**MINUTES**

**FREEPORT TOWN COUNCIL MEETING #04-23**

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

**TUESDAY, FEBRUARY 28, 2023**

**6:00 pm**

Chair Piltch called the meeting to order at 6:05 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-via Zoom

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 #03-23 held on

February 7, 2023 and to accept the minutes as printed.

**MOVED AND SECONDED:** (Fournier & Lawrence) To waive the reading of the minutes of Meeting #03-23 held on February 7, 2023 and to accept the minutes as printed. **VOTE:** (6-Ayes)(0-Nays) (1-Excused Danielle)

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

* Glenn Tatro, Freeports Alternative Response Caseworker, began work this week! He already has a stack of cases that he’s been assisting us with and has proven himself a great asset, not even 48 hours into his career with Freeport.
* Freeport Community Library is excited to participate in the Freeport Chocolate Festival with a special Spice Club. Swing by the library on Saturday, March 4 to take home and experience the fudgy, Oreo-like wonder of black cocoa powder. Grab-n-go kits will include black cocoa powder in a reusable glass jar and a little info kit with recipe suggestions for adults and kids alike. There will be 75 kits available in the lobby while supplies last. This grab-n-go is free and open to the public.
* There is a show at FHS this weekend. It’s one acts and is 40 minutes long and he encourages all to attend.
* High School Sports Team recognitions: Congratulate the girl’s hockey team as coming in runner up in the State Championship.
* On another night, he saw the State Champions, Freeport boys and girls cross country team coming into town.

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

Councilor Bradley: As part of the Downtown Revisioning, he is involved loosely with the Sewer Task Force and the Transportation Committee. Both are working towards their goals set out on the 17th. The Sewer Committee is developing a statement about who might qualify for the funding of connection fees according to them, to present to the Council. Then the issue of the grant is in the process between Brett Richardson and Brent Bridges at Woodard & Curran for the grants that were identified. Everyone has been busy.

Councilor Egan: The Social and Racial Equity Committee met earlier this month and is working on a schedule of some upcoming speakers to focus on the issue and context of equity in our community. There are a number of groups that are doing similar work, so their goal is to dovetail with those groups so they are not overlapping. Events will occur late spring and summer.

The Housing Committee has met a couple times and has a workshop tomorrow morning on Zoom and we’ll be coming forward in March with some initial suggestions of some first steps that the council can look at for modest changes as we’re going through our zoning rewrites and focusing on the Downtown Vision process that will identify and articulate some easy steps the council can consider.

Councilor Bradley: The Transportation Committee is developing a list of invitees to a meeting on the 24th at the Community Center to talk about people’s interest in transportation in town and talk about how to go about retaining the consultant that the council agreed to fund. Anybody interested contact himself, Mary Davis, Kathy Smith or Tawni Whitney and they will steer you.

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

The Town Manager announced his resignation effective 5 ½ weeks from now. He accepted a position in York, Maine. This is a half personal and half professional decision. He’s encouraged by the position Freeport is in right now. The Chair thanked him for all he’s done for the town.

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

 (Non-Agenda Items Only)

Robert Stevens, member of FCAN, update on the Rebate Program: After the Council approved the use of some ARPA funds for the rebate program, they promised they would publicize it. With the help of the Town Manager and Finance Director, an application has been pulled together and was posted on the website under Freeportmaine.com/electrify on Friday. They featured it at the Shrink Your Home Energy Use Home Energy Solutions Fair on Saturday morning at the Community Center. They are working on information to help people understand the program. They have flier around town and commissioned cards to help get the information out.

Councilor Bradley: is there any movement on the proposal that was made for a lending appliance program that would allow people to use them without buying them. The committee has been working with Public Works about a way of locating equipment there and talking to the library about a way to facilitate it.

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

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ITEM # 28-23 To consider action relative to adopting the February 28, 2023 Consent Agenda.

Councilor Bradley inquired if we send thank you notices to those that donate. Every person who donates receives a letter stating how those funds are used and that the donation is a tax deduction.

 **BE IT ORDERED**: That the February 28, 2023 Consent Agenda be adopted. **MOVED AND SECONDED: (FOURNIER & LAWRENCE) VOTE:** (6-Ayes)(0-Nays) (1-Excused Danielle)

 (Council Chair Piltch) (5 minutes)

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ITEM # 29-23 To consider action relative to proposed ordinance amendments to Section 602. Site Plan Review of Chapter 21 Freeport Zoning Ordinance. **PUBLIC HEARING**

Town Planner, Caroline Pelletier: Gave a disclaimer for one thing that wasn’t included in this packet tonight. At the Planning Board meeting were they talked about Site Plan Review, they also talked about cannabis regulations. There was a recommendation as part of the original site plan package that pertained to cannabis regulations. Because the council has not taken up cannabis regulations because they have to work on licensing at the Ordinance Committee level, the package before you tonight does not include any site plan amendments specifically pertaining to cannabis. She’ll bring those back later.

Background:

In Freeport we have a couple types of reviews for development that people come to a board for. We’ve talked about changes to each of these documents individually. They have their own standards. We have Design Review which deals with architectural and design components of our project. We have Subdivision Review which is the creation of lots or units and then we have Site Plan Review. Site Plan review is required for any use that’s permitted in any zoning district in Freeport. It’s typically on the list of permitted uses as subject to Site Plan Review regardless of size. If you are developing land subject to Site Plan Review, you’d come in, if you are changing the commercial use, that’s subject to Site Plan Review.

What is Site Plan Review? When someone comes in for Site Plan Review the standards that the Board looks at are: Preservation of landscape, Vehicular Access, Parking and Circulation, Surface Water Drainage, Utilities, Advertising features, Special Features, Exterior Lighting, Emergency Vehicle Access, Landscaping, Environmental Considerations.

In Freeport we have three levels of review. We have Town Planner approval. That’s for smaller projects that can be reviewed by the Town Planner. They can review and sign off, it’s a simple process. We also have a Staff Review Board made up of five staff members. They review smaller projects under the 602 standard that she just covered. Same standards as the Project Review, but the projects are smaller in nature. Bigger projects go to the Project Review Board. That’s a volunteer board appointed by Town Council. They use the section 602 standards that we are talking about and they review larger projects.

