**MINUTES**

**FREEPORT TOWN COUNCIL MEETING #01-23**

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

**TUESDAY, JANUARY 3, 2023**

**6:00 PM**

 PRESENT ABSENT EXCUSED

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 #24-22 held on

December 20, 2022 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting # 24-22 held on December 20, 2022 and to accept the minutes as written. **VOTE:** (Bradley & Daniele)(5-Ayes)(0-Nays)(2-Abtain- Lawrence & Fournier)

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

* **2023 Dog Licenses are available**. All dog licenses expire December 31st of each year. Dogs six months and older are required to be licensed by law. You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com). Please bring proof of the rabies vaccination and spay/neutering. Please be aware that you must renew your dog license no later than January 31st of each year, or a late fee of $25.00 per dog will be charged.
* **Nominations are now being accepted for 2022 Citizen of the Year**

Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have significantly contributed to the quality of the Town. Nomination forms are available at the Town Office and on the Town’s website at www.freeportmaine.com. Deadline for nominations is January 5, 2023.

* **Public Works would like to give a reminder to keep turnarounds clear so the plow trucks can turn their vehicles safely. Also, please keep the sidewalk clear of vehicles and trash cans.**
* The Freeport Sustainability Advisory Board will be hosting Efficiency Maine's Hope Kohtala on January 12th at 6:30 pm at the Community Center. Hope will describe Efficiency Maine's programs, funding priorities for 2023 and answer any questions you may have.
* The Town is starting to work on a Climate Action Plan for Freeport.  If you want to sign up for project updates, please visit the Freeport Sustainability Board’s page on the Town website and click on the “Climate Action Plan” tab.

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

Councilor Bradley: After fully examining the ADA issues surrounding the cart we were focused on, he has reached the conclusion that the shuttle golf cart on Main Street is a non-starter. The work arounds are demeaning to people with disabilities and as a town we don’t want to be in that position even for an experiment. The things that are a work around are so expensive that you can’t do them. With regards to that particular cart his efforts are over. He still remains interested and committed and has a group that’s interested in transportation. There may be other things he brings forward as time goes on.

There is a Sewer Committee meeting scheduled for January 10th in Council Chambers at 9:30. It will be discussion of what we’ve heard and learned since the first meeting. The idea is to first develop a way for the town to support the Sewer District, if it’s appropriate. There’s no suggestion that what they come up with will be what they recommend. It will be their good faith examination of what the Sewer District needs, i.e. how the rate payers can be supported and how the town could help if they wanted. If progress is made on that they’ll move on at the next meeting to the philosophical issue of why should property tax owners support sewer rate payers. There is a Zoom link for people to listen in and participate. This is not a public hearing, but they do want public input early.

At the Council meeting on January 17th, the Conservation Commission will be presenting the new management plan proposal for Hedgehog Mt. It will impact the mountain bike trail proposal as well. There will be a healthy discussion around that.

Next Wednesday, January 11 at 8 a.m. in Council Chambers, the Ordinance Committee is meeting to review the Short-Term Rental Ordinance to see if they want to make any changes. Councilor Bradley wanted to clarify that the sole reason for the review was to review the 16-person cap. He got some sense that the whole ordinance was going to be reviewed. He doesn’t think that’s needed but if they are they should let people know in advance. We don’t know how this will morph once we get into it, but the intent was to review the 16-person cap. If there is action recommended it will come back before Council. If it does there would be a public hearing.

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

We had excitement with the Christmas Day weather. We had about 3,000 outages in town out of 5,000 customers that lasted typically one to two days. The majority of services were restored Saturday. He wanted to thank the Public Works Department that came in over the holiday weekend to do storm cleanup. Fire and Police crews that were working both days did a fantastic job of dealing with numerous calls. He specifically thanked Chief Conley, Lieutenant Powers, and Earl Gibson and Bob Bradley from Public Works who supervised over the weekend.

We are seeing better communication in these storm outages. He saw good one-way communication with CMP with the line crews. They were able to communicate our emergency needs such as downed wires, sparking wires, things on fire that are a priority. This is an improvement over the past 5 years. During the last large event in 2017, communication was difficult and CMP was overwhelmed. They did a better job this time addressing our emergency needs and they were staffed better. We have a method where they can communicate with our dispatch center. There is a one-way Google sheet where we can list priorities for the line crews. We did open warming centers at Town Hall and the Library on two days when we still had large outages. There was low utilization of the warming centers even with the low temperatures. Usually, we see no utilization when it’s above freezing and some as the temperatures go down.

The town is hiring for a Land Use Specialist and a Sustainability Coordinator, both posted on the town's website. Any questions can go to Judy Hawley in the manager’s office.

We have a major file digitization project starting next week that has been in the works for 1-2 years. The Planning Department is heading that but it’s all the files in planning, assessing and codes. All the paper files are going to be completely digitized. That’s going out January 11th. All of the files do not go out at once, only chunks at a time. This means that people coming in to view files may encounter a couple day turn around if you are coming to look at specific files and it’s part of the chunk that is at the scanning facility. The whole process will take between 6 months and 1 year. A third of the files may be at the scanning facility in Nashua, NH getting scanned. We can get access to them electronically. They will prioritize a request then find, scan and send them back to us so that we can hand them to the requester. It could be a day or two delay. We’ll retain the paper records. When we are done with this project there will be no paper files in the office. Customers will have access to a computer terminal where they can access the electronic records. We will also be able to email files to phone requestors. There may be some disruption but it will be much smoother on the back end to find things instantly electronically. This project will include the gigantic 24 x 32 drawings, they will be scalable pdf’s and are more expensive. We’ve had a number of presentations at the council about going back on a historical property permitting process from 10-20 years ago and that is a more reliable way to be able to find that information as opposed to flipping through piles of blueprint sheets. It will keep files from migrating into other files. We’ll have the digital and paper files. The vendor is Morgan Records.

