND SECONDED:** To amend the minutes of Meeting #03-22 held on February 1, 2022 to have Councilor Lawrence’s statements on page 11 paragraph 7 read as follows:

Councilor Lawrence commented that 40 years ago when he was a kid, we were told that oil would run out in 30 years and this problem was going to be taken care of itself. And we are still told that we are running out in 30 years and this is from the experts. (Lawrence & Bradley)

**VOTE:** (6 Ayes)( 0 Nays)(1 Excused)

**MOVED AND SECONDED:** To accept the minutes as amended (Lawrence & Fournier)

**VOTE:** (6 Ayes)( 0 Nays)(1 Excused)

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

Councilor Piltch read the following announcements:

- The town’s Public Works Department will be posting roads effective February 28<sup>th</sup>. 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.

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- The AARP Foundation has a Tax-Aide program. If you visit their website near the end of January, you should find the “Site Locator” tool where you enter a zip code and find locations nearest you for in-person tax preparation [www.aarp.org](http://www.aarp.org)
- Short term residential rental registrations expire March 1<sup>st</sup> of each year. Renewals that have made no changes to the property during the licensing year will only need to resubmit the 2 page application, an updated insurance policy or proof of coverage and the \$100 fee per rental.

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

Greg Michaud, Chair of the Complete Streets Committee, gave the Council an update on what the committee is working on. This committee reports to and makes recommendations to the Council on a variety of things including streets themselves, sidewalks, trails, crosswalks, lighting, basically, anything to do with modes of transportation and the means to use them. The Committee provides recommendations to the Council and reports items such as the grant proposal for a multi use trail on Mallet Drive. They are very excited after attending Design Week and excited at how to help that process. After meeting, the committee is starting to provide some sort global recommendations in multiple areas, including things like the boulevard idea on Mallet Drive and Lower Main Street, parking on Main Street, integrated transportation system, power lines on Main Street, signage etc. He wanted to give a preview that the committees recommendation is coming and that the committee will be work shopping with them in a couple of weeks and they will know more of what Complete Streets does.

Ed Bradley gave a short update on the Island Rover. Both he and the Town Engineer reached out to call experts in different areas to review the launch plans. They got feedback and have had some questions asked. They are going to develop some more information and get it to the Island Rover launch proposal proposers. He had previously said it would be one or two meetings and it may go one meeting beyond that because of the response they got. He feels they are using due diligence to get closer to an understanding of what the issues might be and so they can make a recommendation to the Council up or down once they get through the process.

John Egan commented that Adam Bliss, the Town Engineer, staffs that committee. Therefore, we have a direct channel for public works, or public capital improvements that might be proposed through that committee to come through the engineer, which is an excellent channel, for the manager to hear about them as well as hearing them from Greg tonight. He went on to highlight the fabulous work of the Public Works Department with the crazy weather of rain and ice. Councilor Egan also had an inquiry from a constituent about an ordinance committee item last fall concerning lighting and what our ordinance has for lighting. He wanted to know when the next Ordinance Committee meeting is. It will be March 2, 2022.

Councilor Fournier had a citizen approach him about having the Town Councilor terms added to the town website, so he went into Town Hall on Monday to ask Christine if it could be done. It was done on Tuesday and he’s already had three emails thanking for the quick response.

Downtown Design week was a week plus ago from February 3<sup>rd</sup> to the 7<sup>th</sup> and it was fabulous with opening workshops, seven topic sessions on various topics and a closing presentation that summarized what the weekend was about which can be viewed anytime online.

Mary Davis reported that Principle was very excited with Design Week participation. In each interactive session between 40-60 people who came prepared to talk about the topics. A lot got discussed and a lot of ideas came out in the one hour. For her personally, to be at Town Hall and watch the incredibly talented team take our ideas and turn them into sketches and drawings, concepts and financial analysis that we could see was exciting. People feel these things are doable and that their voices are being heard. Mary

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went on to thank Principle Group for their hard work over the Design Week and to remind people that all the sessions can be viewed online and the drawings and renderings are on display at Town Hall. There is still time for input and she would encourage you to fill out the exit survey or you can also email to anyone who was chairing including Caroline Pelletier, Dan Piltch, Tawni Whitney, Chip Gray and Alexandra Intraversato. The next step is the public open house on April 9 at Town Hall where you will see another draft presentation of the outcomes. Now they are taking it from our ideas to our drawings to actually having to get it done. In May, they will have a work shop with the Town Council. Edward Bradley thought there were some sessions in March. Councilor Piltch explained that there will be a handful of project meetings. There is a public open house on April 9<sup>th</sup> at which the Principle Group will be ingesting all the information learned over Design Week and will draft a plan. That's when they will present the draft plan to the public, much like they did at the Open House. That will be held on the lawn at Town Hall, weather permitting, and will include lunch and some fun and the opportunity to give feedback on the plan. The end of the project is scheduled for May 3<sup>rd</sup> when Principle will hopefully give their final presentation to the Council. There is a Council workshop March 29 and a second on April 12<sup>th</sup> that we are ironing the wrinkles on right now where the Council can preview the plan and react to the Open House.

Mary Davis reiterated how good it was to have Complete Streets there. Greg Michaud literally got the whole group on a Zoom call with Principle. She is encouraging other groups who want more input to please continue to do so. This is going to be a community that gets this done.