The Staff Review Board and Project Review Board have a public process. Just like the council we have general practice for agenda circulation. They post on our website and have a planning fan book for agendas and minutes. If you want to be on the list reach out to Caroline at cpelletier@freeportmaine.,com. Staff Review and Project Review have an abutter notification requirement. They are required to notify abutters within 200 feet of a parcel. They do have the option to hold a public hearing if there are larger project. The main difference for public hearing is they put an ad in the local paper and both boards typically accept public comment. Town Planner review is typically reported out monthly. There is no public process. The Planner signs off and at the next Project Review Meeting, she shows what she signed off on and does a public announcement.

Changes before you: The Town Planner approval is currently allowed for minimal lighting; Landscaping; recalculations of parking requirements, seasonal accessory outdoor seating in certain Zoning Districts.

Some proposed changes:

* Changes to previously approved signage and/or any new signage that has received Site Plan Review provided that in either case, the signs meet the standards of the Freeport Sign Ordinance. Current allowance is only for modifications to previously approved ground and/or building mounted signage.
* Modifications including expansions of structures and impervious surfaces up to one-thousand (1,000) square feet within a three-year period (Note: current allowance is 500 sf with no time limit.)
* A change of use of an existing building in the Village Commercial I (VC-1) District from a restaurant/restaurant carry-out to retail trade or retail trade to a restaurant/restaurant carry-out providing the building is located on a lot which does not abut a lot in a residential use (Note: Current allowance only includes restaurant, not restaurant carry out which is a different use.
* A change of use from retail trade to business and professional office or business and professional office to retail trade when no site changes are proposed, the space occupied by the use does not exceed one-thousand five hundred square feet of gross floor area, the applicant can demonstrate that the parking requirement of the zoning district has been met and that any public utilities serving the property have the capacity to serve the new use.
* Clarify that Town Planner Approval is only allowed in cases where there is a previously approved site plan.

Councilor Egan: Do you know how many agenda items that had to go to a board because she didn’t have the authority to make a modest amendment? It varies year to year. The PRB has had a slow year and only reviewed 33 projects. A lot of projects that come to Freeport have more than one review. If they need subdivision or design review they have to go to the Board. To answer his question, probably a handful. As we change some other ordinance, in particular Design Review, they will see that number go up. During the pandemic, we saw more small businesses come in and go into some vacant retail spaces and that’s how this came up because they are changing nothing, she could already approve their signage. She was looking at things such as, do you have your trash, do you have your parking, did they get a sign off from sewer and go on your way. Then they would go to the board and it was a formality or a burden.

Councilor Fournier: Impervious Surfaces, the square footage is not a large area. If we are going to fix something he would rather go up and have a larger area. That’s something we should look at because it’s not better than what we’re doing.

Town Planner: They looked at 1,000 square feet because typically when we review stuff that’s when we start to get concerned, like stormwater or drainage or other changes that come into play and we do have urban impaired watersheds. We do have changes that DEP is requiring us to make to stormwater standards. We have this process to help people, it’s not to take advantage of standards. We have standards for a reason. Someone that comes in with a commercial project, it impacts somebody in some way. We used to limit the Town Planner to 500 square feet. They set the number at 1,000 square feet within a three- year period. That could be more limiting. When we look at the 1,500 square feet, that’s not a large facility so he thinks we are limiting. The 1,500 was based upon a couple people in this situation that were mostly small businesses. The Board could increase the amount. Councilor Fournier and Lawrence agree.

Utility signoff: Anytime someone gets a change of use, we have them get a capacity letter from the Sewer District. We need to know if they are going to connect into that utility that they have the capacity to serve the use. She explained how a hair salon would put more stress on the utility than a small retail business with one restroom. It’s an easy process. They go to Sewer District and show a general floor plan and they get a letter that says they do or don’t have the capacity and any conditions that go along with it. Maine Water does the same thing but for small projects they don’t issue a capacity letter. We do not require a connection fee sign off. The sewer letters come in with an expiration, they are good for a year that says subject to the applicant paying a capacity fee of X number of dollars. We don’t get involved in details of the capacity fee. In regard to unpaid utilities, they would have to show they have the utilities. If they can’t show the Sewer sign off, then the Planner would say she couldn’t staff approve it and she would probably send them to a board that would make the approval on something and put a condition to it. The things that come to the Planner should be straight forward and simple. We would not hold up a permit if the connection fee had not been paid. We don’t get involved in connection fees.

The next level of review we have is the Staff Review Board. She’s proposing that we add the Police Chief as a board member. It’s currently made up of the Public Works Director/Engineer, the Code Officer, the Town Planner and the Fire Chief. The Police Chief can weigh in on things like circulation, traffic concerns, lighting or if there’s other safety concerns. Staff Review does changes of use from one use to another use, that would remain. We’re upping the threshold for when they can do a change of use. This would be uses other than the ones noted in the last category and would be a little bigger. Right now, we are currently limited to 1,500 square feet for building and parking lot modifications. We’re broadening this by proposing up to 2,000 square feet. They did talk about this with the Planning and Project Review Board. This is broader to include structures and or other impervious surfaces. There is clean up with the accessory solar energy generation systems. It applies to the construction of ground mounted. That provides consistence with solar regulations later in the ordinance. One item of note: the Staff Review Board has language in there today that says it can only be when something was previously approved or a previously approved site plan. This would change that. If you are doing a new site plan that fits within these smaller thresholds you can come to the Staff Review Board. We do have properties on Rt One South that have been used for other things, have never been through Site Plan that are changing hands. Now if they’re putting a use into an existing building, not changing the site, they can come to Staff Review instead of Project Review.

One of the things Staff Review does most of is fill permits. They do gravel pit renewals and there’s an old provision in there relating to telecommunication facilities or tower expansion. They have never seen anything, but are not recommending changes. Staff Review is a little bit more casual process, they work around the applicant. Once the applicant submits and it’s deemed complete, they schedule the meeting for about a week out.

Does this add another group to look at a solar project? No, the solar regulations further in the ordinance, so that if you are doing ground mounted solar, you could go to Staff Review. The word “ground mounted” was eliminated.

Anything not covered in those two categories will continue to go to Project Review Board. They do have general changes and clean up in 602 that didn’t read well. Municipal projects cannot go to Staff Review. They are proposing a change in the notification process. The change would be to keep Staff Review at 200 sq. feet for abutter notification. Anything going to Project Review for the larger projects would go up to 500 foot radius. In the rural areas, that might not make a huge difference. In the village, it could make a significant difference if you have a condo complex. There is an abutter fee paid by the applicant. We have an existing standard that review by an expert, the fee is paid by the applicant. She has gotten feedback that it’s unclear that this includes the Town Engineer and his/her time. It would apply to projects going to either Board.