Councilor Fournier: In regard to CMP, prior to 2017 we had two-way communication with a local district office. He was the EOC coordinator could call and get up to date information on what was happening in the towns. They need to raise this issue as a council to see why that can’t happen. He doesn’t think there’s a valid reason why it can’t happen. During 2017, the public was very frustrated. Our lines at public safety were ringing off the hook and they didn’t have answers. Those situations of not having information compounds our response. He’d like us to address a letter to CMP asking for open communication during emergencies and utilize what knowledge the public safety have and then respond back to us on timelines and priorities. They do have an outage map that they try to keep up to date. The Manager explained that there used to be direct district contacts, but these positions may not exist anymore so it may be creating a new system. The Manager is happy to send a letter on behalf of the Council. The Chair recognized that we should be able to relay urgent requests back and forth if we have some type of emergency.

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

 (Non-Agenda Items Only)

Arthur Dysinger, 7 Buttercup Drive: They would like to put forth a proposal for a Residential Light Nuisance Ordinance. The reason for that is there is a person who has security lights that are not only pointed at their driveway, but they’re also pointed across a major road to other properties. These light are so bright it’s like sitting in your living room with someone shining their headlights in. They had talked earlier about using some of the wording in the Noise Ordinance to be redirected towards a light nuisance type ordinance. He showed pictures of the situation to the councilors, but did not submit them into the record. They have been working on this since November 2021. They’ve had three separate meetings on this subject. At all three meetings they were told progress would be made and someone would get back to them. No one has responded yet. They were told someone would get back to them in two weeks, but no one has. The Noise Ordinance reads “unnecessary, unusual noise shall either annoy, disturb, injure or endanger or confront or repose health or peace or safety of others”. This is simple, changes the words to “lights”. They are not asking for people to turn off their security lights, just to turn them down to their driveway. They need the council’s help. They are here tonight because the last three meetings didn’t produce anything.

Councilor Egan offered some context from the last meeting where they discussed that they would try to introduce that language into a process to change to make potential edits to the Noise Ordinance and we use the Town Attorney for that process. She was on sabbatical from a death in the family and she was unable to provide that support and that’s the reason why it didn’t happen. We are trying to schedule a session with her next week or as soon as they can to work on this. He apologized for not relaying that information to Mr. Dysinger. He added that the lights shining across a major road is a dangerous situation for cars also.

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

 \_\_\_\_\_\_\_\_\_\_\_\_\_

ITEM # 01-23 To consider action relative to adopting the January 3, 2023 Consent Agenda.

The Chair reviewed the items on the consent agenda. Councilor Bradley pointed out that the Stars & Stripes liquor application has a discrepancy. He’s unclear if the business or the owner are applying for the license renewal. They are listed as an entity (Corporation or LLC) on the first page, but indicated on question 8 & 9 that they were a sole proprietor. The Clerk verified that last year they were listed as an LLC and the questions were answered correctly. We are voting to approve this license which then goes to the Liquor Licensing Board. We don’t actually do the approval, but are saying this application can move forward because they meet our local requirements. None of the answers as checked on the application would prevent the council from supporting it. The Clerk will verify with the applicant and have it corrected if in error.

 **BE IT ORDERED**: That the January 3, 2023 Consent Agenda be adopted with the amendment that the Town Clerk speak with the owner about revising their application. Moved and Seconded (Pillsbury & Lawrence)VOTE: (7-Ayes)(0-Nays)

 (Council Chair Piltch) (5 minutes)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ITEM # 02-23 To consider action relative to the adoption of the Board of Assessment Review’s Policies and Procedures.

They met on Thursday after the agenda went out. The electronic copy was emailed out to the Council on Sunday. Councilor Bradley does not have a copy and didn’t have time to review. If there is a dispute on valuation, the process starts with the property owner talking with the assessor informally. If the assessor

doesn’t agree, they have relief options. The first step in the local appeal process is the local Board of Assessment Review. Our board has not met in 17-21 years. They now have an active application before them. We do have 3 of 5 members including Mac Lloyd, Clint Swett and Chris Grimm who met and adopted these rules that were provided by the assessor and modified by the town attorney. The Charter says the council has to approve them and be published in a newspaper. Then they meet to hear the appeal which they have tentatively scheduled for next week. They can’t have a meeting and hear an appeal unless you approve their proposed rules. They have been reviewed and they comply with State law.

Councilor Bradley will not vote on something he has not seen or read.

Councilor Daniele: Can we approve it with the provision that there’s a 48 hour period where one of the councilors could change their minds, giving Councilor Bradley enough time to read it? We could wait till the end of the meeting if he can read it now. You can table or take it out of order. The Chair is ready to vote on it now. The Manager clarified that the review period for an appeal can be extended at the mutual agreement of the applicant. If the matter is not taken up or agreed to be extended by the applicant, it is automatically denied. Which means they have the right to appeal to Superior Court if they want to.

Which changes nothing if we don’t take a swing at it. This is just the local cheap relief valve for the appellant.

Councilor Bradley: He read the first paragraph and it says the Board shall consist of five qualified voters, that’s compulsory. You don’t have a board unless you have five, but we only have three members. The Charter says if you have 5 members, a quorum shall compose three. If you have five, then a quorum is three, but if you have three members only what constitutes a quorum? The manager said three.

