

MINUTES
FREEPORT TOWN COUNCIL MEETING #10-23
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, MAY 16, 2023
6:00 PM

The Chair called the meeting to order at 6:04 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 #09-23 held on May 2, 2023 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 09-23 held on May 2, 2023 and to accept the minutes as amended. (Bradley & Lawrence) **VOTE:** (5-Ayes)(0-Nays)(1-Abstain Lawrence)(1-Excused Fournier)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- The Regional School Unit Budget Meeting will be held May 24th at 6:30 pm at the Durham Community School, 654 Hallowell Rd, Durham for the purpose of determining the Budget to be voted on by residents Tuesday, June 13th. The Budget Validation Election location is the Freeport High School, 30 Holbrook St with polling hours from 7 am to 8 pm. In person absentee voting will begin Thursday May 25th.
- The Town of Freeport has volunteer opportunities for people who have talents and interest in serving on the Board of Appeals, the Board of Assessment Review and the Cable Regulatory Committee. We also have one opening for a student representative on the Police Advisory Committee. Applications are available on the town website and at Town Hall.
- The library had a tremendous turn out for the Freeport Breaks the Silence film screening and discussion event on May 10th. 65 people gathered to hear stories of domestic abuse survival, recovery, and resilience – it was by far one of our most successful programs in several years. Library staff and Finding Our Voices thank the Council and over 125 Freeport businesses and organizations for such enthusiastic support!
- The Town of Freeport will 2023 Commercial Shellfish Licenses available by Lottery for: 1-Resident Commercial Adult License and 4-Resident Commercial Student License. Applications for the lottery can only be accepted starting Thursday, June 1st 7:30 am until Thursday, June 15th at 6 pm.

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- Budget Schedule: Tonight, we are doing a workshop which is mostly Council discussion. The Public Hearing is on June 6th. That's a good time for the public to comment. Budget adoption is set for June 20, 2023.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Bradley: On May 13th, he met with the Wolf's Neck Club and the Thomas Means Club for a supper. He talked to them about the town budget and its implications for taxpayers. He encouraged them to provide input if they were interested in what he had to say. He also discussed the intersection of the town budget with the Vision Plan.

The Transportation Committee that was loosely formed as a Charter group to talk about transportation alternatives in the downtown and outside assets has been meeting. There will be a meeting is 5/18/23 -9 am at Town Hall of what they are calling stakeholders. Stakeholders being people who they think will be most directly impacted by either the existence or non-existence of a system and to get their input. They were told there was \$10,000 in the budget but it needed to be spent by June 30th. They will not be able to finish their work by the end of the fiscal year, so they will decide whether to ask for that \$10,000 to be shifted into the new FY instead of going to Reserve.

The Sewer Department has received initial indication that the money that they requested from Rural Development is going to be approved. They are waiting for the details and will report back to the Council on what it means to the recommendation that we have for working with them given that it's now a reality rather than possibility.

Councilor Egan: After our last meeting, the Housing Committee had an informal workshop with the Planning Board. The Committee presented to the Planning Board its initial review of ordinance language which sparked a productive conversation about parking and density and allowable uses and areas of the town that can sustain more housing and areas that can't, etc. He also attended the Climate Action Planning Workshop hosted by our Sustainability Committee where our new Sustainability Coordinator was introduced. It was in partnership with GPCOG as a member organization. We get a lot of services from GPCOG. The workshop was interactive and reminiscent of the Downtown Visioning participatory workshops. There will be another one this fall.

He participated in a webinar on revitalization efforts in small cities in Maine. One of the presenting communities was Westbrook which now has a sculpture garden, a program where they do murals on large buildings to break up the mass and a river walk. It was great to see other communities engaged in this. They talked about having a good plan with positive community interaction. It made him feel good about our plan and how much public input we've had on it.

Councilor Daniele: He previously mentioned the possibility of a Smart Summit sponsored by the Roux Institute coming to Freeport and is pleased to say that is moving forward. These events are free to participants. This event allows participants to experience what it's like to build a non-profit or for profit start up solution. The theme is on regenerative entrepreneurship which creates businesses and organizations that give back more to society and the planet than they take from it. The challenge itself is how might we enhance Freeport's community fabric using regenerative principles. It ties in nicely with the work we are doing downtown. It's open and broad so someone could tackle empty store fronts or an app to connect people. The ask right now is to get partners together (RSU5, FCS, Wolf Neck Center, the Grange, FCAN and Meetinghouse Arts, which are all partners). The Town has the opportunity to be a

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partner as well. This is not a financial obligation, it's sharing the information. The Council gave a nod of consent.

Councilor Piltch: In the recent Transfer station mailing there was also a Police Advisory Survey. They would like to hear from residents things such as what they thought of our Police Department, how often you want to hear from them or about them and generally any feedback. There is a QR Code or a paper survey.

Presentation by Ethan McDonald: He has designed a flag for Freeport. He displayed a photo of the proposed flag which represents the culture of Freeport as well as the nature and attractiveness. The flag has a pine tree, a blue section representing Harraseeket River/Casco Bay and a green section representing Wolf Neck Woods/Mast Landing Audubon. He thinks that having a flag would be extremely useful because it can be a symbol for our town and make it much more recognizable. It could boost our reputation by a long shot because there are not many neighboring towns that have one. He would like to put together a flag committee with a willing Town Councilor, any willing residents and himself. Together they can make this happen.

Councilor Piltch: This is timely. In the next 6 months to a year, we have a sign redesign project coming along to redesign our green/blue signs throughout town. Part of that might be new thoughts on our identity in town and that may include a flag as well. When that gets off the ground we'll reach out to see if you want to be involved in that.

Presentation by Abigail Long of the Gulf of Maine Research Institute: Here to introduce their coastal flooding community science project. They recently extended that to all of coastal Cumberland County which includes a report. This project is a community or citizen science project that asks participants to make observations of clinical flooding at select monitoring sites in the participating towns which allows for greater understanding of flood risks, vulnerabilities and informs Emergency Management. It's a great tool that teaches about sea level rise. They have worked with the Planning Office to choose the monitoring sites of Winslow Park, South Freeport Wharf and Porter's Landing as the sites to be consistently monitored. They have creative signs they would like to put at these locations that would include information on the project along with a photo and with your approval, the Town logo. They are hosting a virtual engagement workshop on May 31st from 6 to 7:30 and one in person on June 7th from 3:30 to 5:30 for community groups, committees or organizations that want to learn more about hosting events and engagement around the project.