Approval duration: currently you can get approval as many times as you want. That can lead to some project renewals which are simple to renew if the standards haven’t changed, just to continuously be renewed. We have gotten legal advice that we should put a time limit in there. So, if you get approval, you can come back once to get a second two-year extension. After that it would have to be treated as a new application. Four years from approval is a reasonable amount of time.

In the standards she previously covered, those 10 things they look at, they are adding a cross reference to another section regarding standards for commercial districts. There is language to clarify the appeals process. This is something that was flagged by the Planning Board as a policy decision that the council could look at in the future if we still want to keep Staff Review and Project Review appeals still going to Superior Court. Town Planner appeals would have to go to Board of Appeals before they go to court.

There is also general clean up: to reduce the number of paper copies required, some general information they want on every plan sheet and some clean up to preapplication meetings, performance guarantees and some current practice.

In regard to 22 Main project, will any of these changes add standards that this project would have had to meet that might have affected the outcome? This project has not been approved, that is a bigger project that requires three. One change that would affect the project is the abutter notification, we would have to notify more people. The standards for approval would be the same? Yes, for the Site Plan only. The bulk of the design standards are in the Design Review Ordinance.

Are any of the changes we are considering going to give the community more specific way to comment on projects coming through the process? Multiple recent downtown projects have really come to the Design Review standards in the esthetics, in the wiggle room for interpretation. They wouldn’t be impacted by what’s here tonight, they would be impacted when we have that Design Review Ordinance rewrite that we’ve talked about as a separate project.

Staff Time: Is there a trigger point. If a resident comes in and it requires any staff time, we charge them for that? Only the Town Engineer’s time, that was set up by council 20 years ago. Whenever there is professional engineering review, we outsourced it in the past. We do outsource sometimes now, if staff is away or there is a conflict. They don’t charge for preapplication staff time. This is just for that professional engineering requirement, that if we didn’t have an engineer here do, we would have to outsource. We can look at fee structure in its entirety. Developers want to know what these fees are up front. If we have a major project, we should outsource the engineering.

Next Steps:

This is step one. The Planning Board has looked at this. They are going to bring the stuff on cannabis, the Project Review Board did weigh in. Mary Davis is working on a process map, she’s putting this on a flow chart. At the council meeting we talked about the downtown vision, we talked about the project charters. One thing brought up was having someone come in from the outside just like we did in the late 90’s to look at our processes and compare them to likewise communities and look for where we can make improvements. She would flag those as next steps. This is step one.

She has three projects that could take advantage of Staff Review (if this is adopted). Legally, there are still processes for Staff Review. They still have to notify abutters, they take public comment, they have findings of fact, they still have to do motions. Typically, they are smaller so it’s easier. It still takes time and they have to have certain procedures in place.

**MOTION:** to open the Public Hearing (Lawrence & Fournier) **VOTE:** (6-Ayes)(0-Nays) (1-Excused Danielle)

**MOTION:** to close the Public Hearing (Lawrence & Fournier)**VOTE: (**6-Ayes)(0-Nays) (1-Excused Danielle)

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 **BE IT ORDERED**: That proposed ordinance amendments to Section 602. Site Plan Review of Chapter 21 Freeport Zoning Ordinance be approved. **MOVED AND SECONDED** (Lawrence & Fournier)**VOTE:** (6-Ayes)(0-Nays) (1-Excused Danielle)

(Town Planner, Caroline Pelletier) (20 minutes)

*Note: Changes include general language clarification and amending the thresholds for the Site Plan Review process and the designated reviewing authority.*

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ITEM #30-30 To consider action relative to Fire/Rescue Billing Writeoffs.

We now outsource our Rescue billing collections with Comstar. She receives regular reports of their debt collection efforts. In addition to those efforts, when they have patients that have yet to pay their bill, we also send a reminder collection notice. The five here have been on the list close to a year now. There are no addresses and there are no social security numbers attached with these. She has no way to send them to further collection so to not waste more time/money she would prefer to have them written off.

Councilor Bradley: What we are saving is the letter and stamp to send a letter to these people to an address that we don’t have? What’s the harm in keeping them in the queue? Most people do stay on the delinquent lists. Based on where the service started, it’s from a local hotel. It’s transient at that point. We’ve tried sending multiple letters on top of what Comstar does. It will stand as an uncollectible debt on our books which realistically we are not going to collect.

Councilor Fournier: Agrees with Ms. Maloy, we’ve tried for a year and that’s ample. Ms. Maloy outlined the various steps they have used to try to collect.

This is five out of 1,500 to 2,000 ambulance runs that have been done in a year’s time. There may be a couple hundred that are delinquent, but we know who they are and where they are. This is a write off for people we just cannot find. They may be travelers that aren’t US residents.

Do we pay an additional click to our third party billing for these people every billing period? It’s in the agreement that what they send out is what they charge. As of the end of January, the delinquent report was almost $25,000. That’s money owed us. These are charges for transport. The billing company goes to additional steps such as reaching out to the treatment facility to get more billing information on the debtor.

It doesn’t put the town in good financial position to leave uncollectible debt on the books. It is part of doing business.

 **BE IT ORDERED**: That the Town Treasurer be authorized to write-off the following rescue billing accounts:

*22\_22055 Justin Lambros $871.50*

No SSN or address

*22\_26635 Eddie Scott $687.75*

No SSN or address

*22\_26778 Gabriel Jones $675.15*

No SSN or address

*22\_28482 Patricia Carter $150.00*

No SSN or address

*23\_39699 Esther, NNeke $871.50*

No SSN or address

**MOVED AND SECONDED:** (Egan & Lawrence) **VOTE:** (5-Ayes)(1-Nay Bradley) (1-Excused Danielle)

*Note: The Town has pursued all viable options to obtain billing information for the above listed individuals. It is recommended that the Town write-off these accounts from collection.*

(Finance Director, Jessica Maloy)(10 minutes)

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Chair Piltch**:** **MOTION**: to take item # 09-23 out of order **MOVED AND SECONDED:**(Piltch & Egan)**VOTE:**(6-Ayes)(0-Nays)(1-Excused Daniele)

**OTHER BUSINESS:**

1. Budget process review and discussion (Town Manager, Peter Joseph)(30 minutes)

This is just the things that are asked of the council on a regular basis for financial policy decisions. To start off, we had the question at the workshop how much money are we talking about and what pots are they in. It’s broken out into 3 separate town funds that are looked at as our savings bank. We have TIF and Reserve funds (7.6 Million-savings account), the General Fund (checking account-6.35 Million) and the Tax Stabilization (1 million). The Tax Stabilization Fund was established by a prior council and we can talk about that more. He broke it down into the kinds of decisions the council is asked to make. Fund Balance decision making refers to the General Fund. The Fund Balance policy maximum is 4.44 million. The council adopted a policy in 2012 for what we are supposed to keep in fund balance. This is the minimum amount we need to pay our bills on time. We start the fiscal year with 6.35 million in the bank account, we don’t collect tax revenue until October/November. We still pay bills including 1.8 million a month to the school district for the first 4 months of the year without tax revenue coming in. This is our cash flow cushion. We have determined that 4.44 million is the right number based on existing policy which means that there is an excess on 1.9 million. The policy recommends that staff makes a recommendation to the council on the use of it, then the council decides the appropriate use.