The other option would be to postpone till the next meeting and see what that does to the timeline. The applicant would have no reason to not agree to an appeal because it is automatically denied otherwise. It’s the only way they have a chance of getting one. It’s inconveniencing them to whatever extent. The Chair suggest that we move it and if there are changes they can revisit it again. We might miss this one opportunity but if there are significant changes they want to make to the Rules, they can make that in the future. This committee is supposed to meet and adopt rules annually and they haven’t done that for 20 years. The Clerks went back to the 1970s, we found no evidence of the Council adopting rules for the Board of Assessment review. We need to do this process legally and correctly.

Councilor Fournier supports tabling it till the next meeting and contact the applicant to let them know what’s going on. That gives the Council time to review this and be more comfortable.

**MOVED AND SECONDED**: to table this item to the next meeting January 17th. (Fournier & Lawrence) **VOTE:** (5-Ayes)(1-Nay Egan)(1-Abstain Daniele)

 **BE IT ORDERED**: That the Board of Assessment Review’s Policies and Procedures be adopted.

(Town Manager, Peter Joseph)(15 minutes)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ITEM # 03-23 To consider action relative to an appropriation request of $75,000 from the Climate Action Now (FCAN).

Manager update: A draft proposal was presented to the Council. It was workable the way Mr. Stevens presented it and we may make a few changes. All the things covered by it, the amounts, are all policy discussions. The process that we’ve looked at, what other municipalities are doing, there is not a tremendous workload on review. There are basic questions asked including income qualifications which are open and will be policy discussions. Do you like the amount that FCAN proposed? What the group put forward was 90% of the AMI (Area Medium Income) for the income qualification or disqualification. It's slightly below average for Cumberland County. Things like that are policy and could be 70% or 120%. There’s no rule about that. 90% was South Portland’s number. The basics are here for deliberation. The manager thinks while changes can be made, this is fine for consideration as a basic program and is consistent with what other municipalities are doing with the money. Now it’s up to the council to deliberate the details. Items to point out are reimbursement amount, items that are eligible for reimbursement, total dollar value and qualifications which would be that it’s an owner or a rental through a subsidized or targeted stabilize program that the landlord would agree to pass those savings on to the tenant. Otherwise, it’s not designed for commercial landlords that are for profit because they should be able to make that work themselves. We are targeting either income controlled or affordable housing with this or people who own their houses.

Robert Stevens: Thanked the manager for laying out the program so well and his cooperation. He reviewed the minutes and councilor concerns from the last meeting. One question was whether Freeport Housing Trust could be involved in this and the answer is yes. There was concern about how this could be made public. What they plan to do is have a special event, Saturday, February 25th at FCS that addresses weatherization, energy savings and the like. A large part of that will be devoted to the existence of this program and how to apply for it. Information will be provided on things that people can do themselves such as pipe duct wrapping, caulking, basement treatment, etc. They don’t want any of the money to go unused, there are a lot of people in town that are low and moderate income that will act only with assistance like this. They also looked at why do it now, with the IRA money coming. Those monies won’t come till sometime this year. It will go through the State and be administered by it. This has some great provisions and for example a hundred percent of certain items such as heat pumps could be covered by the IRA rebate. That is for someone under 80% of the AMI. It has a cap of $8,000 for each heat pump. This may not cover multiple heat pumps where needed. He hopes that what Efficiency Maine and Freeport will be doing will dovetail nicely and let people take advantage of the IRA money that otherwise might not be able to do.

Councilor Lawrence would like to see this as a State program, but Mr. Stevens doesn’t think they can do that right now. We could use this as an example and get other towns involved.

Councilor Fournier pointed out things need to be done before insulation and heat pumps. You have to be aware to not capture moisture and making the structure less sound. They made sure to include in this a moisture barrier going into the basement. Efficiency Maine can’t include this because their program has to tie to the reduction of use of some fuel. Another thing they can’t do now is have someone get the energy audit upfront rather than tying it with air sealing which may or may not be appropriate at the beginning. They showed a few slides to the Council.

Councilor Daniele had raised concern about people who can’t afford the initial outlay of money to get into the program. FCAN has set this up so the application procedure will not require that the applicant get the work done before they come for the rebate. Efficiency Maine has a verification letter that goes out and a copy can go to the contractor stating the rebate has been approved. We can do the same thing.

Chalmers Hardenberg: Lawn mowers and leaf blowers are getting close to equivalent of driving 100 miles or 11 hours. We are saying let’s get as many mowers and blowers as we can electric. Small off-road engines already exceed emissions from light-duty passenger cars in California. Lawn mowers and leaf blowers are equivalent to what cars are. In 10 years, they will be a lot more unless we can get people to start using electric mowers and blowers. This program will provide $100 in a rebate. That’s going to buy at least one to two leaf blowers. Lawn mowers are more expensive, but $100 will cover a large portion of a $300 mower.

Zoom: Mason Morfit: supports the request for $75,000 in ARPA be allocated to an Energy Efficiency Program proposed by FCAN. We have a punishing increase in future fossil fuel prices that impacts low income residents along with a carbon pollution that is driving weather extremes. He spoke about the potential benefits of this program.

It’s not just a few people asking, but also 700 voters who signed a petition supporting this.

Kathleen Sullivan: It’s important that we don’t make these things be upper middle class. She supports this program for all the above reasons.

Suzanne Watson: She would add, the fact that we are all going to be very surprised this heating season with heating bills. This opportunity for us to help people help themselves and be a town that cares about that is critically important.