This is more of an FYI. They've been working with GPCOG. It's a great way to take all the data we see in all these plans and see what the conditions look like on the real world. They're going to be looking for community members to go out and take pictures. We'll have access to the data. We can use it to feed into the Climate Action and Comprehensive Plans. They are putting it on public sites and make sure the Council is supportive before they put the seal. Website: Ecosystem Investigation Network with the Gulf of Maine Research Institute, select Coastal Flooding Project (investigate.gmri.org)

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

Freeport will be having a Memorial Day Parade this year- May 29th at 10 am starting on Holbrook Street, heading north in Main, right on School Street and a ceremony at Memorial Park, next to the Hilton Garden Inn. We'd like to thank Joyce Veilleux and the Legion for their help. Spring Clean-up at the Transfer Station will be held Monday and Tuesday, June 5 & 6 from 11-7 pm.

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Police Advisory Committee survey: if you don't have access to a computer or online, you can get a copy of the survey at Town Hall. It is also available on the town website and Facebook page and we have a box to collect completed applications here at Town Hall.

The Council authorized us to enter into a contract with Baker Tilley for the Manager search. We have executed that contract. They wanted an abundance of information which we have partially sent to them. They are working on compiling marketing materials for their national search to find the next manager. They will be meeting individually with each Councilor.

We hosted the first of two Climate Action Planning workshops at the Community Center. It was a hybrid meeting with 50 people in attendance. They got feedback and presented some initial data that GPCOG has put together in preparation for the Climate Action Plan. If you weren't able to attend, we do have a recording on the town website. There is also a survey to collect thoughts on climate change. Visit the website at www.Freeportaction.org to get a link to the workshop materials and survey. There are paper based options and we can assist at Town Hall.

We received the first rebate for energized Freeport. That's the program that Freeport CAN put together and turned over to the town. The Council allocated funding for residents to submit for reimbursement. They staffed a table at the summit last night to give people more information. The first rebate has been granted for the full \$2,000 allowed per household. The income limitations are 90% of AMI (average median income) based on the number in your household.

GPCOG and Title Bay Consulting have been working with Harbormaster, Charles Tetreau. They want to apply for a Shore and Harbor Planning grant from the Department of Marine Resources. This is something they did a couple of years ago. The grant is up to \$50,000 with an in-kind match of Charlie's time of approximately 40 hours over the next year to study public access to water, the ways to preserve those in the future or improve public access points to the water. They do not need funding.

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

Margaret Morfit: She and Kathy Heye are co-Chairs of the Freeport Farmers Market. Last year the market was across the driveway from Town Hall that is now under contract. It was a great place and was successful. They had 12-16 vendors each week with as many as 400 visitors. It was liked by the community. This year, thanks to the Town, they will be in Memorial Park which is a more favorable venue. All the farmers are coming back. This year we have 22-25 seasonal vendors and 3-4 day tables. They also have a table for non-profits. The Hilton Garden Inn has agreed to let them use their parking lot. We will not have food trucks, but they will have electricity making music available. This was a project suggested to Freeport Climate Action Now by the Town. Visit Freeport did not want to take this on and the town wanted someone to do it. It's a good fit for them as it entails eating locally, supporting our local farmers and not driving anywhere. It is a lot of volunteer hours and they are hoping for an intern this year. They hope the Town doesn't forget to support them. Do we have data on sales for last year? What the economic impact was for the farmers and participants? They did not ask the farmers specifically what they made day to day. FCAN can report their numbers from sales and expenses. It cost them about \$5,000 last year. This year they would like the intern and to be able to pay more musicians, so they are looking for more than that. They are not trying to make money they are trying to make it good. The market is Friday mornings, starting June 16th from 9 am to 1 pm. The vendors pay \$150 per season and day users pay \$15 per table.

Suzanne Watson: Meetinghouse Arts: In the next week you'll be seeing art in empty store front windows. The Gallery at Meetinghouse Arts has gotten quite a number of large colorful paintings to put

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on easels in windows specific to the Loft building. Hopefully, other store fronts will see this and see it as a positive for the town. It's a way to make the empty store fronts look more enticing. She wanted to thank Josh Soley who stepped forward and said he was happy to offer his store front windows.

Bob Stevens: Provided the rebate dollar income levels to the Council.

- 1 person would be income below \$70,380
- 2 people it goes to \$80,460
- 3 people it goes to \$95,040
- 4 people it goes to \$100,530
- 5 people it goes to \$108,630
- 6 people it goes to \$116,100
- 7 people it goes to \$124,650
- 8 people it goes to \$132,705

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

ITEM # 94-23 To consider action relative to adopting the May 16, 2023 Consent Agenda.

The Chair reviewed the items on the Consent Agenda

BE IT ORDERED: That the May 16, 2023 Consent Agenda be adopted.
The Chair reviewed the items on the Consent Agenda. **MOVED AND
SECONDED** (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Excused
Fournier)

(Council Chair Piltch) (5 minutes)

ITEM # 95-23 To consider action relative to amendments to the Chapter 11, Building Code Ordinance of the Town of Freeport to adopt Stretch Energy Codes effective July 1, 2023. PUBLIC HEARING

The Council recently made an amendment to the Administrative Code. Those are the Codes that our Code Enforcement Officer is going to enforce. The Stretch Code was added into the Administrative Code for enforceable ordinances at that point of time. The second document that we have is a Building Code Ordinance that lists the Codes that Freeport has adopted. To make those two mirrored and to be clear what Codes we are using in Freeport, you have amendments before you. In here, you'll see some language listing all the Codes that we already enforce in the Administrative Code into here and then also adding the Stretch Code. The Stretch Code is an optional code that municipalities can choose to adopt that have higher standards to make our buildings more energy efficient, sustainable and resilient. You already did part of this and now you have the second ordinance to make them align. The Code Officer has spoken with the State Building Official on which Codes the State is going to adopt. The Manager has met with Bob Stevens and Naomi Beal of Freeport Climate Action Now. Naomi reached out to the MUBEC Board and they didn't really want to go on record stating which Codes because there are a bunch of different options and they don't know for sure what they're going to adopt yet and they didn't want to cause confusion. Our Code Officer did get more specific information about different options, but we don't know for a fact, at this point in time, what Codes and exactly when the State will adopt new Codes. If you adopt this, it will align with the other ordinance that you already adopted. What we are adopting will be effective July 1st. If the State chooses to adopt new Codes, which we think they are, we'll have to

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revisit that. We'll have to update our Ordinances and if there is a different Stretch Code we'll have to revisit that.

Councilor Lawrence: it seems like we're putting the cart before the horse. If the State's not adopting them now and we are going to adopt at a later time and then we're going to have to revisit this again.

Regardless, you're going to have to revisit the Codes again if the State mandates. Ms. Pelletier thinks we're being a leader for sustainability and joining a couple other municipalities notably Portland and South Portland that already adopted the Stretch Code.

MOTION: To open the Public Hearing **MOVED AND SECONDED** (Daniele & Lawrence) **VOTE:** (6-Ayes)(0-Nays) (1-Excused Fournier)

John O'Bryan: spoke in support of adoption. He works with FCAN to increase the sustainability in Freeport. He's a Brunswick resident but his kids go to school here and he would love to live here. We need more efficient buildings. He would build well beyond what the Stretch Code requires. The Stretch Code is a baby step from where we are at. We can say we did our part to help the climate crisis and reduce emissions.