Councilor Bradley stated that Complete Streets did that on their own initiative and that's the kind of input that will fill in the holes. Have we given thought to other groups that ought to be encouraged to do the same thing? This has played out a year earlier than he thought it would. He inquired if there was an agenda or a list or organizations in town that we would hope would do just as the Complete Streets Committee did, i.e. go through it from their point of view and look at all the opportunities and include things in the timeframe we're looking at. Mary responded that they have met with individual groups leading up to Design Week to give them an idea of where Principle is going and what they are doing. As we head into the next phase, we can follow up with those groups again and ask what they've thought and seen and what did you come up with. Freeport has so many groups. They have brought in the Climate Action Group and want them involved leading up to April 9<sup>th</sup>. Perhaps we need something more formalized to do that.

Town Planner, Caroline Pelletier, encouraged people to fill out the quick exit survey to identify your own top three things that you like and the three ideas that you need improvement from. She would encourage all of our community members, especially boards and committees that participated to work on that right now so we can incorporate into the plan. They would like them by the 21<sup>st</sup> of February. Councilor Bradley thinks that as the end part of this process, we ought to extend direct invitations to groups to do what Complete Streets did so that at the end of the day, if they don't do it, it's not our fault. We desperately want the information.

Chair Piltch added that we do have, in addition to the project team that carries the water to keep the project going, we also have 12 or so community connectors that we identified early on who can help us reach out to different groups. There were some that reached out to the different boards and committees and to the school board and school community. We leveraged them when it was time for input and he expects we will do that again. Two committees on the short list are the Planning Board and the Project Review Board as they will be key moving forward. He will get Councilor Bradley the list of community connectors in the groups that they've been reaching out to in the past.

In other news, the Sewer District is having a meeting the 23<sup>rd</sup>, which is next week. On the agenda is some information from an engineer that they've hired to advise them on the infrastructure needs going forward. There are big works in progress. The meeting is open to the public and the link is on the Town calendar. Chair Piltch also reported that the FEDC has been looking for a new executive director to replace Keith

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McBride. They believe they have it narrowed down to one candidate. As part of that, there's probably going to be an increase in the budget request to pay for that candidate. He doesn't know their timeline but they would like the Director in place soon, even though we are not voting the budget for another month or two. He brought it up to gauge if the council was comfortable with this and the potential budget increase before they offer the job to someone. Councilors can contact FEDC board for more details about the candidate or the potential budget increase.

Councilor Bradley stated it's hard to nod or not nod without having any idea what the number is. FEDC is paid essentially out of the Downtown Destination TIF and we have an idea of what that is. We know what the prior Director was making, so is the amount somewhere in the middle? Can you share a rough offer number? Councilor Piltch didn't know what the status was of the offer. He didn't know if they had finalized the offer, but he would guess that it wouldn't be double the previous number and it's probably more than a nominal increase. FEDC is anxious to make an offer, so if anyone has reservations please let us know the sooner the better.

Mary Davis clarified that she is anxious to get someone hired also. They had 37 candidates, of which they interviewed six and brought two finalists forward. This candidate watched all of the Downtown Visioning Workshops and he wanted to be on in plenty of advance time because he believes a big portion of this work is going to be continued to be spirited by FEDC, which they agree with. 100% of the interview team agreed on this candidate.

Councilor Fournier stated that he assumed since the position has been vacant for four months he's assuming there are some addition funds left over in that particular budget. If those funds are available, he would be interested in seeing what the short fall is because he thinks it would give us more wiggle room moving forward. Those funds have already been allocated for expenditure up to June. So that might be an option. Councilor Piltch said they can certainly have a discussion about the funds to date and how they can spend what they are going to spend on through the rest of the fiscal year at the end of June. His concern is going forward, if they hire the candidate for the next year and years to follow, are we going to have the budget to support that position into the future. He also noted that Mary Davis and the FEDC Board are all volunteers and she's been doing the job for months for zero dollars. Councilor Pillsbury inquired if we were under market with the previous Executive Director? Mary stated we were significantly under market as can happen in this day of market pressures. They looked at candidates on both the high and low end and the candidate they chose was in the middle.

Councilor Pillsbury wanted to know where we pull the data as to where the market sits now? What metrics are we looking at? Are we comparing peer sized towns? Ms. Davis answered that the market information was drawn from current postings, candidates and just the market analysis of looking at the market right now. They also have board members with knowledge of the subject. They did not go with the most expensive candidate but they also felt the candidate in the center of the crowd was the best and so it worked in all ways, shapes and form. Ms. Davis relayed that they had to look at salary surveys that if they are older, didn't necessarily work. They had to look at the salary service base and the current market.

Councilor Fournier knows that a number of other positions are going to be coming forward and realizes there will be tough decisions to make and he doesn't mind making them. He thinks this is an important position to have for this town to prosper in the future. The board was reminded that they can reach out to FEDC's seven board members who interviewed the candidate or get a chance to meet them before.

Chair Piltch wanted to highlight an item that is not on the agenda this evening. On January 18<sup>th</sup> we had a mask mandate go into effect which would stay in effect for one month unless we renewed it as it is set to expire tomorrow. If we were going to renew it, the item would have been on tonight's agenda and it is not our intention to renew it. It will expire tomorrow night. Private businesses may still require masks from patrons. We do not have any control over the schools, they are managed by the School Board. Town Hall

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and other public buildings (Library, Public Works, etc.) separately have a policy that requires masks in those spaces. The Town Manager explained that we are reevaluating that policy and that may change quickly. Councilor Pillsbury acknowledged that this wasn't unanimous or 100 % supported, but he appreciates everyone doing their best to follow the mandate. He's proud of our town doing the right thing and for everyone's viewpoints and thoughts on this.