There are Reserve and TIF Fund Decision making:

Reserve funds are savings accounts we have for specific purposes. There are generally three ways monies get into those. The manager displayed slides for the council as follows:

* Reserve fund revenue mechanisms:
	+ General Fund balance transfers (annually)
	+ Dedicated revenue sources (established by previous council action)
	+ Appropriations during the annual budget process (i.e. tax revenue)
* TIF fund revenue mechanisms:
	+ TIF funds are funds by incremental taxes which are sequestered according to an approved TIF plan, which can be amended from time to time. Council usually has the flexibility to adjust capture % and return more dollars to the General Fund.
* Reserve & TIF expenditure mechanisms:
	+ Reserve expenditures are planned during the Capital Program process (starts now)
	+ Appropriations are made during the budget process (May and June each year)

Simple overview of the budget process:

Your expenditures (last year’s numbers for reference) were 11.2 million was voted by the council to be expended. 3.8 million came from non-tax revenue (non-property tax revenue). The council votes on the expenditures, nothing can be expended without a council vote and nothing can be accepted by the town without a council vote. You vote on both the expenditures and the non-tax revenue. The property tax levy, the big chunk of where our revenues come from, to fund the budget expenditures you approve,

 that’s calculated based on subtracting one from the other and the tax assessor sets a tax rate. The tax assessor divides the total tax levy of all local taxing units by the town valuation to obtain the tax rate. How the assessor sets the tax rate was described. The council has the ability to effect the tax rate significantly, but the final tax rate is a mathematical calculation within a certain range.

Councilor Bradley: what are the big things the council does to effect the tax rate?

The biggest is the expenditures that you vote in the budget. The revenues you vote to accept (services, fees, revenue sharing etc.) and third, how much of the reserve funds you want to spend.

Councilor Fournier: Does the tax subsidy (for schools) that is supposed to be 55%, does that go to the schools?

It goes into the ED 279, the school. They sub out any non-tax revenue they receive, which is mostly State aid. That is net of the 20.5 million dollar figure. It takes more than 20 million to run the schools. That is the tax levy that they are sending to Freeport. We do not see the money come to us.

Councilor Piltch: We get money from the State that we don’t control, but we do control how much of our spending do we want to fund from our savings account. There is a budgeted revenue line for use of surplus that dictates a chunk of that.

Ms. Maloy will have a recommendation of what to do with the 1.9 million which is excess of our fund balance policy. The council can do any legal town purpose with that. The common thing is to go into Reserves.

Councilor Egan: Much of the reason we have these significant Reserves to pay for our entire Capital Reserve Program is because we feed it each year with excess Fund Balance due to efficient management of the Fund Balance.

1. Discussion regarding 5-year Capital Budget (, Peter Joseph and Finance Director, Jessica Maloy)(30 minutes)

They discussed the upcoming budget schedule.

Definition of Capital Item:

A Capital item is defined as an asset with depreciable life of more than one year. Items are commonly over $5,000 and up to $10,000. They are non-routine purchases or projects. If accounted for in the general fund, these would create fluctuations in the budget.

Goals of the Capital Planning Process:

* Makes a stable tax rate
* Ensure that equipment and projects are planned for in advance
* Reserve appropriate levels of funding for these projects in advance to avoid unnecessary borrowing /issuing debt
* Be proactive in replacement rather than waiting and experiencing escalating maintenance costs/downtime

2024 Plan in Summary: $3,266,000

The next slide is a pie chart that shows Comprehensive Town Improvements is 32% and Municipal Facilities is 20% and that’s over 50% of it. Comprehensive town improvements is generally infrastructure, the roads and downtown visioning stuff so it’s a big one.

Police Department:

* Two New Patrol SUV and equipment
* Taser replacements
* Replace Harbor Master boat

Total of $350,000

Fire Department:

* Positive Pressure Fans
* Brush Truck Refurbishment

Total Proposal $35,000

Rescue Department:

* Rescue replacement-Rescue 3
* A/V equipment for training-Public Safety

Total proposal $430,000

Public Works Department:

* Truck 4 Replacement
* Snow blower replacement-shared with TIF 50%

Total proposal $336,000

Solid Waste:

* Scales replacement
* Loader tires (foamed)
* Electrical Supply/Generator

Total proposal $55,000

Comprehensive Town Improvements:

* Mallet Drive/Durham Road reconstruction
* Mallet Drive Boulevard Study
* EV Chargers
* Wayfinder Signs
* Flying Point Road Rehabilitation
* Concord Gully Brook Watershed restoration

Total Proposal 1,050,000

That list is not all the things that were in the Charters. This is what is in year one of the Plan. It might be within the 5-year plan versus just year one. We would never have the capacity to do all the things in the first year. The were other things people were expecting to see in there.

Municipal Facilities:

* Computer Upgrades
* Red light upgrades
* Harbor Master building upgrade
* Furniture
* Security Cameras
* Gazebo/Bandstand at Memorial Park
* Public Works Expansion Project
* Town Wharf Repairs
* Revaluation Reserve-annual contribution

Total proposal $675,000

Community Cable Television:

* Equipment Channel 14
* Equipment Replacement

Total proposal $29,000

Destination Freeport TIF:

* Sidewalk improvements including Park Street from Bow to Hilton and miscellaneous brick repairs
* Town Hall Site Improvement: Phase II
* Snowblower Replacement-shared 50% with Public Works
* Economic Development-FEDC

Total Proposal $324,000

Warning: the Reserve balance is less than your total proposal and there is only $273,000 going into increment this year. So the amount will be significantly less than $185,000 which means we’ll have cash flow problems so all these projects won’t be able to be done as of July 1st. We won’t be able to spend all this money at the start of the fiscal year. We’ll have to time it for after the first fall tax payment.