Naomi Beal-Executive Director of Passive House Maine: spoke in support of adoption. She's been working with FCAN on their housing and solar group. We've been talking about the Stretch Code adoption for over a year with various members of Council and community. The leadership role that Freeport can play is important. Last year she hosted a talk about the first that Freeport has provided in various elements of the built environment such as the first lead adoption, the first passive house and the first deep energy retrofit at FCS. She encourages us to take the next step with the Stretch Code. There is confusion on what the actual Code will be in January. There's no confusion about what the Code is right now. Take heart that the MUBEC Board and the Energy Tags are going through those International Codes line by line really thrushing those on behalf of the community so when the Code is adopted we can have confidence that it's been well vetted.

Lance Fletcher: spoke in support. Since we brought this up a year ago, the Gulf of Maine has warmed a little bit. The Stretch Code is a 10% savings for people who follow it. It's a 1% increase in costs. He spoke about how, as a result of climate change, the lobster fisheries center has now moved northerly to Jonesport, as opposed to southerly.

Russ Martin: spoke in support. Consulting engineer for 50 years and designed for building systems that consume energy. He served on the Codes Board in Augusta. Codes are a minimum requirement for safety and energy reasons. Freeport can do more than the minimum. There will never be a shorter step to do it. The current Stretch Code is the 2021 Energy Code. He has heard that the new base Code will be essentially that same Code with perhaps some modifications.

Thew Suskiewicz: spoke in support. Marine biologist working with FCAN. His expertise is in coastal ecosystems. The Gulf of Maine is warming faster than 99% of all other bodies of water. A quick synopsis of his work on kelp beds in the Gulf is that in Casco Bay the kelp beds are all but gone. We've lost about 60 % of our kelp cover and we're seeing all these species that formerly lived in Cape Cod and South moving up to Maine. He hopes that Freeport can take a lead and do more than the bare minimum and accept the Codes.

Mason Morfit: member of FCAN-Spoke in support. Climate change is an urgent existential problem we must deal with now. Global temperatures are increasing faster than predicted. Our number one priority

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should be to reduce the emission of greenhouse gases and building codes are one of the most effective ways to do that.

Bob Stevens: spoke in support-He spoke with the Code Officer in South Portland who adopted the Stretch Code in April 2022. She reported that they have not encountered any problems with its' compliance. We are talking about safety in our homes here. We have all seen examples of the disastrous climate changes, the fires, heatwaves, floods, etc. These do not leave people safe in their homes. This will help keep people safe in their homes. The Economic Development officer in South Portland uses the Stretch Code as an inducement to reach out and bring businesses to their town. The University of Southern Maine has a new dormitory that was built as a passive house. They were able to spend a little more (1-3%) and they were able to keep market rates for students in those buildings because of the savings that will take place over 7-8 years by the efficiency standards that they're using there.

John Albright: spoke in support-He is a regular guy getting more and more frightened about the future. He implores the Council to listen to these experts who are talking about significant changes.

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

Councilor Bradley asked for a show of hands as to who in the audience supports this but didn't speak. Councilor Pillsbury is in support. It's a small step. It doesn't take us into the future, it only takes us to 2021.

If we don't adopt these changes, would we be in limbo since we already adopted some changes? We'd have ordinances in conflict with each other. The Manager advised that the Council would need to amend the other ordinance to undo the prior action.

Councilor Daniele: Why do we have to change it if the State makes a move? Why doesn't this just point to the 2021 Codes and then regardless of what the State does, we still point to the 2021 Code, like if they adopt that as their base code for instance? You list all of the individual Codes out and you acknowledge that this is the Stretch Code. We don't know if their going to adopt this as their base Code, as a base Code amended or as a Stretch Code or an entirely different Code. It's going to come back to Council anyways when they change the Code, you're going to have to note all the base Codes. You'll have to do something. It's not so vague just to say whatever Code and Stretch Code is adopted by the State. It's very specific. Why are we so specific? Why don't we just say we're adopting the 2021 Code then if they move that to be the base Code, we still are at the 2021 Code? Because usually we are specific so when people come in and look at ordinances they know exactly what we're talking about and exactly the Code.

In the ordinance it doesn't say "Stretch Code", that terminology was on our agenda to be consistent with the last time we brought this up. The ordinance itself just refers to the 2021 International Energy Conservation Code. He's still wondering why we have to change it if this becomes the base Code? Why do we have to go back to it if they change? We can discuss later.

Manager Pelletier: The way you're wording it, it's not going to be up to date and for consistency because you've already half done it. She thinks it would be better to adopt it as detailed as it is. When the Codes come back to you, if you want to try to do it more vague to capture going forward what they are doing, we can evaluate it at that time.

Councilor Lawrence: It seems like we are adding costs here and people are building this way already, so what's the point of the Code? We are raising the bar, but people are building this way, it seems like a rule

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of something we've already done similar to the Short-Term Rental Ordinance. Isn't everyone building this way now? It's a cost and we have a problem with housing costs. He's afraid that we will price out the single-family home.

The ordinance is effective July 1st.

BE IT ORDAINED: That amendments to the Chapter 11, Building Code Ordinance of the Town of Freeport, to adopt Stretch Energy Codes effective July 1, 2023 be approved. **MOVED AND SECONDED** (Daniele & Lawrence)

VOTE: (6-Ayes)(0-Nays) (1-Excused Fournier)

(Town Manager Caroline Pelletier) (10 minutes)

ITEM # 96-23 To consider action relative to proposed amendments to the Chapter 39, Loitering, Curfew and Noise Ordinance of the Town of Freeport to add a new section pertaining to nuisance lighting. PUBLIC HEARING

The former manager worked on this with some residents that had some lighting trespass issues in their neighborhood. They worked with the Town Attorney to craft some standards that we could incorporate into our existing Loitering, Curfew, Noise Ordinance which we would rename as part of this change. It would have standards for light trespass (when light shines from one property and goes over the property line onto another's. People could now call the Police Department and they would enforce it.

MOTION: To open the Public Hearing (Lawrence & Daniele)

VOTE: (6-Ayes)(0-Nays) (1-Excused Fournier)

Art Dysinger: Wants to thank those that worked on this project. He explained the history of why this is before the Council. He had a neighbor with bright lights that shone into his property. They contacted police who couldn't do anything and he was encouraged to pursue this avenue. They started this project 4 years ago. This was brought forward not only for the piece of mind for the people who have to deal with this. It's a safety issue when bright lights cross a major roads, it's something that needs to be addressed. We needed this ordinance to be able to go to this or any individual to say "turn these lights down".