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

The Town Manager gave an update on the Town Hall closing late in the day last Wednesday and all day Thursday. What they thought was a failing sump pump turned out to be a sewer blockage due to the service line out in the street which caused the problem. If you look at Grove Street you can see the excavation trench where they replaced the line. We could not have people in the building. We hired a professional cleaning company so everything is great in the basement, including air scrubbing and filtration. We apologize to those inconvenienced.

Road posting season is upon us and starts February 28<sup>th</sup> this year. Road postings continue from the day of posting until the subgrade warms up and dries out underneath the pavement. Heavy loads can still be allowed when roads are posted by permit. That depends on the weather and the specific road in question. Heavy trucks and loads can still be delivered usually early mornings when temperatures are colder. Please call Public Works at 865-4461 if you need to work that through. Utility deliveries and emergency service trucks are not subject to posted roads.

The Coastal Waters Commission (CWC) workshopped last week and action on the Commission's Ordinance proposal from last year has begun again at the staff level. The town met with the town attorney and they are having a meeting with CWC leadership later this week. The town has been advised that it needs to go to the Planning Board because it is a Shoreland Zoning amendment, which by law requires their input as the municipal reviewing authority. It will go to the Planning Board where all 800 plus shoreland property owners will get notice before it comes back to the Council. It will get plenty of public discussion and any issues or details will be ironed out in advance of it coming back here. It is on the fast track. Councilor Bradley inquired as to the subject of the ordinance and if there would be the site walk that had been discussed previously. Mr. Joseph said the ordinance was in regard to piers, docks, wharves and headwaters and that they can absolutely go out on a site walk before it comes back but nothing was formally organized for a site walk. The Council was asked if they wanted to do a site walk. The ordinance language may change based on feedback we got from the attorney and may change again at the Planning Board, but hopefully should be simpler to understand. The Manager thinks that a site walk should be with the CWC. We should wait a week or so. The actual proposal is not going to be a Coastal Waters recommendation, it's going to be a Planning Board recommendation because it's Shoreland Zoning. We'll want to see the final form that it takes either when it gets introduced to the Planning Board or when it makes it through the Planning Board so we know exactly what we're talking about. He thinks the site walk is still important. There are a handful of creeks and headwater areas that would likely be affected and those are the ones to focus on. One of the things identified at the staff level, in addition to what the Coastal Waters Commission identified are that our ordinance allows 125 foot extension from the bank, essentially over the wetland and over the mud flat into the water. The biggest concern is those extending both directions from either side without infringing on the other person across the bank's ability to put a wharf out. If you can go 125 feet from either side, you could go over into your neighbor's land, by our riparian water per our ordinance if you have more than 125 feet of riparian land. That's the kind of dimensions he thinks we're talking about, and the ones in question are much shallower than that at 10 to 20 feet width. There was also a question about how much water they needed at mid tide. The original proposal had those two components, both the amount of time that there was water, based on tide change and then the actual width of the channel itself. When the ordinance has a final form at the Planning Board, he'd be glad to share it with the Council then before it formally comes back to them because they will know what they're looking for.

**SIXTH ORDER OF BUSINESS:** Public Comment Period – (30 Minutes)  
(Non-Agenda Items Only)

Andrew Arsenault: He thought he heard a couple of meetings ago that there was going to be discussion about what are portfolio was invested in as far as Stocks and different bonds and that Bangor Savings was actually doing the investment for us. Andy is the treasurer at Flying Point Cemetery. Last year they received Veteran's money, but no perpetual care money because there wasn't enough money to disperse from the funds. He's not an investor, but it seems like in the last 10 years the stock market has done well. His request is that before we get into what are our stocks invested in or not invested in, we need to make a public viewing of what our portfolio is, who's managing it, and what our expectations and what our track record has been for our investor or our trustee. As someone who handles perpetual care money, we should be really looking at how we're investing those funds. One year, the town lost \$750,000 in our stock investment and luckily, we got it back. It costs the cemetery for 10 mowings at \$150 each and they receive \$450. There is not a lot of money in the perpetual care, but when they get none, it makes it hard. Most of the people in the cemetery don't have relatives. There are a few new graves that people are donating for, but it's an older cemetery and there aren't relatives left to donate. Years ago when he looked at the investments it was Fleet Bank and he showed it to a friend at A.G. Edwards who told him it was Fleet Stock. It was Columbia stock which was Fleet Bank and basically said it was uninsured and not well rated and we will probably get charged a lot of fees and weren't making much money. He thinks the word is fiduciary responsibility, we need to do the best we can. He would encourage us to be transparent and have a good discussion because it costs more and more every year to take care of these and we want our cemeteries to look nice. Councilor Bradley stated that they had met this afternoon to talk about exactly that. A few issues came up in the budget last year and this year. We are going to go through a review of our current investment decisions, our policies and our returns and we will make all those results transparent as soon as they are available. What the council decided to do was put an RFP out to all banks interest in us and our \$8 million worth of reserve funds, including cemetery and other funds and take a look at what we're doing, make recommendations about our policies and make some suggestions about the risk we're taking and the returns we're expecting and see if we should make any changes or not, whether we're okay where we are and then look at fees and other things that they charge and see if we could be in a better situation. It's been about 8 years since we did this and we are possibly more conservative than the current market justifies and we'll take a look at that as we've been asked to. As soon as the Council gets something they will present it to the public.