Councilor Fournier: What is the plan when these funds are gone? Mr. Stevens replied that there isn’t a plan. They hope the council still has money from ARPA that could be added to it, like Auburn did. There could be ways to raise money. FCAN is looking at grant opportunities for non-profit entities like them. They want to keep it going, so they’ll do what they can do.

Councilor Pillsbury: Should we prioritize the list of things that qualify differently? That’s a big list. Is there a comparison for someone with a heat pump versus someone with an E-bike or a leaf blower. He wants to utilize the funds in the most efficient way. There are two clear benefits, one for the environment and one to help low-income families with these services. Heating and cooling are a much bigger need for those families so maybe the list gets paired down. They have demonstrated the impact of small engine pollution, it’s fairly significant. Are there provisions for if a property owner does this right as they are getting ready to sell their home? Is there a repayment process? The use of ARPA funds is to help those significantly impacted by the pandemic and that’s been the lower income families. He wants to see the funds utilized for that purpose. Would we want to put a repayment clause if they sell the house immediately? Ms. Sullivan stated that we can’t control those factors. What if someone has to sell their house? Usually, a house sold by a low-income resident is purchased by a low-income person. No other similar programs have that provision. The benefit of reduced carbon emissions stays with the house meeting one of the goals of the program. These funds are a limited amount of money that will go fast and we need to make as sustainable as we can. The IRA money is going to kick in at the end of the year for a lot of this.

Town Manager: We addressed the front-end side of that with the homestead eligible part but it doesn’t address Councilor Pillsbury’s concern. Part of the way to weed out landlord flippers are the homestead eligibility requirement. This doesn’t get to “what if they sell the house, do we recoup it”. One way that it’s done is a low priority lien that’s below a mortgage. Not usually for a few thousand-dollar range. It’s a lot of work without the financial return.

Councilor Lawrence: spoke about the potential need to look at insulating a house before putting in heat pumps that would run constantly heating an unsecure home. That is why FCAN included the assessment in there.

Any dollars from Efficiency Maine over the minimum for weather caulking around windows requires a site assessment of the building. Before any dollars from them would be matching in here, there would be an assessment and the inspector would point out the dynamic your speaking of which is before $8,000 on heat pumps let’s spend $2,500 sealing up a sliding glass door that is a sieve. That’s why the more expensive items such as heat pumps are attached to Efficiency Maine because they’re going to do the front end assessment. They have to go to Efficiency Maine before they come to us.

Councilor Fournier questions bikes and E-bikes because that cost could go back to buying a heat pump. As far as electric mowers/blowers maybe we focus on insulating the buildings and installing heat pumps and we’ll catch those on the next round.

Councilor Lawrence: is the heat pump also an air handler? It doesn’t do that. He also asked about making structures too tight and needing additional air handlers.

Councilor Daniele: Still concerned with giving $75,000 right away. With the IRA money coming, should they do a little bit of marketing in addition to this? If that money is coming, do we need to just tell them about it and get them prepped up. Not spending the full $75,000 but giving support to FCAN to do some marketing. The Sustainability Committee has invited someone to speak on the 12th about the Efficiency Maine programs and rebates. We have a lot of money coming, up to $8,000 per household in addition to the Efficiency Maine money that’s available. We have $427,000 remaining in ARPA. If we spend $75,000, that would be 9% of our original ARPA allocation. That’s more than South Portland (2%) and Portland (.5%). The Chair would advocate to do something less than $75,000 with the intent that we can add more to it. There are other requests for the ARPA monies like infrastructure that would benefit the whole town. Chair Piltch suggested buying a few electric leaf blowers and lawn mowers to have available for borrowing. If we buy 5 it could benefit the whole town.

Councilor Lawrence’s suggestion last time was to make it a non-profit organization where you can get donations from everybody. It could grow to a State program. There are enough people here in Freeport to help fund that. He likes the idea but it doesn’t give us enough bang for our buck, we are talking 15-20 heat pumps. He outlined other items that also will need funding.

Councilor Bradley: The climate is an existential priority. We need to do something as soon as we can. We need to do it now and learn the lessons with this start up program which this group of wise people has put together. We’ll set an example that Freeport cares and a path forward for bigger powers to address climate change. We said at the last meeting, we would come back and do this. If it’s not spent the money is still there and they will all benefit and if they don’t, we learned a lesson.

Councilor Egan: supports keeping the amount at $75,000. The amount has already been paired back a number of times. FCAN is proposing a program and found a way to fund it and designed fail safes to keep it balanced and honest. He agrees with Councilor Bradley that we should be doing it now. We can’t ignore the 700 petitions. That’s a significant portion of voters that have said to do this.

Councilor Daniele: In regard to heat pump purchase and rebate, he asked whether a person would want to receive $200 now or wait and get $2,000 from IRA later? Do we want to say “wait for 7 months and you’ll get more money back”. He’d hate to incentivize this. This is a decision the homeowner should make for themselves. If people potentially need 2 heat pumps, this gives them the chance to get one now to heat their household and possibly another with the IRA monies. The hot water heat pump is typically one per household and the air source heat pump could be more than one per household. You can do both programs. Councilor Fournier supports if we remove the bikes, electric blowers and lawn mowers.

Councilor Pillsbury: What if we did half the money for the first tranche, let the program get up and running and learn some lessons. Then the second can come on satisfactory review of the process making sure it works the way it’s intended and we’re seeing a benefit. Councilor Daniele suggested doing $40,000 now and scraping some of the electric bike portions. We can scrap the second half except for the energy assessments and weatherization and concentrate on the top half.

We may have more discussion about leaf blowers or E-bikes that could be available to test out. Councilor Egan offered making his electric devices for trying out.

