

MINUTES
FREEPORT TOWN COUNCIL MEETING #07-23
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, APRIL 4, 2023
6:00 PM

The Chair 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		
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 #06-23 held on March 21, 2023 and to accept the minutes as printed.

Councilor Bradley wanted to make a clarification on the consent decree for the modifications in the house. People challenged him because he said the people in the first group did not do their due diligence. They said when the applicant stood up and explained it, they did explain they had done due diligence in the sense of going in and talked with the Code Enforcement Officer. He doesn't remember the facts, but he doesn't think he needs to change, but he would like to reflect that if he had known they did the same diligence as the second group he would not have opposed that. The owners had come into Town and were told if it's not in the file, then it's okay and then upon further research after they bought the place the situation came to light. Councilor Bradley wanted to provide that overlay because he didn't understand that when he made the statement.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 06-23 held on March 21, 2023 and to accept the minutes as written. **VOTE:** (Piltch & Lawrence)(7-Ayes)(0-Nays)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

Stop by Freeport Community Library's adult reading room during the month of April to appreciate the excellent skill and commentary of Freeport High School art students. This exhibit is juried by the Freeport Woman's Club.

The library will be opening late at noon next Monday, April 10th, following an annual staff training. Thank you for your flexibility!

The Freeport Players will be having a murder on the menu, May 20th at the Community Center. Go to fcponline.org to get tickets. Good food and fun time.

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Councilor Bradley has two meetings this week. One with the Rotary to talk about the downtown revision process and he encourages anyone who wishes to attend to join him at the Community Center at 7 am. The second meeting is with homeowners along the shore who are concerned with airboat noise. Mike Ashby who owns one of the airboats of concern will also be there to see if they can't work something out as a positive collaboration, so the town can work this out on its own.

Councilor Egan wanted to pass along good words about the School Resource Officer (SRO) Malcolm Marshall. He hears good things in interactions with others. The school district is pleased, particularly the staff and was on response to an issue today. It's a great service the Police Department is able to integrate into our school district and hopefully we can have more of that kind of activity.

The Freeport HS Drama students had won their competition and went on to States which they also won. There are the New Englands, which is more a festival than competition. They will not be attending.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Egan: As we mentioned at the last meeting, there are now some grant funding opportunities for public EV Chargers. Our Town Engineer is going to be pursuing an application with support to submit an application to Efficiency Maine for a significant chunk, if not entirely all of the funding, for public EV Chargers level two. We have things to do in terms of actual locations. The proposal is for potentially at the Train Station and Library parking lots. We also have the opportunity to work with an employee owned company called Revision Energy who was the vendor for our community solar installation that we own a portion of. They were making a proposal to supply, install and operate a level 3 EV Charger which is the fast charger. A level 3 is one you pull up to that is as close of an approximation to a fuel station that you will find for an internal combustion engine vehicle. It's a great opportunity that the town pays nothing, nor do they pay any operating expense for the electricity. It will have its own separate meter and will run off the revenue that's generated. The town contribution is to allow it to happen on some public property. We will be working out details with Revision. The level 2 chargers will go through a bid process and an RFP. Efficiency Maine requires a bid process for that. We will have final actions at our next meeting.

The question would be whether we can hand it to Revision, which is a great company, or do we have to put it out to let anybody who wants to suggest that since we have limited spaces and locations in town that we could allow chargers to be built on? The level 3 proposal from Revision indeed does engage with them to be the installer, owner and operator. Since the town is not spending any money, other than making a parking stall or two available, that we're less confined by the public bid process because we are not buying anything. Do we have spaces available for other companies that wanted to do the same or similar? Wouldn't it be great dynamic to have? We have plenty of spaces. We have to decide if we can afford to have those spaces tied up as EV slots here at town hall as we only have 15 spaces in that lot. It might be the Train Station where there's an abundance of spaces.

The pop-up skate park is back and they have requested it be set up again and have asked if there is any objection from Council. The Chair has asked the neighbors on Hummingbird Lane who are the closest and they are okay with it. They made adjustments last year to make sure there is not a lot of noise late at night and that there is trash pick-up. The kids are going to fix it up and do most of the work when Public Works drops off the wood and structures. They requested a trash can.

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This is a temporary summer only park which would probably go away if a more permanent park was built. The alternate proposal was on pause for a little, but something will be coming before the Council soon. That proposal would utilize some of Leon Gorman Park.

The Council schedule called for two council workshops if needed. One of them is next Tuesday which we don't need. The other is May 23rd which he suggests they use to meet with FEDC like they did last year.

We've had a conversation this week about the interaction between the Downtown Vision Charter Projects and the budget, and at some point he'd like to see a correlation between the Charter projects that we said we were interested in dealing with and how they interlace with our budget considerations this year and into the future if they do. Whether that needs a whole meeting, he doesn't know, but it would take some conversation. We have budget discussions tonight and several more nights. We can ask for a list of the downtown projects we recommended and where they are in the budget.

Update from Eric Horne on the Tree Task Force: this group was set up a few years ago and it took a while for them to constitute themselves. For the last year they've been working on an inventory that was started by a number of townspeople to understand what the tree canopy is in Freeport. The Tree Task Force is hoping to work over the next couple of years to increase the streets trees and public trees. There is a Public Tree Program document that was provided to the Council. The Program is something that they're working from with support from the State. The State has a program called Project Canopy and they have a lot of resources about species selection and the value of trees. They have started working with Public Works as there are some resources in the budget for trees. It's been a year of policy stuff, working on ordinance and now they are pivoting to getting out and getting trees in the ground.