Dominic Petrillo-Upper Mast Landing Rd, Freeport- Thanked the Council for their service and hard work and is pleased the mask mandate is expiring tomorrow. He wanted to know if there's any thought to the Town Council considering a resolution to abstain from future medical mandates regarding private businesses, even public facing private businesses. In the absence of the mandate, privately owned businesses and residents will be allowed to make their own decisions based on the personal level of comfort. Allowing the State through the direction of the CDC to hand out that guidance is easier for people to accept. They are the first with the data and best suited to create even local ordinances. We then have the data based upon the local areas. Secondly, he filled out a FOIA request to obtain town emails between Midcoast Hospital regarding the pro mask mandate PowerPoint Presentation that was given the night the Council adopted the mask mandate. It indicated that there is one person who completes the FOIA request duties. He would also ask that the Council consider making a resolution in the event of a FOIA request is made, that a three person team completes and verifies the request. Furthermore, if one or more person on that three person team were to be material within the FOIA request, that they should recuse themselves as a conflict of interest and be replaced by a different person to complete the FOIA to remove any conflict of interest.

He also wanted clarification on the following. On February 1, there was a motion to reconsider the mask mandate. It was his interpretation of the language that we would be voting to reconsider the question

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initially asked not to be voting a new question of the inverse language or reverse language of the original question. He thinks the Code that was used was 201, he could be wrong but wanted clarification on the procedure used in the motion to reconsider and how that should work.

The Town Manager explained the Charter specifies how emergency ordinances are passed and rescinded so it has to be done according to that. It was passed as an emergency ordinance. There is no motion to reconsider in the town charter. It is a common Robert's Rule. The Council could decide to take that on procedural item, but to pass a local law or binding ordinance, it has to be according to the way the Charter lays it out. Mr Petrillo thinks his confusion comes from the language with in the Town Council Rules. The Rules specify that the ordinance would be reconsidered, if that's correct. Mr Joseph explained that the Charter is the fundamental rules that we have to follow. The Rules of Procedure are just adopted by a majority vote of the Council. It's their own internal bylaws. To pass something that is legally binding, it has to be according to the procedure as laid out in the Charter for ordinances, an ordinance being any local law that has an enforcement provision in it. Mr. Petrillo's interpretation of the reading of the Town Council Rules, is that if you are to reconsider a vote, you wouldn't reconsider the inverse of the vote, you would reconsider the vote that happened and revote on that particular item. Councilor Lawrence had made a motion to reconsider.

Councilor Lawrence explained that what they were told that if they needed five to pass it, they would need five to rescind. Mr. Petrillo clarified that it was not then a motion to reconsider the mandate. Councilor Bradley asked what the significance of the distinction was? He stated that the significance of the distinction, while he's searching himself for an understanding of what it was that happened, because it was his understanding that if we reconsider the vote, then we would have a reconsideration of the vote, not that we would vote again on a different question. Councilor Bradley thought that what he was asked was whether he wanted to undo or rescind the ordinance that five of them had voted for a couple of weeks earlier. He and 3 others said "no", it didn't have the five votes the manager told them they needed, so the mandate stayed in effect. He believes they all knew what they were doing. Mr. Petrillo continued to believe that there was a procedural error in their process surrounding the reconsideration.

Ruth Milette of South Freeport Rd-spoke in support of Mr. Petrillo's comments and supports an end to mask mandates, an end to vaccine mandates and a rescinding of all those already in place.

Joyce Clarkson-Veilleux via Zoom: Spoke on the property tax program. The Maine Council of Aging estimates that more than 1/3 of Mainers over the age of 65 depend on Social Security alone. With the increased price in food, health care, heating, etc and property taxes, the average person is not able to survive. The State is working on what they consider to be part of the solution with the initiatives like LD1622, an act that will promote individual retirement savings. They've also brought back the State property tax deferral program for those earning less than \$40,000, which is actually a reverse mortgage program for payment of property taxes. Many don't want a loan and want to continue to help their community by paying property taxes and be able to leave their property to a family member. She proposes that the Town take the lead on this issue and look at developing a program that would cap property tax levels at age 70. There would need to be several qualifiers and would need to be voluntary. This could eliminate the fear of home loss for our seniors. Let's look at what this would cost other property owners in town.

Councilor Piltch will reach out to Representative Melanie Sachs to see about it's feasibility. Councilor Fournier would like us to see if the Assessor could do some research to see if we can do it locally. He's not saying the State doesn't do great work, but sometimes it takes a number of years to get some type of thing to be equal across the board. He'd like to ask the Assessor to take the idea of age 70, with 15 years residency, if that's something we can do legally, and take a hard look at it. He thinks it's a good idea.

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Tax exemptions have to be authorized by the State and there may be a program that allows those types of criteria to be used already, but we can't propose our own categories of tax exemptions. We can do research surrounding Joyce's suggestions and the several programs that have been passed in the past two legislative sessions that he's not up to speed on. We'll have the Assessor do the research and report back to the Council. Chair Piltch also suggested have Representative Sachs come speak to them. Councilor Pillsbury wanted to know if there was a way to get more data from the Assessor in terms of the demographics to see what we're looking at in the next few years. We understand that Maine is the oldest state in the nation, we have an aging population. What's it going to mean and can we crunch some numbers and see what the impacts might be to give us a better understanding as we potentially look to advocate or do other initiatives. Mr. Joseph stated we do not have dates of birth for property owners. We could distill down what there is for demographics out there and hope that it holds true between property owners and renters and allowing that assisted living or nursing homes may skew the numbers. The census would have most of this information.