Ken Mann-Commercial District lighting-He wants to make sure lighting from the Commercial District is exempted from this ordinance. Commercial Districts have buildings very close together and it's virtually impossible to light just one parking lot without overflow lighting. This seems more like a residential issue. He doesn't see anything in the exemptions to allow exiting commercial lighting that has never been a problem that don't meet these requirements to be allowed. It could be a simple amendment to avoid future complications.

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

BE IT ORDAINED: That proposed amendments to the Chapter 39, Loitering, Curfew and Noise Ordinance of the Town of Freeport as amended be approved.
MOVED AND SECONDED:(Lawrence & Daniele)

Councilor Bradley: Does the standard in the Nuisance Lighting section apply to the High School athletic fields? The High School field has its own specific lighting standards. Ms. Pelletier thought one of the things we could put in the ordinance was to note that it's exempt. She doesn't know what their foot

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candle measurements are. In regard to commercial users, they are required to have full cut off fixtures and they already need to be one tenth foot candle at the property line. She does share the concern of Mr. Mann in the Village where we have existing properties that are close together and close to the property lines. If they have an egress fixture, which they must have for Codes purposes near their door, it's in place and been there forever and it's not full cutoff, they could be picked up by this ordinance. A new commercial project should already be complying with this. We have a standard that when they're not open they need to turn it down to security level or off. It is stricter, but there could be some situations that are legally non-conforming to the commercial standards.

Councilor Bradley: Proposed an amendment under Section B for properties which have their own specific lighting requirements such as the High School Field.

Manager Pelletier: We have two sections that regulate lighting in the Zoning Ordinance. There is exterior lighting which is 521.A. What we are referring to here specifically would be an exception to lighting regulated under Section 521.B Athletic Field Lighting in the Village I District.

This was not discussed with the attorney previously. The Manager thinks that referencing and exempting 521.B, the Athletic Field Lighting, is clear and easy from an enforcement perspective. 521.A. is a little harder, i.e. have they been through site plan, is that the approval they got fixtured, etc. You have two different enforcement authorities, Zoning by the Code Officer and this by the Police Department.

Councilor Daniele: The Police Chief can exempt on safety grounds. He would assume that would be most of the portion of the commercial lots, that's a safety issue. They have to have good lighting, to keep everyone safe.

Let's do this tonight and we can come back and amend rather than go back and forth tonight. She'd like to look at the lighting plan. There were big fears when the lighting went in at the High School, but when you're actually there the LED lights do shine right down. She would be interested to pull their file and see where what their calculations were for being at the property line.

We can probably get commercial in the Village Districts covered by the Police Chief's determination that this set of dynamics is exempt due to safety. We want to make sure that commercial lighting doesn't inadvertently create challenges here. The down side is that it gives a lot of discretion. For instance, what if the Police Chief isn't working when the call comes in. Ultimately, the enforcement leads to the issuance of a citation and fine which we have a lot of discretion over. We may need a light meter as an equipment purchase. The Manager found in the exemptions section the wording that would cover this: "the provisions of this section shall not apply to 1.lighting generated by construction activities or outdoor events issued by a permanent license or approval granted by a municipal reviewing authority. So, if someone comes through Site Plan Review and have approval granted, they could fall under an exemption. There may be situations where people have been there predate us, some older businesses and buildings, but that should capture most people.

MOTION TO AMEND: To amend Section 39-104.B. Exceptions: to add new (ii) Lighting approved under Section 521.B Athletic Field Lighting in the Village I District of the Freeport Zoning Ordinance. The remaining exceptions to be renumbered from there, for a total of 5 exceptions. **MOVED AND SECONDED** (Bradley & Egan) **VOTE:** (6-Ayes)(0-Nays) (1-Excused Fournier)

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Lt. Paul Powers-enforcement is difficult. They would need a measuring instrument. The radar detectors in their cars have to be calibrated each year. He would think that any court is going to look at this type of violation and say "how did you measure that and the instrument you measured with, how do we know it's accurate and where did you measure it and how do you know it's accurate". That's some of the problems we will face with enforcement of this ordinance.

Chair Piltch: Would you be able enforce the other parts of it? For example, a lighting system that projects above the horizontal plane or creates a safety hazard or creates a nuisance.

Lt. Powers: a safety hazard would be an easy one. If someone is shining a light right at a moving car, that would be a safety hazard. What you are talking about is an opinion. We can't enter our opinion in any type of court, it's always about the facts. It will be very difficult for an officer to make a determination when one person says it's a violation and the other person says it isn't.

Chair Piltch: The way the Ordinance is worded, it says a lighting system that has designed and installed projects all of its light below the horizontal plane (so basically the light has to point down, it can't point up.) Is that something you can take a picture of to define a violation. We are always going to try education first. We are not going to just cut paper and call it a day.

The property line is definitely something you would use if its between two parcels of property, but most of the time it's across the street. You can test the street to see if it's showing there. Would there be a violation if your light shines in the street? The ordinance says yes. We would still have to be able to measure it, prove to a court it's accurate and be trained on it.

Councilor Bradley: It seems to him this Ordinance gives the police broad discretion. There is the standard you have to apply of foot candles to measure with. If your using that standard all the things you raised are right. There is another one that deals with glare and some may argue it's overly broad, but it really precludes your judgement about whether it causes reduced vision or blindness, creates a safety hazard or nuisance to abutting nearby property owners. It includes, but is not limited to, any beam of light crossing a property line. That's so broad, that he doesn't think that if you find in your judgement that this is something that is above and beyond the normal lighting of a house and it's directed at another property, you're going to have any problem coming within the ordinance. Now whether a court says it's too much too soon, that's not the police problem it's the Council's. In court it would come down to what is the homeowner doing, is it reasonable or unreasonable? The ordinance we have says any beam of light coming from one property to another. You won't do that for something that is background lighting, but if you find something that causes you concern, you'll have the backing in the ordinance. Who knows what a court will do. You don't have to worry that you don't have the backup in the ordinance.

Lt Powers's concern is whether this is enforceable to the point of conviction. Have we written an ordinance that's overly broad? We're telling you to try it, it's what we came up with after four years of working on it. The police don't want to get into a situation that they are taking sides.

To clarify the way the language is written, there are two things. First, it says no person may install or replace any permanent or temporary lighting system unless the lighting system is 1. A fully shielded lighting system. In your handout is a list of guidelines for good exterior lighting. It had a list of acceptable and unacceptable. If you buy a light fixture that is all glass and you can see the bulb, you can't do that. You also can't have trespass. If you buy a shielded fixture (a lot of the LED fixtures are now shielded because the light sits up), so if they go there and a) you don't have the shielded fixture or b) you do. If they go there and see something where you can't see the light but they're shining it up, then that second clause will kick in. The first part is an easy test for the officer, they can call it the lighting fixture. The second is going to be how they are angling that shielded light if they're using it and meeting that

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glare and those other standards. She wanted to clarify that there are two parts to what you're adopting here.