He was asked about their interaction with the Downtown Visioning and Charter process. Because the visioning process has not defined what is going to go where, they've been looking at the areas of town that are not going to be immediately affected. They are watching to see what the tree demand will be. They have super qualified members on the task force to help make those decisions. Councilor Bradley's suggestion is that things will accelerate and it's best to be sitting at that table or the ghost could pass.

Councilor Egan: There are suggestions in the document about species that we'd like to diversify away from. Is there a list of trees that we are trying to increase in our community? Yes, the State keeps a comprehensive list of that sort of invasive or non- native species. Then there are good examples of what we should steer towards.

Mr. Horne will be back at a future meeting to ask the Council to adopt the Program, but the Council doesn't need to make any ordinance changes because it's a guideline. There are ordinance changes that have been submitted to the Ordinance Committee as a separate thing. There is the Tree City designation that they want the town to get because it opens up grant opportunities. This is step one.

The Chair gave a glowing recap of his time with the departing Town Manager.

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

Status Update:

They have had several conference calls with open projects making sure everyone is looped in. They also had a good legal conference with himself and Caroline Pelletier. They also had a good conference call today about water tanks and cell phone projects with the attorney. There are drafts between the Town and Maine Water that are 95% done. Staff knows what needs to happen after Council consideration. The

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attorney will be here to advise and if the process gets slowed down you'll hear about it from Caroline. It's been encouraged to be on the April 25th agenda.

He's like to recognize the Police Department and Alternative Response team member Glen Tatra. He's been helping a lot with casework and contacts that need to be made. He has branched out already and is taking on contacts for town hall, with people we need help with. He has helped with some social service stuff similar to FCS. That is a huge success.

List of thanks:

There were 23 separate councilors that he's worked with in the last 10 years. He works closely with the Chair and Vice Chair. He wanted to thank specifically, Jim Cassida, Sarah Gideon, Jim Hendricks, Sara Tracy, Kristina Egan, Melanie Sachs, Scott Gleeson, John Egan, Dan Piltch, Tawni Whitney. Thank you for listening to him.

He wants to thank the Department Directors. He'd like to give special acknowledgement to Judy Hawley and Johanna Hanselman who have provided a large amount of support both emotionally and as in assisting capacity. He wants to thank the volunteers of the town, especially the Board and Committee chairs. He wants to especially recognize Joyce Veilleux who has taken on a lot of time redoing our cemeteries. Doing a lot of the work herself and in organizing. And finally, the employees of the town who are doing 90% of the lift. He relayed a funny story about one of our Holiday parties.

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

Robert Stevens: Adding his thanks to the Manager and what a pleasure it was to work with him.

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

ITEM # 51-23 To consider action relative to adopting the April 4, 2023 Consent Agenda.

BE IT ORDERED: That the April 4, 2023 Consent Agenda be adopted.

MOVED AND SECONDED: (Pillsbury & Lawrence) To adopt the April 4, 2023 Consent Agenda. **VOTE:**(7-Ayes)(0-Nays)

(Council Chair Piltch) (5 minutes)

ITEM # 52-23 To consider action relative to the proposed Capital Program for FY2024.
PUBLIC HEARING.

Tonight, we have a Public Hearing. We have Department Heads here to answer questions and then formal adoption of the Plan on April 25th. There was a comment earlier about where the Visioning items are and she gave the following update. These are the ones that she's been made aware of that need to be included. It may not coincide with each charter item. There are 3 items that were earmarked for FY23, our current year. If they were going to be spent they wanted to be spent before the FY24 adoption. They are not in any of the documentation for FY24.

1. Sewer Grant Writing for \$5,000
2. The Memorial Park Platform
3. The Transportation study for \$10,000

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Would this money carryover if it wasn't spent? This money was not budgeted in FY23. It was Council's request to expend funds out of the FY23 budget for these items. It would come out of contingency or some other line item we can associate with that project. If funds are not spent on these projects, it will go into fund balance. If these groups don't do what they intend they will need to come back again another year or ask them to spend outside the budget.

There is a \$40,000 addition to the Operating Budget for Council initiatives that arise that Council wishes to spend funds on that hadn't been budgeted for.

These four items are under the Comprehensive Town Improvement of the Capital Budget: In FY24 you have the EV Chargers \$100,000, the Mallet Drive Boulevard study \$50,000 and Mallet Drive reconstruction \$450,000 and the Wayfinder signs \$25,000 for each year. Under that same articles for FY 25, 26 and 27, you also have the Wayfinder signs appropriated and additional work on Mallet Drive so those were multi-year appropriations. In FY25, there's the Mallet Drive shared path for \$750,000 along with Complete Street improvement work for \$300,000. In the Municipal Facility Article, there is the \$100,000 for the Gazebo. The last one is Lower Main Street improvements in FY28 coming out of the Concord Gully Brook TIF for \$750,000. There's also a Lower Main Street Study earmarked for FY25 out of the same Concord Gully Brook TIF for \$35,000.

We are adopting the 5-year plan on April 25th then in June you'll do the appropriation of the money. If it's a Downtown Revision project that didn't end up in this budget, it's not funded and needs to be brought into this list by the Council. This list has been derived from prior meetings.