Councilor Egan commented that the demographic that this would most likely apply to would be people on a fixed income. He suggest rather than changing how we tax or creating complex exemption rules the town should consider establishing a property tax Circuit Breaker Program that property owner's who met certain criteria and were at a particular income level would be able to apply for assistance in paying their property taxes. He thinks this would be easier to put into place. There are fewer rules on expending taxpayer money that you're politically accountable for to benefit taxpayers as opposed to just wiping clean the tax debt.

Andrew Arsenault: As we have Design Week and try to rejuvenate our town, we need to make it more business friendly and relax some regulations. We need to encourage more people to move to town and pay taxes, get our business going and pay our rents. At the end, we need to learn how to be tight with our budget. We need to make sure our businesses are easier to do business.

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

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ITEM # 43-22                      To consider action relative to adopting the February 15, 2022 Consent Agenda.

Chair Piltch reviewed the items on the Consent Agenda for members of the public.

We clarified that the two Funds regarding donations that were discussed at the last Council meeting were donations from those Funds, not to those Funds. It was listed incorrectly on the Consent Agenda. They were both \$500 donations from those Funds to the Fire Rescue Department.

**BE IT ORDERED:** That the February 15, 2022 Consent Agenda be adopted.(Pillsbury & Lawrence)**VOTE:** (6 Ayes)(0 Nays)(1 Excused)

(Council Chair Piltch) (5 minutes)

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ITEM # 44-22                      To consider action relative to a long term lease extension request from L'Ecole Francaise du Maine for Soule School property on South Freeport Road.

The Town Manager did have one change to the lease. The documents in front of the Council have last year's rent amount. It states \$17,305 which is the current lease amount. It should state \$17,825.04 per year. There were a few changes requested by the Council one of which was a reduction from four guaranteed 20-year renewals to a 20-year term and one 20-year renewal with negotiations in good faith after the 20 year renewal. The school is ready to go. Councilor Fournier confirmed with Willie, the



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representative from the Soule School that he would be here for a long time. Councilor Pillsbury asked him about the issue they had surrounding accreditation. He explained to the Council that it was an issue with the calendar and with the revised terms it is perfectly fine. Chair Piltch acknowledged the asset that the French school is. We have a 20 year lease and a 20 year extension. Councilor Bradley has not previously seen the lease so feels he should abstain tonight, but he does support the Soule School. We will get the lease signed soon.

**BE IT ORDERED:** That the long term lease extension request from L'Ecole Francaise du Maine for Soule School property on South Freeport Road be approved.

**BE IT FURTHER ORDERED:** that the Town Manager be authorized to sign lease documents and to make any non-substantive changes.

(Fournier & Lawrence)**VOTE:** (5 Ayes)(0 Nays)(1 Abstention)(1 Excused)

(Town Manager, Peter Joseph)(10 minutes)

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ITEM # 45-22 To consider action relative to a request for Use of Town Property by the Freeport Chamber of Commerce.

Chair Piltch explained the Chamber's March 12<sup>th</sup> Chocolate Festival. The Town Manager explained that a request for a bouncy house was denied due to the liability. The are requesting use of Town Property to use the lawn at Town Hall.

**BE IT ORDERED:** That a request for Use of Town Property by the Freeport Chamber of Commerce be approved.

(Lawrence & Fournier)**VOTE:** (6 Ayes)(0 Nays)(1 Excused)

(Council Chair Piltch)(10 minutes)

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ITEM # 46-22 To consider action relative to a request for Use of Town Property by the Visit Freeport.

This is a request from Visit Freeport for Maker on Main which is a summer long festival that runs the first Saturday of the month from a variety of places on Main Street including Town Hall and Bartol Library. This is the third year of the event and has worked well in prior years.

**BE IT ORDERED:** That a request for Use of Town Property by the Visit Freeport be approved.

(Bradley & Lawrence)**VOTE:** (6 Ayes)(0 Nays)(1 Excused)

(Council Chair Piltch)(10 minutes)

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**OTHER BUSINESS:**

1. Discussion regarding a Zoning Administrator position (Town Manager, Peter Joseph) (15 minutes).

The Town Manager provided a memo to the Council that includes the start of a qualifications and job duties list for a Zoning Administrator position. As it was written it was tailored it to working

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with property owners to resolve zoning issues that are discovered and only using enforcement mechanisms which go through my office and the town attorney as the last resort when things can't be resolved. Non-enforcement resolution may include passing an amendment that would make what you were doing on your property that is currently a violation, no longer a violation if its not significant by for example asking the Planning Board to make something an allowable use. Another example could be making a change to a property to make it no longer non-conforming, which is a relatively easy change. It could also be getting an after the fact approval for things that may be allowed but never went through the approval process. The administrator would lead the applicant through the application process, which might go to Project Review or through the Zoning Board of Appeals for a variance. Last, but not least, a non-enforcement resolution might be bringing an exception that should be allowed to the Council for a Consent Agreement. Probably 5 of these items have come up over the past 2 years and they have been real headaches for the Town Council and Town Staff with 10 people trying to coordinate and it becomes a juggling act instead of having one person that's delegated to work with that person throughout the resolution process which can be a full time position. The position when not dealing with those matters the person would work on the extensive backlog of ordinance amendments to our Zoning Ordinance and some other Ordinances that we keep asking the Planning Board and the Town Planner to work on. The intent is for this to be a full time position. We need to find a person who can do the job, know the regulations and is a good customer service person. We would like to start looking for the right person. This has been identified as a priority to our Planning and Codes Department.