You will see that this may be a little worse than what Peter is alluding to because this does not take into account projects that have been appropriated but incomplete as of yet. She has a full analysis of what’s available, what’s still outstanding and what this would require.

Reserve Balances:

These are different than the ones in the fund balance update, because she did the fund balance update for two meetings ago and since then we had a lot of downtown vision changes that got added in which significantly changed the high benchmark because most of those projects are in the five year plan. She added $600,000 to the Comprehensive town improvements. This is more accurate than the other one.

When we went through the Charters we gave nods. He can see where some of the things they gave nods to aren’t in there. Who kicked them out? On the 7th or 28th we need to go through our own wish lists and make sure our items are in there. In regards to the Sewer Department items-(grant matches and subsidizing connection fees) the grant writing is coming out of this year. The problem with grant matches is that’s not contemplated in here, because you would be saving money for that in future years without even knowing if its successful. We may want to put it in as a TBD. These are the grants that Brent from Woodard Curran is working on with Brett from FEDC. We need to discuss whether we put it in the Capital Program where we start saving for that 5 years out. That would raise comprehensive town improvements by $400,000. If we get any of them, he’s not sure what the likelihood of getting them is, so he’s not sure if we should be saving for things we may need to match.

**TABLED:**

*ITEM # 09-23 To consider action relative to review and comment of the Hedgehog Mountain Management Plan update as recommended by the Conservation Commission. PUBLIC HEARING.*

***MOTION:*** *To open the Public Hearing*

***MOTION:*** *To close the Public Hearing*

This was a tabled action. We did the Public Hearing on January 17, 2023. We did not take a vote on the Management Plan. We will give people a 3-minute public comment period.

RECAP: we have a Conservation Commission made up of 7 volunteers which the Council has delegated as stewards of our Town owned lands. In the ordinance, it calls out that they manage Hedgehog Mt and create a Management Plan for it. They meet monthly. The bulk of what they do is trail work, building kiosk, building and replacing signage, and they are out there with chainsaws building bridges. It’s a diverse group of knowledgeable people. One of the duties they are called to do is maintain a management plan for Hedgehog Mountain. The one that is currently in place was adopted in 2004. They should revisit it every 5 years, so they recently did that. A year ago, they wanted to undertake the rewrite of the Plan and they asked for some time so they could study the property in a few different seasons. They set a December deadline, which they met. The ordinance requires that they adopt that Plan with a 2/3 majority decision. The Conservation Commission voted unanimously to adopt the Plan so here it is before the council. We asked them in January to have more discussion before the council would vote on it. They did that with Councilor Daniele facilitating. They met again last Tuesday and unanimously sent back the same Plan with no changes. The only thing the Council is being asked to vote on tonight is the Management Plan. We are not asked to vote on Mountain Bike Proposals here tonight. The Management Plan, however, has consequences for what can happen on the property and what we want to do to it.

Background: Former Councilor Tawni Whitney and others had come up with the idea to have Mountain Bike trails on Hedgehog Mt. The group approached the New England Mountain Bike Association (NEMBA). The group raised a significant amount of money and some commitments to do more. To say, if we were allowed to construct mountain bike trails on Hedgehog Mt., here are some of the things that we would be interested in doing. One of the steps was to talk with the Conservation Commission saying can we do this. At one point that group was asked to come up with a wish list of what would this look like if you could do all the things you want. They sketched out 6 miles of trails including some that went to the summit. At various times over the last couple years, that group has committed to raise about $500,000. They have been open to discussing a smaller project with just a few trails; a fund for ongoing maintenance of the trails; helping to rebuild and repair trails that are not mountain bike trails; and constructing a trail with accessibility in mind. The discussion hasn’t only been about mountain bike trails at the summit. The group decided to wait for the Management Plan to be complete before they started next steps.

About 8 months ago, we held a joint workshop/meeting with the Conservation Commission on June 14th last year. We told everyone we could about it and had the newspaper write an article about it. Currently, mountain bikes are allowed at Hedgehog Mountain, but they are excluded from the summit area. The current Plan doesn’t define the summit area. The existing Plan (2004) states that the Conservation Commission received comments in 2003 asking that the summit be opened to responsible bikers. After much discussion the Commission decided to continue to prohibit mountain bikes from the summit. It also says the Conservation Commission will work with local mountain biking club on designated trails within the property designed for mountain bikes. Fast forward 20 years, we are having a similar discussion. A group has asked for the summit to be open to responsible bike owners and again the Commission has voted to continue to prohibit mountain bikes on the summit. This time they have defined what the summit is. Based mostly on soil types, the summit area is everything above 180 feet which would exclude about 25 of 196 acres of Hedgehog. According to the Plan, biking would be allowed on the rest of the Hedgehog Mountain property. More trails could be constructed there if they work with the commission to do so. The only big change, is the area above 180 feet would be prohibited from mountain bike construction.

Councilor Bradley: Feels it’s clear in voting on the Plan that we are making a choice about some of the values inherent in the Plan and he doesn’t want that to be swept under the rug.

Councilor Egan: Has received over 100 inquires from residents. He uses Hedgehog weekly. To him it’s a gem that is underutilized. During the public input process from a number of families that were looking for more opportunities to get outside and recreate. When he started to look at the detail and the data and listened to the commission members explain how they came to their conclusions, he realized he’s very concerned with our public spaces and keeping them pristine, productive and protected. He was torn. Let’s not compromise with nature. He’s disappointed that the conversation has been pushed to two polar extremes. He can’t ignore the work of the commission so he will be supporting the Plan tonight. Let that settle, then in a little while, maybe we can have a conversation about improving access, accessibility and some more opportunities for biking at this area.

At our January 17th meeting, Margaret Gerber gave a powerpoint presentation about all the work they had done to come up with the Management Plan. It was an informative document and it will be posted on the town website.

Councilor Fournier: Our mission statement adopted by the Council: To be an inclusive and open and welcoming community to residents and visitors alike. We had it in our vision. We’ve had presentations before us that we want to invest in a potential connection to the East Coast Bikeway (Greenway) so that bikes can be utilized safely. He’s troubled at the polarization this has come to. The Plan was done right to protect nature. He thinks there is an opportunity to allow trails for people with accessibility issues which we don’t have now. He’s not going to vote to approve the Plan because he’s hoping people can come together and be more inclusive and move forward. He’s voting no because he’s frustrated we couldn’t come up with a better solution that would be a win/win for the town.