Open the Public Hearing **MOVED AND SECONDED**: (Fournier & Lawrence)
VOTE: (7-Ayes)(0-Nays)

We have the Freeport Sustainability Advisory Board leading the way on coming back with a Climate Action Plan to be considered. It's premature to talk about what might be in there but he wouldn't be surprised if it involves the town having to look at significant amounts of money that would be useful to implement a Climate Action Plan.

Close the Public Hearing **MOVED AND SECONDED**: (Fournier & Lawrence)
VOTE: (7-Ayes)(0-Nays)

Councilor Fournier has two points: \$100,000 in EV Chargers -we talked earlier about this being mostly a grant. He can't support \$100,000 in this budget when there are other priorities we should be looking at. The second is brick sidewalks, not only the cost to install but the maintenance. We need to look at what we are doing. The bricks on School Street caused three falls last year. One had serious injuries. The bricks look nice but the maintenance is more. We should replace with hot top and there are savings there. On the 25th when we approve the Capital Program, if councilors want to make amendments for items they want to include or remove it would be good to do that. You could bring them to the 25th or you could do it tonight as well but this way we can take a vote and give clear direction to Jessica. Any changes to the baseline budget that we are looking at tonight should be proposed in an amendment and we can ask the Council to vote on it.

Councilor Bradley wants to discuss the separation of the chassis from the truck body. We save some money in this budget because we have truck bodies that we can continue to use on a new chassis. The question is whether there is a savings because that truck body will wear out faster than the chassis and when you have to replace it on a new chassis, do you spend more money down the road? That's what he was asked.

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Director Gibson: Would it benefit us further down the road? It depends on how much service you are going to get out of that bed and that's something hard to answer. The shorter the bed lasts, the more it's going to cost us to replace it with a new bed as opposed to putting it all together right now and getting a totally new truck.

Councilor Fournier: We spent more money when we purchased the last truck to purchase a stainless steel dump body. Stainless is significantly more but the advantages are that it resists rust and the chemicals that we are using. We can get two chassis life out of one dump body that is stainless steel. We invested more initially in the stainless and now we are putting that on this body. It helps stretch our budget. If everything goes right, in the long run we will save \$50,000 over the course of the next 10 years. Mr. Gibson went on to explain that with supply chain disruption, to order a new truck, it will be two years before they can even order the truck. He doesn't trust the truck that they are replacing that well so by changing this bed there is no waiting. As soon as he gets the new truck, within 3 weeks they will have a new truck all changed over. If this works it will save us on other trucks in the fleet that we can do the same thing with. There will be some maintenance over the couple years with rollers that need to be changed. We have bought stainless beds for the last 12 years. To sum up, if it goes the right way there are significant savings. On the downside we can only make a one-year mistake because we'll know it's not the right way to go for the next truck.

Public Works Addition: Mr. Gibson thinks the amount we budgeted needs to remain. Two building contractors in town can't even touch the projects due to time and staff shortage so he's afraid of where that price is going to go. He hasn't spoken with the CEO about what features they need to do to have it upstairs. Councilor Fournier had suggestions that will give them more space and will provide separation of the crew, public and offices.

The Mallet Drive numbers here are large, but a number are grant supported we hope. Since they all come in FY24, are we going to have to put them in the budget and appropriate before we know if we have gotten the grants to support those numbers? What you have before you is a 5 year Capital Plan. This is just saying this is the work we want to accomplish and achieve over the next 5 years. We put grant funding in a column separate from the amount that is appropriated from Reserves. That same theory will be applied to any project that has grant funds, TIF money, bonds, etc. Councilor Bradley gave a summary of the process clarifying that we are first putting together the wish list and then we make the hard decision of appropriations at the following meeting. Ms. Maloy clarified: It is a two-part system. You still have to be cognizant of money because if you adopt a Plan that you want to do a project, you have to do something for a funding source, so you do have to take into consideration how those things are going to be paid for. When you adopt the Plan, you are just adopting the Plan and ultimately the value of that Plan. Then you appropriate the funds separately. If grant money does not materialize we have to come up with another source of funding or remove it from the Plan.

You wouldn't want to put it in the Plan if you don't intend to do it because staff is going to take marching orders from it once you adopt it. They will get the bid process done and purchase order ready for July 1st. If you don't want that purchase, then we've just wasted employee time. When you adopt the Plan, you are giving directive that this is the course that we want the town to follow. If we adopted the Plan but the Council said if we don't get the grant monies then we aren't going to do it and that would affect the amount of effort put in by staff. At that point, staff would take that directive and pursue the grant opportunities. There is two million dollars that's going to the tax rate if we don't find the grant. He's not opposed to the projects, but where does the money come from. If grant funding does not materialize, you can put the project on hold, return the funds to Reserves and figure out a different plan for a future year.

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All of the items in this Capital Budget are paid for by the Reserves. Whether a project gets grant monies or not, ultimately the planning for the dollars for these items are coming out of the Reserves that we fund therefore it's not hitting the tax fund. It's not changing the levy. Down the road we could get whacked. There's enough money in the Reserves to fund the first year of spending. The debate is whether we can replenish it quick enough at the rate we're spending it. It doesn't affect the tax rate this year. With the money at the end of the year is how we fund these things. It does essentially come out of Reserves. We always pursue alternate funding sources i.e. grants.