Councilor Bradley asked for clarification on the difference between issuing non-Land Use NOV's and Land Use NOV's. A NOV is just a notice of violation that there is a violation occurring on a piece of property. Land use being zoning or some other closely related ordinances like Subdivision. So this person would have to be qualified to issue NOV's. Initially, we would want to split them between the technical things which the Code Officer would continue to deal with such as Building Code, Life Safety, Fire and things like that as opposed to Shoreland Zoning, Zoning violations, a use violation or Subdivision violation which the Zoning Administrator would focus on. They would have the ability to do either's job, but that's how the envision the division of duties initially. They would have to be certified as a Code Enforcement Officer.

Councilor Fournier is in support of the position. He wondered if the new position could have the responsibility of Sustainability Coordinator. He envisions that position may be writing different applications but he is not sure. We could maybe kill two birds with one stone. It can be researched. He would also like to see the departments reorganized to have one department head be in charge of Planning, Codes Officer and Codes Administration because he feels the proposal set forth today would be adding another department head. Mr. Joseph stated that it wouldn't be adding a new department head but it wouldn't be consolidating them. It would be putting this underneath the Planner but the proposal that Councilor Fournier brought forth has already been brought to him by the Code Officer and the Town Planner to consider going forward. Councilor Fournier would highly encourage one department head with those responsibilities. He thinks it would give a greater flow and would help with communications and help with efficiency. Councilor Egan voiced his support for the position. Councilor Fournier stated he understood that the resources to fund this position were already in the funds generated through permits. If it was up to him he would say to get it done. The Town Manager's plan is to start advertising and if it happens within the next three months, they may need to come back to the Council for additional funding. The revenue is there in excess. It's not fair to say there is no tax impact. It would not raise the current tax rate because there is excess revenue in the Codes Office coming in. If we weren't to use that money to fund an additional position, the money would go back into the general fund and would reduce taxes. If there is excess revenue coming into Codes, then the codes application fees should be reviewed by the Council and should be reduced by that amount which is what we should do legally if we are not going to fund on a new position.

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Joyce Clarkson Veilleux via Zoom: Referencing what Councilor Fournier said about this position also being the Sustainability coordinator. She heard the term several times over Design Week and that there are federal funds available for people with this magic title. Could we include this in someone's job title so we qualify for federal funds. She also would like this person to have grant writing experience.

### 2. Discussion regarding allocation process for ARPA funding (Town Manager, Peter Joseph)(30 minutes)

We received ARPA funding totaling \$900,000 of which we have spend \$150,000. We have \$750,000 which can be spent according to the rules. The rules, over simplifying, allow for spending on things such as infrastructure, including water, sewer, broadband. They talk about affordable housing and hazard pay, which they already addressed to some degree. They also talk about lost revenue due to the pandemic. Chair Piltch proposed that when we ask for requests for this funding, he'd like to see big projects. He wants to see a small number of very large projects that have a meaningful impact. He doesn't know what they are, but what he proposes is a call for requests with guidelines saying this is the size of projects we'd like to see and then allow a month or so for request to come in.

Councilor Bradley stated that he'd like to respond that the size of the project doesn't necessarily determine its significance to the community. He is aware of a couple of smaller projects that are critical to organizations that are just getting their feet on the ground. Maybe we could have two categories, a small amount of money for small grant request of possibly \$50,000 and use the rest of the money for big grants so that we don't knock out of the box some of those organizations that are struggling to get going and are consistent with our Downtown Revisioning process.

Chair Piltch reminded that we do need to meet the guidelines set by the Treasury. Councilor Lawrence inquired if it included bike paths and things like that. We have these huge bridge projects going in and we've got to build entrance ways to it which is going to be expensive. If we could use the money for that, that would be huge. The Greenway connecting it all, that goes right to the downtown visioning. Chair Piltch said there is another bucket of money that came up with a brand new grant program by D.O.T. It's the Village Improvement Program or something similar to that which was specifically for slowing down Main Street.

Councilor Pillsbury recognizes that we don't want to move as quickly as possible. Is there a possibility of getting some technical assistance? He knows other municipalities are struggling with how to use these funds. Is there an opportunity for us to entertain some organization that could come in and give us some recommendations. Not someone to come in and say you need to do this, this and this, but would say if you focus on this type of project this is the type of return you will see. We thinks that as they get into the proposals, they are going to need some sort of metric for reviewing, grading, ranking and figuring out what's going to be beneficial to the town. If he had to look at it now, it would just be gut feeling as to thinking its going to be impactful. He'd like to have a process.

Councilor Fournier's question was whether we are up to date on our technology to transmit here our meetings as sometimes we struggle. Do we not have the proper infrastructure or equipment. We've talked earlier about getting out to our constituents in the town and he thinks that's a great medium to do it. Sometimes going with the least expensive doesn't address what we are trying to address and we end up doing it again. He would encourage Department Heads and the Town Manager to identify things that might not be working quite right that may fall in these categories and we take a look at that to see where we are at.