**MOTION:** to approve $40,000 from the ARPA funding source to be approved for the program proposal submitted by FCAN. Upon review of the initial investment, we authorize an additional $35,000 to be implemented with the condition on the recommended rebates we remove the electric bikes, the E-cargo bikes, the electric leaf blower and electric lawn mowers, leaving all the rest. (Pillsbury & Fournier)VOTE: (7-Ayes)(0-Nays)

That would require us to hold all $75,000 and not spend on something else. Councilor Daniele would prefer to not have that part in there, that it’s a guaranteed portion. We keep that in the back of our minds that this might go forward and do more, but we’ll get the project going with this and then review and go forward. He would prefer to not have the money be held because there are other trails and things coming up. It’s a pointless motion because a future council with majority vote could overrule a current council majority vote and even if you put the $35,000 in there, it doesn’t matter if you have it or not.

Councilor Bradley: If we don’t run through the $40,000 quickly, that’s a lesson and we don’t need the $35,000 you put it back in the pool. He’ll vote for this because it’s a great compromise. Keeping the $75,000 intact to see whether it’s used is important.

**BE IT ORDERED**: That $75,000 from the ARPA funding source be approved pursuant to the program proposal submitted by FCAN.

(Town Manager, Peter Joseph)(15 minutes)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ITEM # 04-23 To consider action relative to amendments to the collective bargaining agreement between the town of Freeport and the Freeport Police Benevolent Association (FPBA).

Town Manager: Would like to suggest amending the order to be read and adding the that the town manager be authorized to sign a memorandum of agreement implementing those changes. The council will vote whether or not to support this but then he’ll sign an MOA memorializing what changes both parties have agreed to.

The FPBA and the management team met and they brought forward concerns a few months ago with an escalating arms race in police departments across the region. We talked with in executive session with the town council a lot. We’ve seen over the past year, communities significantly raise their pay rates. This happened both during and after our most recent police contract was approved. We’ve seen non comparable communities, like Lewiston and Auburn, significantly raise police rates by several dollars, between eight and ten dollars on some pay grades. It all comes back to the problem of recruitment and retention of qualified officers. 10 to 15 years ago we would have dozens of applications for one or two open positions. Now we are lucky to get 5 applicants and after background, psyche profile, one might be qualified that we would hire comfortably. The market is difficult. There are good changes happening in policing and there’s not the same amount of people who want to do the job. We’ve been lucky that we’ve been squeaking by on some of our hirings meaning one or two qualified applicants. We’ve had a few rounds with no qualified applicants over the last 2-3 years. It’s not crisis level but taken in combination with a few different factors include raising rates around here. Some of our immediate comparable communities right to the south of us, are offering significantly higher pay and they are quieter communities meaning they don’t have the commercial base, constant hotel problems and late-night evictions and mental health and drug calls, commercial shoplifting calls that are annoying. They are residential communities that are quiet and they’re offering more money and a few have new stations and better working conditions. You may have heard from the Police committee members that they’re looking at all those things. That is not the subject of tonight. The working conditions and the facilities is something we’ll be talking about in our capital process over the next couple of years about what our long term plan is. He was happy with the way the union approached it saying these are the things we’ve got going for us. They were realistic, knowing they weren’t getting a fleet of new cruisers or new police station although it would be great to work towards that. The one thing we can do to compete is with wages. The proposal they came to was a top third proposal of what’s around here. It does have some raises going out in future years in smaller amounts. A third of the comparable communities’ contracts would be up each year. The ones above us have just gotten renewed. We’re in the chunk in the middle with 8 other communities, a third of which are going to be renewed and likely they’re looking at the same trends. This puts us in the upper third now and in the middle of the pack by the end of this contract term. The unit was gracious and agreed to extend the contract out a year as long as there is COLA adjustments in year two and three which will be in some extent pegged to the Consumer Price Index. That’s a change they thought would be needed. Instead, we were using surveys of comparable communities, but the problem is people are now making scale adjustments like what’s before you today, but not doing COLAs. It’s hard to survey COLAs when they are not calling it that. Those are the problems. The proposal they settled on was a 5% adjustment (6% on the low end and 5% on the high end, addressing the new recruit concern). The senior members are not necessarily going anywhere but we are not competitive on the low scale. Then a 2% adjustment next year at this time and cost of living increases in between. We would have two full years this contract, it’s been a year and a half at this point. It would extend that out another year instead of starting this process again next year. They are happy that we are hearing their concerns. It is not unheard of to do mid-cycle adjustments, it’s something we need to do. If we loose one or two officers that’s 20% of our work force.

Councilor Egan: Does the cost estimate of approximately $17,000 in the current fiscal year include just the wage adjustments or also include sign-on bonuses? Sign-on bonuses are not part of the conversation now. $17,000 is the investment we’d be asked to make in order to bring our pay scale comparable. That’s one half of the fiscal year of that 6% to 5% increase. The 2% increase would be less than half of double that. That similar amount for next year.

We have talked a lot about this in executive session, so the Chair thanked the manager for summarizing. The chair works with the Police Advisory and this is a national problem, there’s just a shortage of people entering the field. He wants to get this going so we can fix the one piece that’s easily fixable. He will also be starting the conversation about what a new police station might look like. He’s convinced that we need to start the talk. We did allocate extra funds for two new cruisers to replace the aging equipment we have. There are a shortage of cruisers out there. In regard to the CPI Cola increases being a pattern for the future, we have it pegged to the floor at 3% and a ceiling of 6%. If it exceeds 6% we would cap it at 6%. On the floor though it’s been over 15 years since we’ve had a CPI over 6%. It’s usually closer to 2% so should we drop the floor to 2% to be more accurate? We could take this back to the union. They have agreed to the proposal before you. If that’s a breaking point for the council, the manager will take it back to the union. It’s a small amount this year, but it would compound from year to year with what we are seeing for low inflation, and we are still giving 3% COLAs for many years.