Gazebo: For this summer we have up to \$5,000 for a temporary platform this season. Meetinghouse Arts has events scheduled. They may try different locations. Between this summer and next summer, we have a design process for something more permanent. It is unclear what form the final structure will take, but everything they've looked at is significantly more than the \$25,000 initially reserved so we figured \$100,000. The reason it's in FY24 is because we can't start until July 1, 2024 which means the earliest we would have it is the summer of 2025 which means three summers from now. If we can come up with an agreed on design, there's a shot we might have something for the summer of 2024.

It may be beneficial to know if there are projects that the Council only wants to pursue if there are grant funds available to offset.

In FY25, body cameras are in the Capital Plan. We've discussed them two to three times in recent years. Is there some new dynamic going on about why we are coming back to this issue? Previously, the decision was to not proceed with body cameras as a Capital purchase for the force. This placeholder was put there because of the movement that we are seeing towards body cameras industry-wide. Chief Goodman has done a lot of research on this and is looking to Council leadership on how we want to go as a town. He wanted to be ready to make a move should we decide to support. He felt it would be beneficial to start getting placeholders and quotes should we decide to move forward. Nothing has happened locally to force this.

Harbormaster Boat: The new boat would be wide enough to support a stretcher but also be capable of going into the shallower parts of our bay. They started this process in 2019/20. The boat has been revised several times and quotes have risen. The boat will serve multiple purposes. The most recent quote takes into account the trade value for the present boat.

Mileage Report: We average between \$6,500-\$7,500 in mileage reimbursement to all town employees that could be saved with a town vehicle. Councilor Fournier would prefer to not have employees using their personal vehicles. He would like to see the CEO have an older cruiser as a town vehicle and not put his vehicle in danger. Discussion clarified that it is the older backline cruiser that might fit the purpose, not a purchased vehicle.

Brick Sidewalks: On a square foot basis asphalt is \$3.00 to \$4.00 a square foot. The brick sidewalk repair is \$10 a square foot. We can't focus solely on the dollars because there's the life cycle. Bricks last longer than asphalt but other factors play into it like drainage and location. The School Street sidewalk could be a candidate for replacement with asphalt (or steps). Other sidewalks to change over will be a leadership decision as prior councils have supported the historic feel of bricks. Councilor Lawrence asked about a heating pad for the sidewalks but the economics of that are not favorable. Memorial Park is now half brick and half asphalt sidewalks. The sidewalk on Depot Street is also a fall risk due to condition. It's also easier to treat asphalt giving savings in money and time. The Chair suggested putting together a working group that can come back to the Council with a recommendation.

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Rebuild of Brush Truck: The body will be aluminum.

Councilor Bradley has Sewer District items he would like added into the Plan and will present a motion on the 25th. It will come from the Sewer Committee, not him specifically.

Department Heads were available to answer questions.

(Finance Director, Jessica Maloy)(20 minutes)

ITEM # 53-23 To consider action relative to amendments to Chapter 2 Administrative Code, Section 509 to adopt Stretch Energy Codes effective July 1, 2023. PUBLIC HEARING

Town Manager: We may also need to amend the Building Code Ordinance to include the almost identical provisions as are going to be in the Administrative Code. If the Council wants to move forward with this there will be a companion amendment to the Building Code that wouldn't need to happen until July 1st. This will require another public hearing. We could wait and schedule the Public Hearing to address both amendments at one time. The reason we are moving forward now is to give lead time to builders. If there is a no vote tonight on this part, it won't be necessary to do the other amendment.

MOTION: To open the Public Hearing **MOVED AND SECONDED**
(Lawrence & Daniele) **VOTE:** (7-Ayes)

Robert Stevens: Thanked the people who signed the petition asking the Council to adopt the Stretch Energy Code. It will show the commitment of the town to do what it can do and take a leadership role. He provided a document recounting the advantages that this brings.

Lance Fletcher: The energy savings will be about 10% by switching from the 2015 to the 2021 Code. Additional costs would be 1% or less in construction costs. The Gulf of Maine is warming faster than any other ocean body in the world. His understanding is if renovations are done to a building, the room being renovated would fall under the Code, but not the rest of the building. The Manager confirmed that the Code applies to new construction, not renovations.

MOTION: To close the Public Hearing **MOVED AND SECONDED**
(Lawrence & Daniele) **VOTE:** (7-Ayes)

Councilor Egan: This is the 2021 Energy Code. It seems disingenuous to talk about a "stretch" when we are adopting something the State has had out for two years. All new construction projects paid for with State dollars, any Maine State Housing Authority Projects or any Federal spending in construction of projects is already following this Code. What we are doing is keeping up with where the industry is going.

Councilor Bradley tried to move the question but there was no motion on the floor.

BE IT ORDERED: That amendments to Chapter 2 Administrative Code, Section 509 to adopt Stretch Energy Codes effective July 1, 2023 be approved.
MOVED AND SECONDED (Egan & Bradley) **VOTE:** (7-Ayes)

We need to get the word out about these Council actions. Judy Hawley is working on a job description for the Communications Director position.

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(Town Manager, Peter Joseph and Code Officer, Nicholas Adams) (5 minutes)

ITEM # 54-23 To consider action relative to setting a Public Hearing for proposed amendments to the Freeport Zoning Ordinance.