Councilor Lawrence: His concern is that it stops the conversation cold dead. We are not voting to put bikes out here, by voting yes for this it stops that. He likes the Plan and how it goes except it says no bikes above this elevation. If we can change that the Plan would be close to perfect because it doesn’t stop the conversation.

Public Comment:

Jack Montgomery: Supports Plan adoption: They own Allen Pond. They have opened that up to the public. He talked about the proposed flow trails built by Maine Trail builders. The curves of these trails are banked and he displayed photos of how the excavation (damage) looks at other similar trails.

Alex Abbott: Supports Plan adoption: avid mountain biker and scientist. The current trail proposal is contrary to the historical and planned use set forth in the 2004 and currently proposed Management Plan. There is disruption to all wildlife. The has always been common use, shared use, broad use. That’s why we allow all manner of uses there now. Some plans, like that proposed, completely displaces shared use.

Elyse Duda: Supports Mt. Bike trails. 3rd grader: Her generation is addicted to electronics. One way to combat is to get outside. She has been biking with her family since she was 4 years old. She hopes the council will vote to support Mt. bike trails.

Matt Warner, NEMBA: NEMBA doesn’t care much what the council decides. They have a lot of towns and land trusts begging them to come work making trails. Hedgehog would be an awesome place for trails. It won’t be only for mountain bikes. He has received emails from people supporting the Plan for good reasons. He has also been accused of lying to the council and the public. They work with the land owners. There is a lot of wildlife in these networks. They don’t scare wildlife or ruin ecology. He’s never had to defend himself for being aligned with environmental interest as a club whose entire purpose is to get more people outside into the woods to enjoy themselves there.

Sarah Haggerty: Supports Plan- Outlined her vast knowledge based in wildlife management. She helped develop these Plans. The Plan requires the Conservation Commission to keep its property in “predominantly in its’ natural, scenic and open condition, while also providing opportunities to enjoy these places, protecting environmentally sensitive areas and continuing to improve air and water quality”.

You can mountain bike there. She outlined all the activities that can be done there. All of these uses co- exist harmoniously because they are valued equally. She spoke to the negative impacts to the ecology, especially the wildlife and wildlife habitats. Please support the Plan.

Gerald Kennedy: Supports Plan. Biggest agreement is that taxpayer money will be used on this project. There is more need for money to be used to make the roads safer for bicyclists. He bikes Route One and it’s really a hazard. He spoke about the dangers of walking on Pine Street.

Shane Hale: Supports Plan as is. Hedgehog right now has a very balanced use. You can already ride your mountain bike there. The uses now are also in balance with the natural resources. 6 miles of trails would disrupt the balanced use there. He has seen zero evidence that this would help local business and even if it was true that is an inappropriate use of town owned conservation land. It’s there to preserve natural resources not enhance business opportunities.

Jim Ahearne: Supports Plan-No tax payer money would go towards these trails and he wants to correct that for the record. He supports Commission and the scientific, and expert and qualified consideration that they brought to this Plan. It’s true the Commission has to review the Plan (every 5 years) but they do not have to make any recommendations. He outlined the Plans updates. What is before us is whether to accept the changes, we already have a Plan. If we don’t accept the new Plan, we already have a Plan and that’s the 2004 version. Adopt the changes and move us forward.

Peter Wagner: Community Programs: On a personal level he was excited about the trail proposal. He understands that there is an opportunity tonight to give more time to think about what the proposal is. The group created a design but it’s not the only design possible. The Conservation Commission in many respects responded to that singular design and there are other opportunities for scaling this so there is minimum impact. The council should give this more time so that they can make an informed decision on alternate designs. Leave the door open for mountain bikers.

John Meade: Supports Mountain Bike trails: Mountain biker and environmental consultant: There are 20 environmental locations within the town for walking (Pettingil, Wolfe Neck Woods, Bliss Woods, Audubon, Ringrose). The reasons for adding trails are abundant. He voluntarily takes kids around the State to the other trail opportunities. Freeport is about being an outsider. Fears of erosion are greatly exaggerated. He talked about education to prevent trail erosion.

Guy Quattruci: Supports Management Plan. Gave his trail knowledge background: He resighted the Plan’s outlined intent for the property. There are challenges in maintaining the trails in good condition. Change and growth aren’t always good. Keep Hedgehog unaltered.

Chalmers Hardenburg: Supports Management Plan: with additional use, you can love something to death. If you allow the trails at the top you will love this place to death.

Allen Pinatell: new resident to Freeport. He is an avid mountain biker and racer. More trails won’t increase economy in Freeport. It’s a small amount of trails for the amount of disruption it does. Pine Land, the powerlines, Bradbury Mt have miles of trails. Driving bikes on the road is dangerous. He doesn’t think the downhill section makes sense. Bikers that want to go downhill will go to a mountain, not Hedgehog.

Bob Stevens: Supports Plan: He agrees will Allen. Bikers love to race and they are going to race and then go home. Current users will not be comfortable at Hedgehog with more mountain bikes there.

The Commission’s job as told to them by the council is to prohibit activities detrimental to the mountain, among other things, erosion control. They’ve done that, they’ve consulted experts and presented facts to the council. The facts are the facts even after going back and reviewing.

Kathleen Sullivan: Supports Management Plan: At the previous NEMBA presentation and they were clear that the reason for this proposal was economic, not to get people outside riding bikes. It was to bring 100s of people to Freeport. At what point do we say no to economic growth that sacrifices nature.

Jennifer Melville: Supports Management Plan: She doesn’t think it’s decisive, it has brought a lot of people out to these meetings. We’ve had months to vet this Plan. All the professionals think it’s a good plan. They are only limiting the future use on 25 acres on the summit.

Brook Miller: We need a place that’s safe to take kids outside. If people want a long intense ride they are not going to come here.

Ken Sparta: Support Mountain Bike Trails: his son competes. His son doesn’t understand why he gets kicked off trails in Freeport. They thought mountain bike trails would ruin Bradbury Mountain and that hasn’t happened. He is bothered at the divisiveness there is in town. Give it a few more months to talk about this.