Councilor Bradley: Do you think that these standards that you've got as guidelines for good lighting can play any role in the enforcement of this? It's pretty obvious, when you go to a site, whether those fixtures are shielded or not. You are reading the guidelines into the ordinance as something that would determine whether something was legal or illegal. He's asking if that is the end. They define what a fully shielded lighting system is in the ordinance. His question is broader than that. Does the Manager think that the guidelines are being incorporated into the ordinance? No, that was just there to give a visual.

Andy Arsenault: The lights have to be shielded. He had a friend on Route One that put up carriage lanterns with little candle bulbs. He was told they don't meet Code. You need to be careful how you define whether you can see the bulb or not and what the power is of the bulb. Isn't this a Code Officer issue?

No, it's not. This Nuisance Ordinance really is going to pick up one family, two family and accessory dwelling units because the commercial is covered by site plan review by the Code Officer. In the past, for commercial lighting they've allowed decorative fixtures that are fully frosted so you can't see the source of the light. That's something we've seen in the past. With LED, it seems to be less of an issue because the bulbs are often hidden.

BE IT ORDAINED: That proposed amendments to the Chapter 39, Loitering, Curfew and Noise Ordinance of the Town of Freeport as amended be approved.
VOTE: (6-Ayes)(0-Nays) (1-Excused Fournier)

(Council Vice Chair Egan)(30 minutes)

ITEM # 97-23 To consider action relative to setting a Public Hearing for a new Liquor License for the Harraseeket Inn.

This is for a new Liquor License for the Harraseeket Inn which is being sold. The applicant is Giri Harraseeket LLC out of Massachusetts.

BE IT ORDERED: That a Public Hearing be set for June 6, 2023 at the Town Council meeting starting at 6 pm at Town Hall, 30 Main Street to discuss a new liquor license for the Harraseeket Inn. **MOVED AND SECONDED** (Bradley & Lawrence) **VOTE:** (6-Ayes)(0-Nays) (1-Excused Fournier)

(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 98-23 To consider action relative to setting a Public Hearing for a new Special Amusement Permit.

BE IT ORDERED: That a Public Hearing be set for June 6, 2023 at the Town Council meeting starting at 6 pm at Town Hall, 30 Main Street to discuss a new Special Amusement Permit for the Harraseeket Inn. **MOVED AND SECONDED** (Egan & Lawrence) **VOTE:** (6-Ayes)(0-Nays) (1-Excused Fournier)

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(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 99-23 To consider action relative to a Letter of Intent and Exclusivity Agreement with Revision Energy for installing Level 3 EV Chargers on municipal property.

Vice Chair Egan: We talked about this at our last meeting. We have James Penfold with us online from Revision Energy to explain their request for an initial endorsement of an agreement for us to work together so they can pursue funding entirely for a level three fast charger to put in our downtown.

James Penfold: He did submit information about the intention of the Letter of Intent, how it's mutually beneficial to the Town of Freeport and Revision. He's happy to review that. It's intended to provide some assurance that Revision is going to go forward with a serious effort to apply for the Efficiency Maine Trust National Electric Vehicle RFP. This is going to support drivers that want to travel to and throughout Maine with an EV. It will enhance the Town's sustainability initiatives at no cost to the town. From Revisions part, it provides them with assurance that the town will move toward signing a license agreement for the lease of the parking spaces. It will also enable and support us in continuing to invest considerable time and resources in developing the application with our engineering department, project managers, etc. It's part of an RFP that includes seven sites that Efficiency Maine has identified including five on Route One that start in Freeport and go to Ellsworth. If we are able to use a public parking space, it'll make it a more equitable service for businesses in Freeport. Rather than leaving this to L.L.Bean or any other developers, this will be something that supports all your businesses and all your visitors. The RFP is a rigorous process they've been through before with a dozen other sites that aren't as large a commitment as this National Vehicle Infrastructure. We're very well qualified, the most qualified in Maine having deployed over 90% of the level three charging stations. They also own and operate their own stations, so they are familiar with sustainable business models that have high uptime for drivers.

Councilor Bradley: He understands that Revision was looking to the Town for an agreement to develop a fast charging station at a parking space in town subject to be located by discussion. If he's reading this exclusive agreement correctly, if we sign this we aren't limiting it to one parking space. We're entering a relationship with Revision which includes all chargers that might be developed in town on an exclusive basis with Revision. Comments were previously made that this is unfair to others who might want to put charging stations in even though this is for free. The suggestion was made last time, it's only one space and you know the exclusivity would be to that space and that if the town was approached by others who wanted to do similar things either on private property or not, that we could deal with that on an as-come basis. Are you really looking for us to grant you the authority to develop a Level 3 charger at one parking space or are you looking for an exclusive arrangement to develop Level 3 chargers throughout town.

James Penfold: It would be in one parking lot. The RFP requirements have a minimum requirement of four charging stations. They have to be able to charge four vehicles simultaneously. What they are looking for with the exclusivity is to give them some level of the vicinity such as 500 feet around them to allow them to develop the business sustainably for a period of time during the LOI (Letter of Intent) period while that bridges to the license agreement so they have the assurance to go forward and read an application to Efficiency Maine in our parking lots rather than not having that support and having it from another town where they would want to put their effort into that application with Efficiency Maine. To his knowledge there are no other companies that have come forward. The Efficiency Maine RFP is advertised nationally. As a company, they are in contact with a lot of the national charging station providers and they're coming through them. They are not hearing enthusiasm to put in applications in Maine at this time. These are extraordinarily expensive to put in and there's a 20% match. It's not just free money from Efficiency Maine.

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Councilor Bradley: What is before us this evening is quite different from what was presented at the earlier meeting. It's much more expanded. It's longer in scope. It's larger in scale and it gives him pause.

Chair Piltch: Would Revision be amenable if we update the exclusivity to a 500-foot radius of the mutually determined location? Absolutely, they are not seeking a town exclusivity by any stretch. The last thing you want is a competing business right next to you. The business model for fast charging for this time and for the next few years is challenging. There is a high risk with it but even with the 20 % match because it's a chicken and egg situation. If we don't put our fast chargers, EV chargers don't see them and don't feel like they have the support to bring one from Boston or New York up to Freeport. We need them to come to support our business model in large numbers. Right now, the utilization is at a point where we essentially will be in the red with this for the next few years. So, if they have some level of exclusivity that is enough to give them some level of assurance of what we're working with for the next few years.

One other suggested change was in paragraph 8 about confidentiality. It states that the provisions of this agreement and all information related etc. shall be treated as confidential for two years. The Council discusses it on public TV and we can't do things that way. The Chair asked if it was alright to strike that paragraph. Mr. Penhold didn't see why it would be a problem. He wondered if when we get into the license agreement which is more complex instrument, ReVision may not want the competition to know what their terms are. On our end, the agreement would be a public document. ReVision will bring that to their legal team. The Manager can put a clause that they must comply with Maine's Freedom of Information Act. Does this exclusivity in the 500-foot radius preclude someone who buys a plot of land and decides they want to do that? The Chair's suggestion would be 500 feet of the contiguous municipal property. So, if it's a parking lot that we own, then it would be 500 feet up to the boundaries of that parking lot. We couldn't enforce on private property. This would be instead of us installing something, so we're bypassing that ability.