Town Planner Caroline Pelletier: This came to light with a recent property purchase in downtown. There was someone with excess parking that wanted to sell a portion of a lot. They had a structure and a parking lot on one property and wanted to cut the parking lot off to go with another property. A stand-alone parking lot in Freeport is not a permitted use unless it's serving a certain type of building in a certain area, which we don't have any of. We don't want to encourage more parking lots. There's a gamble here because we are adding parking lots as a permitted use subject to site plan review. If someone wanted to repurpose a portion of the lot to go for another use it would have created a violation and it also brought to light that Freeport has a lot of stand-alone parking lots. This was put in to remedy situations where the hope is for redevelopment. When you add this as a permitted use, someone could come and in and build a parking lot.

Chair Piltch felt like we had a similar issue before with single-family homes in VC-1 which were non-conforming and couldn't be expanded. He thought we dealt with that by saying a single-family home built by a certain date was allowed to be conforming. Planning looked at that. If you have a large parking lot and you wanted to split it, you're creating new property boundaries, so it wouldn't be existing as of that certain date, so that wouldn't work in the cases for potential redevelopment of some of these larger lots or splitting them off. For example, the parking lot existed as of a certain date, but not as a stand alone parking lot so they wouldn't have been able to split it off on their own.

The other thing flagged by the Planning Board was some cleanup regarding a setback. There is no clean way to say "parking that exists today is allowed to stay but you can't knock down a building to make a lot" ? Not if we want to open it up for potential redevelopment or people who want to split off.

There are a lot of parking lots that don't meet today's standards. That could have been if they were looking at them as being accessory even though they weren't supported incidental on the same lot.

BE IT ORDERED: That a Public Hearing be set for April 25, 2023 at the Town Council meeting starting at 6 pm at Town Hall, 30 Main Street to discuss proposed amendments to Section 413. Village Commercial 1 (VC-1), Section 414. Village Commercial 2 (VC-2), and Section 514. Off Street Parking and Loading of the Freeport Zoning Ordinance. **MOVED AND SECONDED:** (Daniele & Lawrence) **VOTE:** (7-Ayes)

Note: This will be a public hearing to discuss potential amendments to add "parking lots" as a permitted use, subject to site plan review, in the Village Commercial 1 (VC-1) Zoning District (Section 413). Other related proposed amendments are minor changes to clarify language regarding setbacks in Section 413. Village Commercial District 1 (VC-1), correcting cross referencing error in Section 414. Village Commercial 2 (VC-2), and amending Section 514. Off-Street Parking and Loading to clarify conflicts that were identified in this process.

(Town Planner, Caroline Pelletier) (10 minutes)

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ITEM # 55-23 To consider action relative to setting a Public Hearing for amendments to Chapter 2, Administrative Code, Section 608 Community Library Board of Directors, to remove management rights of the Library Board of Trustees.

Library Director Courtney Sparks gave a brief history: They were B.H. Bartol Library Association which was private. Freeport Community Library was established in 1997, it became a town department but the information in the Administrative and Personnel Code was not updated to reflect that so there is older language that reflects a Board of Directors rather than a Board of Trustees which means something different. In 2009, that Board reviewed their purpose and confirmed that they are advisory. The Board supports having the Council remove their management rights and they would rather have the Library Director and the Town Manager run the Library.

This was discovered when they looked at the Personnel Code. She was aware that there were portions of the Administrative Code that had some language that needed to be addressed. It had dropped on the priority list until the Managers leaving sparked a discussion about things to wrap up. Changes to the Personnel Code will come back to the Council as a separate item. The Manager gave a brief history of the management rights.

The Administrative Code problem was found when they were appointing the last Library Director as he pointed out that it didn't say that the Town Council or the Manager were the appointing authority. It had weird management rights. The Library had a written policy that the Library Board had given all management rights to the town, thinking that took care of it. The recently discussed that there might be issues if there was ever a personnel decision that was challenged.

BE IT ORDERED: That a Public Hearing be set for April 25, 2023 at the Town Council meeting starting at 6 pm at Town Hall, 30 Main Street to discuss amendments to Chapter 2, Administrative Code, Section 608 Community Library Board of Directors, to remove management rights of the Library Board of Trustees. **MOVED AND SECONDED:** (Bradley & Lawrence) **VOTE:** (7-Ayes)

We must hold a Public Hearing because we are changing an Ordinance.

(Library Director, Courtney Sparks) (10 minutes)

ITEM # 56-23 To consider action relative to accepting the Assessor's annual Affordable Housing TIF report.

Town Manager: This is for all Freeport Housing Trust property. The question from last year was whether Freeport Housing Trust certifies the same numbers. Matt Peters, Executive Director of FHT, has to certify the same numbers to DHHS in a separate report. He did confirm that these are the numbers that they certify under penalty if they are lying about the number of affordable housing units. Matt Peters did approve the numbers from last year that carry over into this year. This is for Oak Leaf 2 and Quarry Ridge. They do a lot more than this in terms of certifying their affordable things for all their operations. For TIFs, these are the only two that we give them a break on because of affordable housing.

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BE IT ORDERED: That the Assessor's annual report on the Affordable Housing TIF be approved. **MOVED AND SECONDED:** (Pillsbury & Lawrence) **VOTE:** (7-Ayes)

(Town Manager, Peter Joseph)(10 minutes)

ITEM # 57-23 To consider action relative to approving a Certificate(s) of Settlement for Fiscal Years 2020, 2021, 2022 and 2023 and Certificate(s) of Recommitment for Fiscal Years 2022 and 2023.