The numbers we are already seeing using the current method are over 3 %. We are predicting that we will see between 3 and 5 % based on four contracts that will be negotiated. The manager thinks we’re going to see is people are going to go based on last year with an 8% increase. A lot of these contracts are going to negotiate a heavy COLA adjustments, but that is his guess. We are doing this to get up to other towns and then the COLA is right in the future. The way it’s worded we’ll end up with higher than 3%, definitely this year. We can’t guess what inflation is going to do.

Councilor Fournier: Agrees with the Chairman. Many pay plans in many years passed were tied to the CPI. We shouldn’t try to guess where it’s going to go, taking that focus away from us. It’s a good precedent to set on all other decisions, just go with the CPI with no cap and no floor. There were years that got more and some years were zero. He thought that was fair because it kept up with the cost of living.

What councilor Fournier is proposing is what the manager will propose for non-union employees moving forward for everyone. This is also committing us to multiple years out. We wouldn’t have to give 73%, it’s hyperinflation, we can only give 20% because our dollars are worth half of what they were. The council has the ultimate say over that. This is an agreement, and we need a cap, otherwise if we say it’s going to be CPI and CPI is 60%, we are bankrupt and out of our homes. If we going to put a cap on it to protect the town in years two and three. The negotiated part of the other side of that is the units that we want, that’s the reason it’s in there. We asked for a cap and they said “great”, is there a floor? Councilor Fournier agrees with the cap, he was talking about the floor. The manager thinks both years will be over 3% or else we would have talked harder on 0-5 or 0-10%.

Councilor Daniele: Think that we are setting precedent. We are kind of like going into the next negotiation already though so he thinks it would be nice to see the floor be more accurate towards what inflation actually is. He’s in favor of the 2% suggested.

The savings are negligible in year one. We’ve had precedent amongst the council of not reviewing contracts very closely when up for renewal and just saying “same as last time”. If we keep doing that and 10 years out we are still giving out 3% and inflation is back down to zero, one or two. The Chair would support increasing the cap and taking away the floor as another option, saying it’s 8 or 10 % because a bad year is a bad year and they deserve a COLA raise like everyone else. We shouldn’t offer a COLA raise if it’s not really tied to cost of living. It may be palatable if we increase the cap and asked to take that away. He hasn’t had that discussion with them. Right now it says a floor of three percent and cap of six percent and all the other changes. If we do it we go forward and don’t worry about it till 2025. If the council wants the manager to bring this back to them, it won’t get approved tonight. He doesn’t want to predict what will happen. If they reject it after agreeing to these terms, they would have to go back to ask if the terms are agreeable to the members and then it would be a unit vote. The manager’s prediction is if we raise the top end they would be agreeable to lowering it, but that’s a decision for 12 people. As long as we go back to January 1st, which is when we started these conversations, he doesn’t think what we decide will be terribly offensive. He doesn’t want to take 3 months to do this, he’d have it back to the council in two weeks. The town manager went on to give words of accolades to our Police department.

**MOVED AND SECONDED:** That amendments to the collective bargaining agreement between the Town of Freeport and the Freeport Police Benevolent Association be approved and that the Town Manager be authorized to sign a memorandum of understanding to implement the changes (Piltch & Lawrence) **VOTE:** (7-Ayes)(0-Nay)

**BE IT ORDERED**: That amendments to the collective bargaining agreement between the Town of Freeport and the Freeport Police Benevolent Association be approved.

(Town Manager, Peter Joseph)(10 minutes)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ITEM # 05-23 To consider action relative to endorsing a Community Development Block Grant (CDBG) application from Vet to Vet Maine to Cumberland County CDBG Program.

We did this last year and they had good results. The want to keep doing the program at no cost to us. We are just saying to Cumberland County government, that we think it’s an appropriate use of the CDBG funds, please consider them. They would serve Freeport with vet mentoring and one-on-one counseling from fellow vets for people who need it who were back here after their service.

**BE IT ORDERED**: That the Freeport Town Council endorses Vet to Vet Maine’s CDBG application. **MOVED AND SECONDED**: (Lawrence & Fournier) **VOTE:** (7-Ayes)(0-Nay)

*Note: there is no municipal grant match associated with this application.*

(Town Manager, Peter Joseph)(5 minutes)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**OTHER BUSINESS:**

1. Discussion regarding easement request from 22 Main Street Housing Development (Town Manager, Peter Joseph)(30 minutes)

Town Manager: We’ve had a few of these conversations with different people. There is currently a development proposal next door to this property. Prior to this development proposal existing, we had some informal discussions, but never really went anywhere. The current owner has a formalized agreement with the underlying property owner who is looking to sell the property to the current development proposal. There is a memorandum of understanding (MOU) out there for a previously approved development plan that allows traffic to exit where the little dirt driveway becomes the paved driveway right next to where we all park. The current owner, the Moser family, they have the ability to exit now. If they developed the site according to the previously approved site plan (which he believes is expired now), we would honor the terms of the previous MOA and the previous site plan if it was approved. The developer of the new proposal came in and would like that formalized. That would be a long term commitment on behalf of the town. He doesn’t want to weigh in on the project because there is another town board whose job it is to either approve or deny the project based on our standards. It is currently before the Project Review Board for approval. If it’s approved and built the Planner and the Manager both thought it’s the same thing we ask other property owners to do in using shared driveways and shared entrances to reduce curb cuts on the street. They are happy the proposal came with one curb cut on West Street and would eliminate the curb cut off Main Street that currently exits . It would route traffic onto the property and then out through the driveway at the Town Hall where the current property has the right to use it. Some things talked about were relocating that so if the town hall property is redeveloped, we are just providing a long term vehicular and pedestrian egress. We also had conversations about potential cross easements, that would be traffic coming in over that property if we ever had the need to do that.