Valeria Steverlynk: Freeport Sustainability Committee supports the proposal with whatever changes you need to make. It's a great opportunity for the town at no cost to the taxpayer to have access to another level three chargers. We do have the L.L.Bean chargers, but often people have to wait and EVs are increasing.

Andrew Arsenault: He's concerned with the language. The last time we discussed it was a 200-foot radius and he thought it was one space, not four. He understands exclusivity as long as it's within maybe not a radius, but on that parking lot. Maybe he gets an exclusive to that lot, not a radius because the person on the next lot may want to put something like that on. We also need to promote more local businesses to put them on their property which was his problem last time with the Downtown Vision which said "local property owners and businesses, we should promote there. He's not sure where that went, but he knows the Town Engineer was looking into some kind of grant. That should be pushed out to store fronts and places around town that want to get on the band with us. He's concerned with this contract.

Councilor Egan: The exclusivity was on town owned property within 500 feet of this location stating that the town would not entertain an agreement with another vendor for a period of time. The town has no ability to regulate a private owner from installing an EV Charger on their property 60 feet away. If we are going to engage with ReVison for a no cost opportunity to get a DC fast charger, the town would not take a step to undermine that agreement and make an agreement with another vendor within 500 feet of this location on town property. The proposed location would be the Train Station. He doesn't know if Town Hall location is within 500 feet of the Train Station. He doesn't know if there is any town owned

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property within the radius, he doesn't have a map. We do have rights to part of the parking lot at the Community Center. We control 20 spaces there, but they are leased out to other people now.

ReVision: Typically, in the license agreement, they would need to maintain some exclusivity for a period of time. He clarified that this only applies to town public lands. For the whole charging station, they cost about a million dollars and Efficiency Maine would pay for 80% and they would be left with 20% of whatever it is. It could be \$800,000 or 1.2 million so it is very unlikely that a private company is going to do that. It would have to be another charging station operator. He can name the companies doing this on one hand and Maine is not their target market. If ReVision is able to get this money from Efficiency Maine, it won't be available again. This is part of the Biden Initiative for 500,000 stations across the U.S. Once the money is gone, it will be up to private companies to fit the million-dollar bill themselves. That's why, even with the 20% match, they need the exclusivity for a certain radius around their stations. It may not need to be 500 feet. In the LOI, it allows them to work with the town to identify sites that are mutually agreeable, so they can take a deeper dive with the utilities to understand if they can give us the level of power at that location. That takes time. June 22, 2023 is the deadline for this application. We can throw our time and resources at this between now and the application time. If we're approved, they would return to the Town Council and present a license agreement. When they know where the location is, they can discuss the specifics of the exclusivity range.

Town Manager: There are a few things she wants to make sure the Council is addressing.

1. Page one, 1st Whereas: It says these would be installed at little to no cost to the town. Her understanding is we are talking about no cost. A little cost to someone else might be a big cost to us. We don't know if we're going to have money.
2. She is nervous about the Exclusivity Clause. She feels there needs to Council discretion on which site is appropriate. That's not a decision she should make. This would tie us for two years, so if this didn't work, we're kind of giving those rights away for them to find a site. She thinks having the Council discuss what specific town property would be beneficial.
3. Number 8-we can fix by acknowledging we would all need to comply with the Freedom of Information Act under State law.
4. We haven't discussed yet, but this was a guiding principle in the Village; we want EV Charging stations, but we want to be a downtown for all and we want to be accessible. If we're talking about installing 4 chargers on EV property, are any of those going to be designed in space and their charger itself to be accessible to all users in Freeport even those who might have a special plate for accessibility purposes. The accessibility issue is a requirement of the Efficiency Maine grant that's part of this project, but it should also be in our Letter of Intent, since we are not signing the agreement with Efficiency Maine. For parking stalls, the ADA requires that a certain number of spaces be accessible. She doesn't know if the EV Charger requirements have caught up with that.
5. This has not been reviewed by the attorneys. Do they want to have that done before she signs this?

How binding is the letter of intent? We can talk about these things and put conditions and bring back on the 6th? Their timeline is tight. They won't hear from Efficiency Maine whether they are approved until July sometime.

Mr. Penhold responded to the points raised:

The Freedom of Information clause shouldn't be a problem at all.

The accessibility issue-they would be happy to write something in on the letter of intent. After they have reviewed what the requirements are by Efficiency Maine, they will be happy to meet those requirements and provide those to us.

No cost-That is something that bothered him in the Letter of Intent because they are offering to do this for no cost to the town. We could amend that now.

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Josh Olins: In support of this. Is there any restriction towards level two chargers within the 500-foot radius as well? He would check, but he didn't believe so. It's the dc Level 3 chargers that ReVision is concerned with. This money will walk if we don't accept it as will our visitors. This is connecting the dots on the east coast infrastructure.

There are many use cases that don't lend themselves to home charging (multi-unit residences, when homes are rented or when people have to park on the street) so fast charging stations are the only solution for these folks. That is something Revision would promote to the locals, this is not just cashing in on travelers. If you own an EV it is critical to have local access to public charging. The chargers at L.L.Bean are slow and always full. Whereas, with these dc chargers, 20 minutes might be able to get 100 to 150 miles.

Chair Piltsch: We can address the concerns brought up about confidentiality and exclusivity in the cost. Since this is just a letter of intent, we can add our endorsement tonight saying endorsed pending the resolution of these three items and then the Manager can sign it afterwards. When we do the licensing agreement we can dive into the nitty-gritty on the boundaries. The terms of the limits of the exclusivity will be negotiated during the license agreement.

Manager Pelletier: Not completely reassured with this. She feels like we are leaving it so open if they don't give some indication of the preferred sight.

Councilor Bradley-We can do that in the license agreement as long as we don't do something that will conflict with it in this agreement. If your going to leave this language in here and hope your going to clarify it in the license agreement, he doesn't agree with that. If you take it out and leave it to the license agreement to determine the exclusivity but don't leave this language here because it is so broad that you're going to have to wrestle yourself when you get there.

What James is saying is they need some guarantee that we're not going to go out tomorrow while they're getting their ducks in a row to make this work, and use someone else on town property.

Councilor Daniele: Can't we give our Town Manager the ability to change all these things based on what we've said and have maybe two Councilors involved with that to make sure. Most of the Council is in favor, just not how it's written. We are giving the Manager the ability to sign.

The Manager is still concerned that the Council is giving exclusive rights for two years.