This doesn't need to be done on an annual basis, but is necessary when you have a change in staff. This is relieving the personal liability of the collection of past taxes from Peter to being settled or collected in full or alleviated and then recommitting them to a new Tax Collector who will continue to pursue collection. Three years out they are \$0. Two years out its \$4,723.32 which we will talk about soon and may be \$0. Those two won't be recommitting. The last year is in lien, not foreclosure, is \$137,000 which is fantastic for a \$30,000,000 budget. This year remaining almost \$14,000,000 represents the second half bills that are not payable yet. The reason it's more than 1/2 the amount is some people will pay the full amount once a year. That number is slightly above 50% collection. The real outstanding number is \$137,000 in collectable taxes. The Manager recognized the accomplishment of the Finance Department in getting 7-8 years of back taxes cleared up.

The point of these is not necessarily to get them to zero, which she achieves to do. However, the process of the Certificates of Settlement is to stipulate that there is no longer a personal liability to someone to be responsible for those taxes. There will still be collection. Should Jessica be appointed Tax Collector before committing the taxes to her? They go hand in hand so can be done together. We will be doing this again when the new manager is hired. In the long term, the Treasurer and Tax Collector should not be the same person for obvious separation of duties. Jessica Maloy may do it for 7-8 months.

BE IT ORDERED: That the Certificate of Settlement for Fiscal Years 2020, 2021, 2022 and 2023 be approved.

BE IT FURTHER ORDERED: That the Town Council confirms the appointment of Jessica Maloy as Tax Collector.

BE IT FURTHER ORDERED: That the Certificate of Recommitment for Fiscal Years 2022 and 2023 be approved. **MOVED AND SECONDED:** (Lawrence & Daniele) **VOTE:** (7-Ayes)

(Finance Director, Jessica Maloy)(10 min)

***This item was voted with # 57-23 above as the first BE IT FURTHER ORDERED.

ITEM # 58-23 To confirm the appointment of Jessica Maloy as Tax Collector.

BE IT ORDERED: That the Town Council confirms the appointment of Jessica Maloy as Tax Collector.

(Town Manager, Peter Joseph)(10 minutes)

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ITEM # 59-23 To consider action relative to approving an amended Purchasing Policy.

We currently have a four line Purchasing Policy in place. With the ARPA funding and the reporting we have to do for the Treasury, one of the things we need to make sure we have is a more formalized and robust policy that covers more ground. The prior version provided a few weeks ago, needed clarification particularly with the conflict of interest section and emergency purchases definition. This policy goes into what the conflict of interest parameters would be. Any conflicts of interest when there is a purchasing event should be disclosed. It allows for anything under \$10,000 to be made by the purchasing agent. Anything between \$10,000 and \$25,000 would go out to quotes. We would do verbal quotes. Anything over \$25,000 would do the competitive bid process. This is to get it in line with where pricing currently is so we're not having to go to an RFP for something \$10,000. Anything over \$100,000 is approved by Ordinance of the Town Council. Other than the change of levels of authority, the expansion comes from the best practices with the ARPA reporting and Treasury OMB guidance that's needed in regard to the awards and the Federal procurement and award requirements. So that section was never really addressed in our old policy.

They reviewed who makes the awards for the different levels. Awards of purchases over \$10,000 by Department Heads should be made to the Purchasing Agent. Awards following the competitive bid or proposal shall be made by the Purchasing Agent or designee to the most qualified bidder, price, quality and service considered.

Federal Procurement: It states competitive quotes shall be obtained. Should we add that three competitive quotes be obtained so we have a standard? She will add that to the Policy.

Is there a way to accept bids electronically so it's not a limiting factor for non local companies. They had recently discussed this and the flaw was how they keep the bids sealed. There is software to do it, but there is a cost attached. We get them overnighted from across the country. There is not a bid module in our software. We could accept this tonight and then look into the ability to accept bids under seal electronically.

This adoption will include specifying three competitive bids under the Federal Procurement.

BE IT ORDERED: That the amended Purchasing Policy be approved.
MOVED AND SECONDED: (Fournier & Lawrence) **VOTE:** (7-Ayes)

(Finance Director, Jessica Maloy)(5 min)

ITEM # 60-23 To consider action relative to the endorsing the 2023 Dog Licensing Warrant.

Every year we have to certify a list of people who haven't paid their dog license fee. It is then turned over to the Animal Control Officer for collection.

BE IT ORDERED: That the 2023 Dog Warrant be endorsed. **MOVED AND SECONDED:** (Daniele & Lawrence) **VOTE:** (7-Ayes)

(Town Clerk, Christine Wolfe) (10 minutes)

ITEM # 61-23 To consider action relative to approval of the addendum to the Hunter Road Field Maintenance Agreement.

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We contract with RSU5 to do the actual field maintenance at Hunter Road Fields. It doesn't involve some of the site work. It involves keeping the turf healthy, the lining and picking up the fields etc. This is what needs to be done to keep the fields usable. This is set for renewal on July 1st. We reached out to see if this would continue and they received back confirmation that they would continue with three proposed changes included in the multi-page document. Everyone is happy with the work the RSU does. The proposed increase from the schools is well within a good deal. We priced this out 5 years ago and it was substantially lower to go with RSU5. If they're going to continue to increase to 2 percent annual escalator, that is better than the rate of inflation and we should sign the document.