Town Manager Joseph thinks that some of the conductivity stuff that is allowed by ARPA funding doesn't really apply to the town. We've got some good conductivity, we've got good fiber serving our buildings, things like that. The town wide things are different matter. Is there a roll for the town to play in securing broadband for businesses and the general public? In terms of technology, it's getting difficult to manage five channels going at the same time and work. Tom and another person are in the control room. In six months, we've gone from going live here to cable and that's it to now to 15 different streaming services which need to be set up their own way. We've got Zoom people calling in and we're going out to Zoom. We need to get better at managing all the different inputs. He is not sure about ARPA projects that would fall under that though and put it out to department heads as Councilor Fournier said.

We have already done some premium pay with the ARPA funds. We talked about previously about premium pay for non first responders and some of that would be allowable. The Treasury has issued more concrete guidance that it would not be universal to all employees and that they would have to give justification that they were frontline employees throughout the pandemic and that they worked in place and not remotely and were contacting the public. There are other town employees that may qualify for that, but it's not across the board.

Councilor Fournier inquired if there had been feedback after this was administered to the Public Safety personnel. It was interesting after hearing the discussion of how some of the hours were changed and some of the staffing models have changed. He thought it was done properly. It didn't have as much of an impact on those other positions. Mr Joseph did not get any negative feedback although he's sure everyone would like to get a bonus. However, we have done a lot in terms of being flexible with our departments trying to adjust for public safety. There have not been outright complaints but he did have inquiries from Public Safety about hazard pay that was being issued in other towns and whether we were going to consider this, which we did.

Councilor Egan suggested we have three councilors work on an outline for potentially the next meeting and to consider Councilor Pillsbury idea of getting some technical assistance. He thinks GPCOG would be at the top of that list, because they're handling this type of work and the scope of work for a number of other venues. It may very well be that we don't have to engage with them at all or very limited, small scale. We could probably just get some of that advise on suggestions we might bring forward. It would be easier for the seven of them to respond to something that was in front of them. They can popcorn a number of ideas. He thinks to move it forward and not amorphous for a while, three councilors could put something together and bring it back and then they can tear it apart and start over again. We can get advise from GPCOG. Councilor Egan volunteered to be one of the three along with Councilor Bradley and Councilor Pillsbury. They will bring something back to the Council in the next meeting or two.

Councilor Bradley asked if the ARPA funding criteria was printed somewhere. It is over 200 pages long. The Town Manager could later summarize it for the Council. Jessica Maloy had a good summary through her professional organization with bullet lists that then link back to the Treasury documents that could be available to the Councilors.

3. Discussion of Victualer License amendments (Town Manager, Peter Joseph)  
(15 minutes)

We have had discussion with Town staff and believe there is marginal, at best, to no value to this ordinance. It is a stumbling block and is a pain to staff and local businesses every year. It provides minimal to no benefit that we don't already have in our other ordinances. The purpose of the ordinance is to ensure that establishments serving food or drink intended for consumption by the

public prepare their food or drink in a safe and sanitary environment. He would hold that that is actually the purpose of the State Food Licensing requirements, and that this ordinance does nothing other than checking that somebody has received a State Food License. If you don't have a State Food License and we find out you don't through the Victualer License process, all we do is call the state health inspector. We're not actually doing anything. We're just checking State Food Licenses. The town could easily get a list of the issued State Food Licenses periodically to post and do our own internal check.

The specifics are as follows:

**Issuance or Denial of License**-this is the criteria on why you approve or don't approve a license.

1. if the applicant fails any part of a state inspection or local health inspection. (We do not have local health inspections, so if you fail your state inspection, you can't serve food. You don't need need a victualer's license to prevent somebody from serving food if you fail a state inspection).
2. If the applicant is not of good moral character. In determining good moral character the Town Council shall consider all evidence presented but shall, in addition, check the applicant's police record, if any. Conviction of a class D or more serious crime may be considered as evidence that the applicant lacks good moral character. (The Town Manager will let others comment on that in terms of social justice, potential racial justice perspective referring to the good moral character statement. It has the potential for abuse. He doesn't think this has a place in our ordinances. Social media takes care of judging people's moral character).
3. Failure to pay an outstanding fine, penalty or tax owed to the Town of Freeport by the individual, corporation or principal stockholder of the corporation that is applying for the license. ( We already have a tax lien process if you don't pay your taxes. The only time he's seen this used in the last 10 years is for this provision, to twist someone's arm to pay their taxes that would have foreclosed anyways. Councilor Fournier reminded that years ago there was a seafood restaurant with a dispute on the line of the sidewalk that went to Supreme Court and they used the Victualer license to try to hold that up. Mr Joseph reiterated that we have the ability to collect any amounts due to us without needing a Victualer's license as a tool.)

**Requirements and Conditions:** (This is the only redeeming value of this ordinance according to Mr. Joseph).

The Municipal Officers may place conditions and requirements on the license. These conditions and requirements must be reasonably designed to promote the health, safety or welfare of the Public. Examples of possible conditions include, but are not limited to, specific opening and closing times, and measures designed to reduce noise. (Mr. Joseph would hold that we have the ability to do a lot of this anyways, specifically measures designed to reduce noise, we have a noise ordinance. What are the opening and closing times doesn't seem like something we want to be telling businesses. We also have a special amusement ordinance that governs things like generating noise like music, dancing and parties. For the \$135 annual permit fee, we are spending more than that on staff time to administer. He thinks eliminating the ordinance is minor as this doesn't have much redeeming value to the town).