We want to have these conversations because there’s a lot of public input on this project. The council wouldn’t need to act until the next meeting as the developer is up for final or intermediate approval is up for next month for the Project Review Board. They would need to have right title or interest documented before the end of this month sometime if they are going to show our exit on their plans that they submit.

We are not voting on this tonight, it is before the council to see if they support this. If there is support from the council, we’ll continue to let the lawyers hash out details of the agreement and bring it back at the next meeting. We also want to let the potential future owner know if it’s off the table. From a staff perspective, we can only go so far with thinking it’s a good idea. There are 7 other people who have to think it’s a good idea before the planner and manager can agree to any easement language and it can go in front of PRB. The council is not being asked to weigh in on the design aspects of the proposal or other aspects of the project. What’s before them is just the easement and other boards have in their merit to look at design and site things. Anything they do would be contingent on local approvals being granted. Saying “no” would affect the configuration of the property and may affect what the proposal ends up getting built as and whether it ends up being built. It doesn’t mean it can’t be built, there’s a chance it may not get built if you say no. There are curb cuts on the property that could be used beside this one. The town previously agreed that this was a better traffic flow, one way in and one way out.

Developer Paul Peckham: Spoke about various boards he serves on. The project is a 30 unit apartment building with 32 parking spaces (2 are ADA spaces). They are looking to submit for final approval in January for a February hearing. He needs to know the likelihood of the request as their traffic study would have to change. They would have to do the in and out circulation on the West Street entrance and exit at that point if that’s what it’s going to be. He thinks they’ll still be able to do the project. The were asked about this traffic circulation by the town, it wasn’t their idea. They weren’t aware of the memorandum of understanding with the current owner. They were approached to see whether they would consider that because it helped with traffic circulation on West Street. They thought it was fine. There are details to getting that done and they appreciate that. He thinks it would work better the less traffic on West Street but their traffic study could show they can do traffic in and out on West Street if they had to but it’s not preferable.

Councilor Bradley (with supplied diagram of site plan): The agreement talks about an entrance from West Street and an exit through the area down to Depot Street. He couldn’t figure out where the agreement affects West Street. The agreement doesn’t really affect West Street other than they would only have an entrance there and not an exit. The curb cut would be towards the property line where there is a large CMP pole. The pole, which is at the end of the property and the adjoining property is where the entrance would be to the project, above where we park now. The exit would be roughly where the pavement comes out of the Moser property, where the existing pigtail is now. We would lose one parking spot for Police or Fire where they park when they come to town hall. It comes out at the mouth of the parking lot and goes into the driveway that essentially goes down to Depot. Keep in mind that the exit out of West Street of the Town Hall across the parking lot that is there is not a long term guarantee. It’s privately owned. That little right hand turn that is on our property, but right where that parking lot starts is privately owned property that was owned by Shelskey properties but was just owned. It may or may not stay a parking lot. What about winter maintenance, hot topping or additional sidewalks? We are talking about that. The town does plowing on the town schedule, but we would grant rights for maintenance people the right to plow the egress outside that schedule. The maintenance (paving) would be as we normally do it but we would issue rights incase we ever stop doing it or we move town hall location and stop maintaining the drives. That language has to be agreed to and attorneys are working on that now. We don’t want to spend time working on little details unless we know there is support for it. If we change this facility in the future, our obligation would be to provide an egress whether it’s Grove, Main or Depot that’s all they care about for the future.

Councilor Egan: Do we have any context about the decision that was made in 2008 with the current owner to grant that? Was that the town’s suggestion or owner’s request. In the previous development proposals the town has asked for shared driveways to do single entrances and exits. The manager thinks the previous proposal was from the town but was in off of Main Street, not West. Whatever the reasoning, there was discernment in 2008 that led to the reason why that easement was granted to funnel traffic down to Depot Street. The conditions that exist on this corner are only more aggravated today in terms of car entrance and exits onto Main and West Street. Whatever the conditions were that provided for this in 2008 are probably only more glaring and larger type in front of us today. He thinks it makes excellent sense and is agreeable to the developer. We are solving a couple of different things here and we’re preventing exiting traffic flow onto Main and West Streets. These are logical conclusions.

Councilor Daniele: Do we have a preference having it enter on West instead of Main Street? The manager stated from a planning perspective, it makes sense to keep traffic off Main Street. From a circulation perspective, it makes sense to do it. A left turn on Main Street can be problematic and West Street has lower traffic and has a light so it’s synchronized. A traffic study hasn’t been completed yet, but would be worked out at the Project Review Board level.

Robert Stevens: Thinks it’s been well thought out and agrees with the proposal. The 2008 proposal was a relatively small structure and the plans on it exist in the town records. There were only 6 proposed parking spots with that older proposal. In 2008, it was a license not an easement. It was not a grant in interest in property and could be revoked at any time by the town. That project was seen as a nice entrance into the town. This is a different proposal. Normally, when an interest in something is obtained, something is paid for it. It’s of value to the developer and project. This here is a permanent easement with provisions for future changes. It’s a good project and maybe a way to raise more money for heat pumps. In the staff report from 2008, it had no context of why the town considered it. It just shows the process of how it would be approved.