Councilor Egan relayed the positive feedback we receive about the stellar condition of Hunter Road Fields. He also added that we will be improving on signage at the fields.

BE IT ORDERED: That the addendum to the Hunter Road Field Maintenance Agreement be approved. **MOVED AND SECONDED:** (Egan & Lawrence)
VOTE: (7-Ayes)

(Finance Director, Jessica Maloy)(15 minutes)

ITEM # 62-23 To consider action relative to Freeport Breaks the Silence of Domestic Abuse Campaign.

Presenter: Megan Fogg, Adult Services Librarian, has been with the Library for 6 years. Finding Our Voices is an education organization dedicated to breaking the silence of domestic abuse through public campaigns and mutual support for survivors. They do outreach for municipalities to generate conversations and education. They approached the library in November of 2022 to bring this to Freeport. She provided promotional materials for the Council. In addition to the month-long poster campaign they are approaching town business and organizations to hang posters. They are soliciting art for a youth art exhibit on themes of love, not love. The library will host a film screening and survivor's panel on May 10th at the Library. The Freeport PD will be in attendance. Tomorrow they will host a Be Smart event that's organized with the Freeport PTC. This is an educational event on safe gun storage and how to initiate conversations about guns for adults and parents. The wording originated from the office of Governor Janet Mills and it's been adopted by other municipalities. Her portrait is one of the 45 included in this poster campaign of survivors ages 18-83 who are all Mainers. Domestic violence has increased during the pandemic. She humbly request the Town Council support in adopting this proclamation so that we as a town mobilize to say "Freeport breaks the silence of domestic abuse".

BE IT RESOLVED: by the Town of Freeport as follows

WHEREAS, domestic abuse and violence are serious injustices that affect people and families of all races, ages, genders and income levels; and

WHEREAS, each year nearly half the homicides in Maine are related to domestic abuse and violence; and

WHEREAS, in Maine, over 14,000 people affected by domestic violence reach out for help each year and

WHEREAS, domestic abuse and violence are preventable through public education initiatives, advocacy for better policies and support systems, resources affected by people of abuse, and holding perpetrators to account; and

WHEREAS, we all have a role in changing the cultural norms and interrupting the belief systems that underlie abuse and in making abusive behavior socially acceptable; and

WHEREAS, Freeport Breaks the Silence of Domestic Abuse month is an opportunity to shine a critical light on the issue of domestic abuse and violence

NOW, THEREFORE, We, the Members of the Freeport Town Council do hereby proclaim May as:

“Freeport Breaks the Silence of Domestic Abuse Month”

And urges all citizens to recognize this observance.

MOVED AND SECONDED: (Piltch & Lawrence) **VOTE:** (7-Ayes)

Councilor Bradley: Domestic abuse and violence are not necessarily physical. It's all forms of control and abuse of a partner. It's a much bigger thing than people who end up in hospitals. It includes people who are in long term relationships that are quote abusive. We are also seeing more on financial abuse. Our alternative response specialist at the PD is a fantastic resource for someone who may need social intervention but not police intervention. He is attending their upcoming staff training.

(Library Director, Courtney Sparks) (10 minutes)

ITEM # 63-23 To consider action relative to adopting the Town Council Goals and Guidelines for 2023.

Councilor Lawrence proposed the following changes:

Move #2 and #5 in the Goals and make them Guidelines #5 and #6 because it's hard to measure that.

For Goals: Goal # 1 he would add "increase communication channels by 2. We need to have a goal be measurable.

Goal #3 -he would add "start 4 projects and complete 2 projects". Goal #3 would become #2. Goal #4 becomes #3 and he would say "increase the number of applicant applications by 5%. That goal is "encourage participation on town boards and committees and review policies that could make service to the town more attractive to a wider audience".

The two we move up to guidelines is because he couldn't find a way to make them measurable.

Councilor Bradley applauds the quantification of the goals. What he doesn't agree with is the examples of what you would use for quantifications. That would lead to a long discussion about quantifications for implementation of the Downtown Vision. Councilor Lawrence stated it might be 1 project or 2 that we finish out of 4. It's for this year because the Downtown Visioning is not for one year. He doesn't know what the costs will be but we should be able to complete 2 of 4 projects started. We should be shooting higher than something we know we can get done. Councilor Bradley suggested two-thirds of the 15 projects are adopted and implemented. We actually have about 10 projects started now.

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Councilor Pillsbury agrees that goals should have actionable items to them that we can measure. He worries that we are debating the easy one. We have momentum going with this. We all understand the projects that are on going and what might be realistic. We've debated for a couple minutes and it doesn't seem like we can find agreement. He looks at a goal such as increasing multi-family housing and mixed use development in downtown Freeport. That's incredibly nuanced. He's not sure if we are the experts to be setting those metrics. In April we had a retreat to set our goals. That would have been the time to set and have debate around metrics and what we want to accomplish. Is this a learning opportunity to say as we set new goals in the future, this is how we should approach it and for this year progress made on these things can be documented but not measured against anything.

Councilor Lawrence has been trying to get goals that can be measured.

There was confusion over two versions of the Goals and Guidelines that had been created but not equally distributed to the Council.

They discussed metrics for the Multi-family housing. We should make it a guideline not a goal.

Councilor Egan: Our actions and our activities that we focus on tends to be driven by issues and projects and initiatives that come forward from the staff or the public. This is on the wall to give us a sense of what we said at one time was important. He can't recall ever pulling out the goals and guidelines to reference or be handcuffed to. He echoes wanting to quantify.