Councilor Bradley asked what other ordinances do we have that relate to sanitation and public health and safety in the sale of food? We don't do public health inspections for food licensing. Only a few of the larger municipalities do those themselves, but the State does those and wouldn't let us do those ourselves even if we asked. Councilor Bradley stated we have millions of people go through our town and we're hoping to encourage people to eat here. We're talking about food courts and food trucks and peddler carts and all that stuff. He would guess that the State inspector shows up here once in a blue moon. He was reassured that they are active and that our local inspector, Joel Demers and the town are on a first name basis. Councilor Bradley asked if we know whether the State inspection of food sanitation is sufficient in our town. Mr Joseph stated yes, but Councilor Fournier had worked with the inspector more when he was Fire Chief. Councilor Fournier stated that the process was, and he's not sure now, but the Fire Rescue used to inspect every retail facility

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once a year. That included going into kitchens and checking the hood and gas systems. If a problem was detected, that may generate a call to the State and the State was always very responsive during his tenure.

The Town Manager stated that if we want to enforce anything here it has to come to the Town Council for the Public Hearing process to revoke someone's license before we can shut their business down as opposed to calling the State and having the inspector do same day what it would take us two weeks to do.

Councilor Bradley believes what he is hearing is that the State will fill the responsibility that this ordinance would have in terms of issuing a license and making sure that at the beginning of every year, the business is up to snuff.

The Town Clerk explained that the State Inspector is in charge of food safety and making sure food is safely served from any commercial kitchen. We don't know how often he is in town, but businesses are inspected annually.

Councilor Bradley stated that if it turns out that the State does the job that we would want done so that our community doesn't get the reputation of having unsafe food, which would be terrible for the town, then he'll support. If there's any question about the scope of coverage and then there being a need in town to have an ability to bring someone to task, if you take this ordinance out, we've got nothing. You don't have an ordinance that says the town shall bring a fine or take action with respect to public health and safety for food delivery or sanitation. Your leaving it to the State if you take this away. Would it be best to have a short ordinance that says something like it should be a violation of the town ordinances to serve food or the public in an unsanitary way. That way if we hear about something, and the guy isn't around, and you want to take some action you can either call them or you can bring an action on your own through your code enforcement officer. You have the standing in your own ordinance to do something on your own if you need to, it's a backup. The Town Manager doesn't know if we can legally do food inspections. We are not doing food inspections at the municipal level. We are just currently checking to make sure they have a State Food license. Councilor Bradley asked what all those ordinance provisions, it looks to him that we've got a whole range of provisions. We may not do it but we have the authority to do it. The Town Manager disagreed that we don't have the authority and that there are only a handful of municipalities that do their own food inspections and have been granted that authority by the State and then the State handles everyone else. Councilor Bradley stated that he would be stunned if the Code Officer found that a food cart was serving old clams in a stew and that he couldn't go to them and stop them. The Code Officer could probably stop them for a faulty gas fitting, but not for food safety. If we don't have the authority we should throw the ordinance out. If we do have the authority to do it, there is a basis in wisdom to hold it in reserve in case we need it. It doesn't have to be the whole ordinance section, but keep the teeth of it.

Councilor Fournier agreed with Councilor Bradley and reiterated that he makes a valid point. The Town Manager pointed out that the reference to the Life Safety stuff is not in this ordinance. We have the ability anyways. The Fire Chief or Code Officer can enter any establishment at any time on complaint or suspicion and order any corrective action that needs to be taken for Life Safety. That does not apply to DHHS food safety but he will do some research. We're not looking for any action here tonight. This is great discussion, we want to hear thoughts on all sides. If we have the ability to do local health inspections in terms of food safety then we need to think how we put that in an ordinance. He spoke again about how responsive the State is to complaints.

We are hear to get the fever of the Council. There are a range of thoughts. How responsive is the State on weekends or holidays? By having Councilor Bradley's idea, that would solve a holiday

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problem with bad seafood at a restaurant and you can take action and have public safety and otherwise we could do away with the ordinance. Councilor Piltch said we couldn't do that anyway with the ordinance, we'd have to have it come to the Town Council to revoke it. Councilor Fournier thinks you can have an emergency under the ordinance, when public safety is in jeopardy, which could be a food related item and give the authority to Code Enforcement. There is overlap between Code officer and local health officer but food safety inspections part of it is State specific. Is it delegated authority which we can apply for, which doesn't matter because we don't have the staff for it or can we do it at will. Please speak with Councilor Daniele when he returns as this is of interest to him.

Motion to adjourn (Bradley & Lawrence)(6 Ayes)(0 Nays)(1 Excused)

**END OF AGENDA (Estimated time of adjournment 9:20 PM)**

	<b>OUTSTANDING OR UPCOMING ACTION ITEMS</b>	<b>INITIATED ON</b>	<b>PROPOSED BY</b>	<b>ADDITIONAL INFORMATION</b>
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for 2022
#2	Research availability of PCR Rapid Test		Councilor Bradley	
#3	Schedule dates for touring facilities		Chair Piltch	
#4	Institute Indoor Town facilities Mask Policy		Town Manager	
#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			

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<b>#1 2</b>	<b>Divestment Discussion and Invest- ment policy</b>			
<b>#1 3</b>	<b>Planning and Codes Permitting poli- cies</b>			
<b>#1 4</b>	<b>Victualer Ordinance Discussion/Re- view</b>	<b>February 2022</b>	<b>Councilor Daniele</b>	