Tawni Whitney and Mary Davis: Supports Mountain Bike Trails:

This was not a request of the Council or FEDC. It was a request of the residents to have mountain bike trails. She never thought it would become a problem that would divide the community. She thought the problem would be funding, but businesses stepped up. She learned she would work with the Conservation Commission which was fantastic because she is not an expert in environmental aspects and they invited NEMBA (rarely invited). Maine Trail Builders has been fantastic. Matt Werner alone has volunteered 200 hours trying to come up with a plan. What really saddens her is that they really didn’t come together. You asked us two months ago to come together and have a collaborative discussion of what could work. That work never happened. My saying is “We are better and stronger together”, but that never happened. We are divided and we need more time to understand the science better. Give Matt time to redesign the trail system out of respect for what the concerns are. NEMBA reputation is about respecting the environment. We need time to do that. We asked NEMBA to be here, we should thank them. Come together so we can win on both sides. She is head of FEDC and she does worry economic development and she does worry about her tax base.

Ben Shepherd-Conservation Commission member: Supports Plan: Doesn’t think we should be bothered by the debate. The Chair of the Conservation Commission spent a good deal of time in 2021 trying to get NEMBA and the Chamber to come before the commission when they were hearing the mountain bike proposals. In December 2021, they all met. We could have just heard the proposal and voted it in. That would have cut of a year of health and necessary debate, this is a project. A project of this magnitude needs time and healthy debate. He finally got a full picture of all of the viewpoints. He’s not troubled by debate, it’s how it works on projects. You can see how many times the commission has discussed this in the last year. He feels it’s been fully vetted and that the council has all the information it needs to accept the plan as proposed.

Brielle Hodgkin: 16 years old. She feels that this needs more time to discuss and people need an open mind. She’s witnessed people with strong opinions and others who are open and have an open mind.

Andy Arsenault: Supports Mountain Bike Trails: Served on the commission previously. It’s the council’s job to make the decision to direct and decide what you want up there then work with the Commission to help them with that goal. If you vote on this tonight and you don’t give some direction that you want trails, than it’s all lost and you might as well put a sign out that says “we say no in Freeport”. All we say is no in Freeport. He is concerned about the economics of town. A town that is not economically viable as well as residentially viable, they go together. When you say the economics of downtown don’t count, that sends a message. Without the mountain bikes there is no help on the trails. People make erosion too, when NEMBA comes they will help with erosion on foot trails too.

Dan Walker: uses the all the trails in town-Supports mountain bike trails. There are 30 networks of trails in Freeport but not one of them is designed for mountain biking. We should create trails in Freeport in a responsible way rather than going to other municipalities. We should take time to discuss and compromise these positions. If not there, then where?

Stephanie Millette: Supports a pause/Trails: Hedgehog is valuable to Freeport residents with it’s close location saving mileage on vehicles. Central multi use trails are a resource to towns. It’s the perfect location being near private school, transfer station and two athletic fields. She has to pay to use and drive to other locations such as Pineland or Bradbury.

Katrina Van Dusen: Supports Management Plan: Has a career in land use conservation. Over the months of deliberations on this, she has come to think we are deciding whether to protect our natural resources or developing suburban infrastructure. Is Hedgehog a preserve or a park? The proposed trails would make it a park. If we turn it into a park we had better be prepared to take on increased management needs and expenses.

Kara Podkaminer: Supports Mountain Bike trails: She enjoys mountain biking and doesn’t want to drive far to do the things she enjoys. It’s not building a community. She hears NIMBYism, not in my back yard. She would like to hear solutions, how can we get to “yes”.

Ethel Wilkerson: Supports Management Plan: former member Conservation Commission: The plan is not anti-mountain biking. They say that bikes are not appropriate for a small portion of the property. There is a compromise but that may include trails but not on the summit.

Mason Morfit: 95% of the council’s enthusiasm of the trail proposal is based on a promise of economic development as alleged by the Chamber and FEDC. The Conservation Commission has spent a lot of time documenting the environmental values and the damage presented by the mountain bike proposal. The Chamber has presented no evidence that mountain bike trails will produce significant benefit to the Freeport economy. Hopes the council will seek the facts on the possible economic development aspects of this before acting, otherwise it’s irresponsible.

Derek Lovitch: Supports Management Plan: Gave his credentials: (Birder, tour guide and biologist) We should preserve Hedgehog. It’s already deteriorating. There is no patch in town that represents the healthy mature deciduous dominated forest once common in Maine’s heavily developed coastal plain. The birds, plants and wildlife dependent on it are mostly still found here in the park. He encourages the council to adopt the scientifically sound Plan that was unanimously approved by the Commission. It’s about smart projects in the places that are appropriate for them.

Kristen Dorsey: Supports Management Plan: The conversation has gotten convoluted. Not here is not always NIMBYism. The commission has a charge and has carried that out and it’s scientifically based. The conversation here is about the summit. The summit is a fragile environment, they have backed that up with scientific fact. When private land owners chose to give land to a town, you have to remember the spirit of the intent in which is was given. This is too dense a trail system for this compact location.

Councilor Bradley: This has been a debate. Each group has spoken in good faith with the best interests of the town in mind. We have been asked to approve the recommendations of the Conservation Commission. We have not been asked to accept or receive them. We are being asked to exercise an independent judgement that goes beyond what we delegated to the Conservation Commission. Approval means balancing the issues and the interests that the town has to all these things. We are being asked to decide between two legitimate competing interests; one the sanctity of Hedgehog Mountain and it’s purity as a place of seclusion and peace and a recreational opportunity called mountain biking which brings to the town some benefits that accrue to just the businesses and residents. He thinks they fit into the kinds of interest and concerns that the town has been considering for the last two years in the Downtown Vision. When he listens to the two points of view he doesn’t think there is much difference. What has happened is there is difficulty reaching a decision when there is information that is critical that is missing. The Chamber has not brought forth a research effort or marketing effort to tell what the value is to the downtown. He doesn’t see a body of information that helps him make a judgement of the benefit to the town. He also thinks the Conservation Commission scientific base for its plan doesn’t start with the benefit of knowing what the trail bike plan is. We don’t have a construction plan that shows what the trails would be. He doesn’t have the information on the impacts of this. He has the fear that this will have severe negative impacts. He proposes that we take the time to develop the information that will allow the council to make the decision it needs to make. Tell the Chamber, pay for the research and market work that shows and describes the benefit. Also pay for the work that’s necessary to determine what the mountain bike plan will be as a matter of construction. What trees will it dig under, what will be the slope, etc. so we can have a factual base for what is being proposed. He also proposes to the Council that it raise the money to find an independent outside expert to review the actual Plan so we can have advise on the environmental elements. If this is as extreme threat to Hedgehog as being portrayed, he doesn’t know how anyone could vote for it. But if this plan doesn’t do that, then there is a compromise that will allow the best of both worlds to exist in the community. He spoke about the amount of energy he has given to this issue.