The Council likes the idea based on what they've talked about. The Council wants Caroline to change it so she feels comfortable signing. The Manager would agree with Councilor Bradley, she would strike that. She is not comfortable leaving it so vague. She feels the Council should be negotiating that with them in a public setting before signing the letter of intent.

Ken Mann: At the last meeting, Councilor Fournier brought up getting proposals from other contractors. Did we do that? This outfit wants our parking spaces for 10 or 15 years. They don't want to pay us anything. They want to use 1.5 million dollars of grant money. Seems like there might be another company that would make a better offer. Last meeting the talk was about parking spaces at the Train Station. Tonight, under this agreement, the second whereas states "parking lots". You are all in agreement that we're not talking about parking lots. Under number 2, agreed upon location, at the very least you've got to strike "parking lots", he thinks that they agree with that.

To clarify: June 23rd is the deadline for the application and we may hear back on the grant results in July. At the last meeting he thought it was a radius of 200 feet. That was an example that Councilor Egan had used. Why do we have to go 500 feet which is twice the distance of the main barn. We need charging

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stations we don't need to limit them. He thinks the location needs to be put in this and not put off till later.

Confidentiality: He read aloud from the information provided: The provisions of this agreement and all information related to this agreement, that DC fast charging stations of funding applications that is shared between the parties shall be treated as confidential for a term of no less than two years. He thinks the Council agrees to take that out. What he found to make that easier is in the proposal for the grant money. There is specific language that says "a condition of accepting any public funds under the agreement recipient hereby acknowledges and agrees to that the documents and information relating to recipients project incentive award in this agreement other than information designated as confidential by Statute may be treated as public records under the Freedom of Access laws". On one hand they're asking for confidentiality and then in the application itself there is exact language that says they can't get that unless it's by Statute. He thinks the Council should incorporate that language specifically over here and then you'll be consistent on both parts.

Councilor Daniele: What if we just put something at the end that says "this agreement is null and void after a licensing agreement is signed or X number of months from when it's signed". That way it shows we are ready to go forward but we're putting all our eggs into the licensing agreement. The two-year thing doesn't matter if we don't end up getting a signature in two months or three months. We are going to hear back in July and that gives us a month's worth of negotiation time. Would that make people comfortable?

They need to go get the grant. They need exclusivity, so they can go to Efficiency Maine and say "yes, the town wants to go forward with this". That's what the exclusivity is about, so they can get that and then sign the agreements and leases. That gives us another opportunity to refine this.

Councilor Bradley explained that the letter of intent is an enforceable agreement. They could get an injunction against us forcing us to do this.

Chair Piltch: He proposed endorsing the Letter of Intent with the changes to confidentiality, writing and accessibility, clarifying that there's no cost and clarifying that there will be some exclusivity, but we will still determine that at a later date, before we sign this. If we make those suggestions and say Caroline is authorized to sign this pending those three suggestions. If she's not comfortable, she'll can come back to them with suggested language changes.

Manager Pelletier: If the Council is leaving the discretion of the exclusivity up to her, she feels like they are not giving her the clarity she needs to be able to move forward with a decision.

Councilor Bradley: What he has heard is that the exclusivity that is needed is a 500-foot radius for four spaces on a parking lot that the town owns. The location to be determined specifically in the licensing agreement. What they need now is an indication that we're willing to do that in the licensing agreement limited by those factors; the 500-foot radius, the four spaces, and a town owned property. If we're willing to say that in the agreement, then ReVision is willing to go forward and see through negotiation which of these town owned properties or parking lots are the right ones for you.

James Penhold: Yes, and we need to obviously pin down the exact location in time for submitting the application. This is something that will happen quickly. The project manager has done some tentative analysis. He's been out and done a site visit so we should be able to identify the location very quickly. This is just an intent to move to license agreement if they get the funding. They could make so the LOI doesn't extend beyond the point where they've heard back from Efficiency Maine. If, for example, Efficiency Maine doesn't approve this, then it could be void at that point. If that's a sticking point for

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you, this long-term 2 years of exclusivity for the LOI, then they can make that pretty short. But assuming that they get the funding approved, they would have to make a good faith effort for both parties to move toward the license agreement. That no doubt will come up before the Council.

Why don't we say this is going by the Train Station. If it's a different location, come back to us and we'll modify the LOI. He's saying the location is the Train Station and the time we can give them six months from the time it's executed.

The Chair summarized that we would endorse the letter with changes to indicate that it is good for 6 months only; the intended location is the Train Station, but we will entertain others; the confidentiality is removed in reference to Freedom of Access statutes are incorporated; we'll add language about accessibility and we'll clarify that it is at no cost. Also, a 500-foot radius on town owned property no larger than a single block, the specifics of what can be determined later.

BE IT ORDERED: That the Letter of Intent and Exclusivity Agreement with Revision Energy for installing Level 3 EV Chargers on municipal property be endorsed after changes are made incorporating reference to a location that is intended to be at or near the train station, the removal of the confidentiality paragraph number 8 and reference made to the Freedom of Access Act statute, clarification that this is at no cost to the Town, that the letter of intent is good for 6 months and that there will be some exclusivity asked of us and our intent that it will probably be a 500 foot radius on a single town property the specifics of which can be determined prior to the signing of the license agreement.

BE IT FURTHER ORDERED: That the Town Manager be authorized to execute and endorse any documents required. **MOVED AND SECONDED:** (Piltch & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Excused Fournier)

(Vice Chair Egan)(20 minutes)

ITEM # 100-23 To consider action relative to the disbursement of Cemetery Perpetual Care Funds.

Finance Director: This is the annual disbursement of funds from the Cemetery Trust out to the cemetery associations based on what the town budgets for maintenance and care for veteran graves at each cemetery as well as what is earned as investment income from these Trusts. The last few years we have not had investment income that we have paid out of the trust given the performance of the interest component of the trust. We've had feedback from the associations that they are struggling with the ability to maintain those without the additional investment income that is earned. What is before you is two part; one piece we do annually. The first BE IT ORDERED before you is to transfer funds from the principle component of the trust into the interest component of the trust in order to give the interest component a one-time boost in order to provide the associations with their investment income that does get earned annually.

She wants to take a chunk of what's been held in principle trust and transfer it over to the interest side so that we can disperse the interest payments. From a historical standpoint, the reason the interest got into this situation is, at some historical point we were paying out the veteran allotments out of the Cemetery Trust, we would account for them out of the interest portion of the balance of the trust. When you do that on top of paying out the interest, you're going to overspend, especially in low rate environments. She has a plan going forward, so we are just paying out the interest earned on an annual basis. The veteran

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allotments are now budgeted for within the General Fund as part of the Operating Budget you see this year.

Councilor Egan: Is the disbursement that we are taking action on here the \$28,407.00. The first BE IT ORDERED is to allow her to transfer the money over and the BE IT FURTHER ORDERED is the total payment that will be made to the association.

Councilor Bradley: In the past we took too much principle and we didn't have to supplement the interest that we were earning.