Gordon Hamlin: Is very much approved to the development at 22 Main Street. The reason for that relates to Freeport’s design review ordinance. The first section of that ordinance states scale is very important. He feels the scale of this project is not compatible with the neighboring properties. Section 8 of the ordinance speaks about compatibility with neighboring properties and one of the things that has made freeport unique is the way it looks. He was actively involved 40 years ago with the McDonalds proposal. Many of them were successful in getting McDonald’s to use an existing building instead of taking it down. When he goes by, he sees people taking pictures of the building. In regards to this proposal, it’s much more intensive use. There’s 32 parking spaces there and a lot more activity. He is concerned that if granted to the developer there could be safety issues in terms of using that vehicular easement to Depot Street. To clarify it is not Design Review, it is the PRB that reviews the project. There is opposition to the project. This project does create a different look and feel for the town that a lot of people don’t like. As a councilor, we have design review standards for that and we apply them, but council doesn’t have anything to do with that. If there is opposition, they need to address it like they did with McDonalds. He hasn’t seen that level of opposition. This changes it for Councilor Bradley. This isn’t about us accepting that our standards allow this project to go forward no matter what our constituents say because our standards are our standards, they apply to everyone. This is asking us to make the project better, more attractive. If he votes for it, he’s granting a long-term easement which is a value to the project. The constituency will say we helped the project occur rather than just watch the standards apply and to him that makes a difference. It puts the council in a different position rather than be standard bearers of the Project Review Board. He asked the developer more questions that he needs more details about. He’ll spend the next week looking into it before he gives a head nod.

Mr. Peck: To clarify, this was proposed to them initially. He was told it was proposed because it was a benefit to the town to run the circulation this way because it would reduce the West Street possible congestion. It seemed like a good idea and he doesn’t know what the council will say but they assumed it would be approved because they planned on it being one-way circulation. It doesn’t mean he can’t go back and make it two-way which he doesn’t want to do and will cost him money. He could and would because they are not going to scrap the project over that. He could do two way circulation. The only value is that he wouldn’t have to change the particulars of the contract he has with their traffic engineer. It wouldn’t benefit him or the residents in any other way. There is no financial benefit, it’s going to cost them more money. It will delay January submission to PRB to March approval. The manager vouched for conversations with planning department staff. We said this is the previous design, is that something that you’d consider. This is the circulation the town wanted back in 2008. We are giving something permanently and there is a property interest there, but we thought the flow was better now and in 2008. The developer was approached with this very quickly when they started talking with planning. There is a detriment to them in that they have more maintenance obligation for a longer drive. Councilor Fournier gave some history of the previous Moser proposal and the traffic on Main Street. With this proposal, the Main Street curb cut would go away for the life of the project. We would permanently have a sidewalk with nobody turning across it for better pedestrian circulation and nobody heading southbound to take a left-hand turn into the parking lot which the previous proposal did allow, it just didn’t allow exit traffic onto Main Street. This was a collaborative discussion from our technical staff and his people to come up with this proposal.

Susan Nourse via Zoom: Not in support of this proposal. If you look at the site plan for the proposed project, the Main Street curb cut has no impact at all because if there was turning on Main Street you would turn into the building the way the buildings are proposed to be positioned on that lot. There is no need to formally close the curb cut because it’s going to be done if this proposal is approved by it having at building at that curb cut. In regard to West Street, two way traffic is not desirable. She has previously stated opposition to traffic on and off West Street and the backups this would cause. She agrees that if the council approves this, that it does give the proposal legs. It shows the people of Freeport that the council agrees that this is a good project and takes away the PRBs ability to review it within the Design Review Ordinance. She would caution the council how they deal with this because it will send a message.

Parking at the apartment would be private parking. The manager gave some history of the 2013 Moser proposal that didn’t get built. Shared parking would not be a good option for when town hall is open and tenants are in need of spots, thus their lot would be private and not shared. They could have lower parking requirements with shared parking but there’s also significant negatives to a residential development having shared parking.

Tonight we are just talking about allow an easement over a driveway that’s already there. It’s not approval of the project. What we are saying is we have a driveway here and we’re going to let them use it and not close it up on them.

Without weighing in on the project or design, it’s an easement that is already there. There’s a memorandum of an easement that is in practical use there now. There is a driveway that 5-10 people use to exit from the vacant lot or park at now. If we don’t approve the easement, the project becomes more cumbersome in terms of traffic. It was proposed by our planning and it’s a good idea. It’s better for the town and he’s pleased the developer is interested in pursuing this. The easement itself makes sense. We can talk about the finer details. One thing we should think about is if we do significant upgrades to town hall, could we use that as an engine into our property or an exit during construction. The consensus was that it makes sense to spend some lawyer time on this agreement. We’ll have the attorneys do some formal language and bring it back.

Councilor Bradley: So you are going to go spend money now based on all the nods you got up here, with all the questions that are unanswered because you think it’s a good traffic solution? He may come to the same conclusion in a week, but he owes it to the community to answer the questions on the table before we make a commitment to spend more money on our very well paid lawyers in Portland to get something done. Once that it’s done, it’s a done deal. You’ve made a decision to spend taxpayer money on something we haven’t decided to do yet, we were going to have a discussion to see what people thought. The manager thinks maybe 5-10 lawyer hours, but if we don’t do this we wouldn’t have anything to discuss next time, there would be no draft to question. Without the draft easement all the questions brought up would be contained in that draft. How snow, maintenance, etc. will be done.

Motion to adjourn 8:57 pm (Lawrence & Fournier)(7-Ayes)

**END OF AGENDA (Estimated time of adjournment 8:35 PM**