Councilor Fournier: Agrees with Councilor Bradley. It’s an important discussion. His concern is whether a yes vote tonight ends the project. If it does, he will vote no. He thinks it warrants more time. We should table to a time specific. He doesn’t think we are in the position tonight to make a right decision.

Councilor Lawrence: Agrees that we don’t have the right information. The problem that he has with the Plan is that the conversation ends if they vote yes. He’s not sure if we should or shouldn’t have bike trails, but voting yes tonight says we are not putting them there. He was told that we weren’t voting for the trails, but “right, we are voting on the trails”. Maybe we shouldn’t allow walking on the summit. He’s unsure. The Plan is a good one, but that one line ends any possibility of anything else and he doesn't like limiting his options. That’s what makes the political and not just a Plan.

Chair Piltch: If we vote to accept the changes to the Plan, that says specifically that no mountain bikes are allowed above 180 feet. If we don’t vote to accept the new management plan, the old management plan says no mountain bikes in the summit area. So if we vote yes, there are no mountain bike trails at the summit and if we vote no there are no mountain bikes at the summit. The only vote that allows mountain bikes at the summit is if we override what the Conservation Commission is recommending to us, and saying thank you for the work you’ve put in, we disagree, we have something different to propose. Maybe more information will change our minds. If we ask for more information we’ll get that there is some economic benefit to the town and we can debate how to quantify. We’ll get information that there is some environmental damage. We’ll be left with weighing is this a use we think is important and valuable enough to outweigh the damage to the environment. He doesn’t know if more information will be persuasive in one direction or the other. It’s estimates that are hard to quantify. Does our town want to see bikes at the summit? We should encourage this activity. It’s not Freeport saying no, it’s saying yes, just not in this tiny slice that we say, just not here. More time won’t change his vote. He thinks to be fair to the people who have been working on this for so long, we need to give them clear direction. Either we start working on building trails elsewhere in Freeport or not. He’d love to start that discussion rolling.

**MOVED AND SECONDED**: (Bradley) that we table the motion tonight to a time certain, 3 months, and we end the tabling at any moment that the Chamber proponents can’t find a way to do the market research or economic work that’s been described to develop benefits, not limited to businesses, but local people and the environment and all the other points that have been raised, there are a lot of benefits to having a place here (that would be part one). Two: the tabling would stop the moment the Chamber told us we don’t have the funds to develop the specific construction plan that would inform a independent scientific opinion. The tabling would terminate the moment the council decided it would not look for the independent expertise or pay for it or couldn’t find that money. If the money could be found by those parties to do that, we wait for 3 months to get that information so this decision is bases on the best information possible so we can do the kind of balancing that we are required to do in fairness to the amazing effort and work done by the Conservation Commission and still respect the two and half years of Downtown visioning that does include this as any opportunity, not to benefit the businesses in town but to change the experience in our community to one that adds mountain biking and band stands and a whole range of things.

He was asked to simplify the motion.

**MOVED AND SECONDED**: (Bradley & Lawrence) That we table the motion to approve the Management Plan to allow the Chamber to develop economic information and cultural information regarding the benefits of the mountain bike proposal and to develop the specific construction plan for the mountain bike proposal that they propose on Hedgehog mountain and to allow to obtain independent expertise to take into account what the Conservation Commission has said and what the results of the construction plan are to advise with respect to the long term impacts of mountain biking as proposed on Hedgehog Mountain. **VOTE:** (3-Ayes)(3-Nays Pillsbury, Egan, Piltch)(1-Excused -Daniele)

Councilor Pillsbury: right now we either accept the Management Plan as drafted or we revert back to adhering under the old management plan. Either way if we were to move forward with the mountain bike plan we would have to amend or override the management plan in some fashion. Yes, because the new and old management plans say no mountain bikes at the summit. He agrees with Councilor Bradley that if going to make a decision we should have more information, but we’d still be at the same point two or three months down the road. We either operate under an approved management plan we enact tonight that says no bikes at summit or we adhere to the prior plan that says no bikes at the summit. He’s confuses what tabling the Management Plan does for us.

Councilor Bradley: What the purpose of the motion is, is to defer the council’s judgement on the management plans exclusion of mountain bikes above 180 feet and keep that in abeyance so that we can come back with the best possible information and make that judgement for the community. He thinks once that’s done his guess is that the expert will say the Conservation Commission is correct. We owe that to this town. If you do it tonight, and adopt the Plan and that ends mountain biking on Hedgehog and that’s what is worrying us.

Councilor Pillsbury: He does understand Councilor Bradley’s point. That point would have worked four months from now or 4 months ago. He’s unsure what tabling the adoption of the management plan does for us procedurally.

Councilor Fournier: We may not have mountain bike trails to the top of Hedgehog, and he’s okay with that. What he hears if we approve this tonight we are cutting off the discussions, that’s what troubles him. That’s why he’s voting no. He wants discussions open. If a plan comes back in a couple months and there’s no mountain bike trails to the top of Hedgehog and we use the other areas on that, he thinks that’s a win. At least with tabling it, we can come up with a solution down the road.

Councilor Pillsbury: He’s trying to understand procedurally what the difference is between voting on the new management plan or just reverting back to one that already exists that says the same exact thing about the summit. He’s not opposed to continuing the conversation but he doesn’t know where that leaves us. What if we have a split vote tonight with Councilor Daniele and a split vote would deny the new plan.

The new plan defines the summit definitively. As a council we can also recommend a change to the Plan. The council is the ultimate steward of the property.

Vote taken on Councilor Bradley’s motion failed.

Vote for original motion:

***BE IT ORDERED****: That the Hedgehog Mountain Management Plan update as recommended by the Conservation Commission be approved.* **MOVED AND SECONDED** (Piltch & Lawrence)**VOTE**: (4-Ayes)(2-Nays-Fournier & Lawrence)

*(Council Chair Piltch)(60 minutes)*

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**EXECUTIVE SESSION**

ITEM # 31-23 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to a Real Estate matter and 1 M.R.S.A. § 405(6)(A) pertaining to a Personnel matter.

**MOTION:** That the Town Council enter Executive Session. (Piltch & Lawrence)(6-Ayes)(0-Nays)

**MOTION:** That the Town Council exit Executive Session.

(30 minutes)(Piltch & Lawrence)

Motion to adjourn.

**END OF AGENDA (Estimated time of adjournment 10:35 PM)**