They reviewed the proposed changes made by Councilor Lawrence:

Goal #2 becomes Guideline #5

Goal #4 becomes Guideline #6

Goal #6 becomes Guideline #7

Goal #1 we increase communication channels by 2

Goal #3 becomes Goal #2 making it "implement our Downtown Visioning Plan, start 4 projects and complete 2 in 2023.

Goal #5 would become Goal #3-add "increase the applications by 5%."

Total 7 Guidelines and 3 Goals

Councilor Bradley made a motion to move Councilor Lawrence's proposed Goal #2 to Guideline #8. The motion did not have a second.

BE IT ORDERED: That the 2023 Town Council Goals and Guidelines as amended by Councilor Lawrence be adopted. **MOVED AND SECONDED:** (Daniele & Egan) **VOTE:** (6-Ayes)(1-Nay Bradley)

(Chair Piltch)(30 minutes)

OTHER BUSINESS:

1. Tax Acquired Property Discussion (Finance Director, Jessica Maloy)(20 min)

An updated memo was distributed to the Council. The automatic foreclosure date for the 2021 taxes was January 26, 2023 which was 18 months after the recording of the lien which happened

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July 26, 2021. As of March 27th, there were four parcels that remained unpaid. She met with the Municipal Facilities Committee and discussed. Her recommendation before the Council is in part based off discussions with the committee but has changed some since that meeting. She has had a couple homeowners (party in possession) come in so this reflects her discussions with them.

The first parcel is 22 Prout Rd. It is a primary residence. They met and discussed a payment arrangement after the point of foreclosure. She is asking the Council to allow management to work with the homeowner on this payment arrangement and allow it to remain in effect and allow the treasurer to file a mortgage release deed with the registry upon full payment to formally discharge and release the lien. We need to do it this way because the State of Maine recognizes an automatic foreclosure process. Once a property goes to lien, if the taxes remain unpaid for 18 months, it automatically forecloses to the town. Our policy stipulates that after that becomes the property of the town, we notify the homeowner and they have 30 days from the foreclosure date to meet with Jessica and work something out. She then meets with Municipal Facilities and brings it to the Council. This is a primary residence and councils have historically wanted to accept taxes and not kick people out of their homes. We are not usually in this position with primary residences. If Council agrees to accept, they should have it paid off in 14 day through 2023. Councilor Fournier spoke in favor of the recommendation.

Second Parcel-4 Beano's Way: Councilor Bradley pointed out that there is no paid by date before we issue the mortgage release. Her recommendation is to work with the homeowner. They left a deposit on hold that will clear this foreclosure pending tonight's decision. There is a plan for the remaining amount to be paid within 60 days. They will be working with a financial institution for automatic payment of future taxes. There's a little process. There are also federal funds available to this individual that they are applying for. She will continue to hold that deposit so they can take advantage of the federal fund opportunity.

There were recommendation changes on the fourth parcel from the first draft of this memo and the one provided to the Council tonight.

The third parcel (0 Poland Rd) is the only one that she recommends that we continue to explore disposition and sale of the property. The homeowner is deceased and the heirs looked into doing something and they live in Arizona and they walked away. They don't want the property. They recommended it go to auction. Has there been any investigation on how viable that lot is for any buildability. There is not a use for a town facility there. What about a house for Habitat for Humanity. The town conveys the property over and it makes it easier for them to do their job. There would be some work on the homeowner. What they wanted to do was not allowable. Before it goes to auction, lets spend some time investigating what someone could do with it like Habitat for Humanity. The hold off would be the recommendation to sell it. Can we say if it's not appropriate to do with it what we want to, then we'll fall back on Jessica's recommendation.

Fourth Parcel: 1527 US Route One-change in recommendation. Originally the recommendation was to proceed with the sale of the property. The party in possession did meet with Jessica following the Municipal Facilities meeting. There are extenuating circumstances with this property. It would be in the best interest of the town to enter into a payment arrangement with

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them that would happen in a week and a half. There were problems with mail that delayed some of what they should have received. It's a 1.6 acre lot with a structure.

BE IT ORDERED: That the treasurer be authorized to execute mortgage release deeds upon full payment to formally discharge and release the property to the parties in possession for 22 Prout Rd, 4 Beans Way and 1527 US Route One.

BE IT FURTHER ORDERED: That that the Town Council finds it in the best interest of the town to do so. (Egan & Fournier)(7-Ayes)(0-Nays)

The Manager and Finance Director feel it is in the best interest of the town. What Ms. Maloy is offering for an option is an exception to the policy. Under the policy for collection, when it's an owner occupied situation, the policy stipulates that we can sell it back to the owner for three times the tax amount owed. . She doesn't recommend changing the policy because you do have what she's proposing as an alternative. She explained how the policy is written and that the council has the authority to forego that if there are extenuating circumstances that would allow. She is confident that with these three parcels that there were extenuating circumstances that we should be collecting the tax and moving forward.

Motion to adjourn at 9:07 pm. MOVED AND SECONDED: (Fournier & Daniele) **VOTE:** (7-Ayes)(0-Nays)

END OF AGENDA (Estimated time of adjournment 10:55 PM)

	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for April 2023
#2	Schedule dates for touring facilities		Chair Piltch	
#3	Explore new fire rescue substation in District 2		Councilors Fournier & Bradley	