We overspent the interest component. Even in a poor rate environment, we didn't stop paying out interest investment, we were paying them flat amounts.

Now we are adding more principle to interest, to up the interest payments. We are going to supplement that through our Operating Budget. We have been and will continue to pay the veteran allotments out of the General Fund. It has been that way at least 10 years.

If we have had the General Fund, why did we fall so far behind? Why didn't we pay for it as we went along and kept up the balances? Ms. Maloy couldn't answer, but stated that it was in a negative state when she started working for the town.

What you see in the second half of the BE IT ORDERED, is a combination of what we pay out of the Trust and what we pay out of the General Fund. That's been in place longer than she's been here.

If the Trust isn't earning much, then we supplement that with the General Fund?

No, we do not. What gets paid out of the Trust is only the interest that they earn. At some point, something happened that caused those interest balances to decrease lower than they were earning. Her assumption is that at one historical point we were paying out flat dollar amounts or other agreement that may not have necessarily been based on what was being earned. She's not sure on the full history. We've tried to take the approach over the last couple years to not pay out the investment income in order to build the balance back up. Her estimation is that it would take another 2 years before she could make a payment out if we do not do this transfer.

Is there additional revenue coming into these cemeteries? Not into the town. The associations are now responsible with any additional plots that may come in, but the town doesn't receive any money. The only thing we would see is when someone wants to make a donation, that comes to the Council.

BE IT ORDERED: That the following Perpetual Care Fund Principal balances be transferred to the Perpetual Card Fund Interest balances. Total \$18,250.00

| <u>Cemetery</u> | <u>Transfer Amount</u> |
|-----------------|------------------------|
| BURR | \$10,100.00 |
| GROVE | \$3,000.00 |
| WEBSTER | \$550.00 |
| WOODLAWN | \$2,400.00 |
| SOUTH FREEPORT | \$1,500.00 |
| FLYING POINT | \$700.00 |
| <u>TOTAL</u> | <u>\$18,250.00</u> |

BE IT FURTHER ORDERED: That the following Perpetual Care Funds be disbursed. (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(0-Nays) (1-Excused Fournier)

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| <u>CEMETERY</u> | <u>INVESTMENT</u> <u>INCOME</u> | <u>VETERANS'</u> <u>ALLOTMENT</u> | <u>Total</u> |
|-----------------|------------------------------------|--------------------------------------|---------------------|
| BURR | \$ 3,614.17 | \$ 9,800.00 | \$ 13,414.17 |
| DAVIS | \$ 44.25 | \$ - | \$ 44.25 |
| WOODWARD | \$ 411.44 | \$ - | \$ 411.44 |
| GROVE | \$ 1,425.96 | \$ 2,950.00 | \$ 4,375.96 |
| CARRIE THOMAS | \$ 20.09 | \$ - | \$ 20.09 |
| WEBSTER | \$ 399.92 | \$ 1,850.00 | \$ 2,249.92 |
| WOODLAWN | \$ 541.81 | \$ 2,375.00 | \$ 2,916.81 |
| SO FREEPORT | \$ 1,471.42 | \$ 2,750.00 | \$ 4,221.42 |
| MANN | \$ - | \$ 100.00 | \$ 100.00 |
| FLYING PT | \$ 203.66 | \$ 450.00 | \$ 653.66 |
| Total | \$ 8,132.72 | \$20,275.00 | \$ 28,407.72 |

(Finance Director, Jessica Maloy)(15 minutes)

ITEM # 101-23 To consider action relative to an Arbor Week Proclamation May 14- May 20, 2023:

Kristen Dorsey-Representing the Tree Task Force: They started their work about a year ago. One of their first actions they wanted to take was to have Freeport declared as a Tree City by the National Arbor Day Foundation. One aspect of that is to have an annual Arbor Week Proclamation. Many States do an Arbor Day, but Maine does an Arbor Week. This is four-pronged including having a Proclamation read each year, have a Tree Ordinance in place and a celebration. The Task Force currently has a draft of a Tree Ordinance before the town attorney. Their celebration will not take place during Arbor Week as there are more details to figure out.

WHEREAS In 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, *and*

this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, *and*

Arbor Day is now observed throughout the nation and the world, *and*

WHEREAS in 1978, Maine first celebrated Arbor Week during the third full week of May and continues to do so, *and*

in 2020, the Town Council of Freeport, Maine established the Municipal Tree Task Force, *and*

WHEREAS trees in our downtown landscapes contribute to a thriving economy, promote our sense of community, protect our natural resources, preserve our cultural heritage, and increase our overall well-being, *and*

WHEREAS well-planned landscaping enhances the economic vitality of business areas by calming traffic, boosting retail sales, reducing stormwater fees, providing shade for parking lots,

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roads, sidewalks, and buildings, and creating a visual gateway which welcomes visitors to Freeport, *and*

Trees ~ wherever they are planted ~are a source of beauty, joy and spiritual renewal.

NOW, THEREFORE, We, the Freeport Town Council, do hereby proclaim May 14-20, 2023 as **ARBOR WEEK** in the Town of Freeport, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our tree canopy and woodlands, *and*

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations. (Lawrence & Daniele) **VOTE:** (6-Ayes)(0-Nays)(1-Excused Fournier)

(Council Chair Piltch)(5 minutes)

ITEM # 102-23 To consider action relative to an EMS Week Proclamation May 21- May 27, 2023:

Chief Conley: Thanked the Council for reading the Proclamation. They appreciate the Council's endorsement promoting the vitalness of our Public Safety Agencies. Some of the things EMS has broadened to involve are the community, community CPR, community AEDs. They have had some great successes this year with lives saved. They have 43 active members of the Department. He has special things lined up for the members so that they are recognized that they are valuable source of protection in the community.

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide life-saving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

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NOW, THEREFORE, We, the Freeport Town Council, in recognition of this event do hereby proclaim the week of May 21 - 27, 2023, as **EMERGENCY MEDICAL SERVICES WEEK.** (Daniele & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Excused Fournier)

(Council Chair Piltch)(5 minutes)

ITEM # 103-23 To consider action relative to a Use of Town Property from Meetinghouse Arts to use Memorial Park.

This is for The Meetinghouse Arts summer concert series starting in a few weeks. Part of the Downtown Vision Charters was to try out a place to have concerts in Memorial Park. The Town Engineer is working Public Works who is going to reutilize one of the parklets we had and convert that to a platform in Memorial Park so people can have concerts. Town Engineer, Adam Bliss, will get the Temporary Activity permits to get that platform in place. Meetinghouse Arts wants to be the first to sign up to use it on select dates.

Suzanne Watson Meetinghouse Arts: This is also an opportunity to continue the revisioning plan. Meetinghouse Arts has been asked to be the cultural lead on that. The three goals that are their assigned goals are music festivities, public events that enhance arts and culture. The second is the infrastructure goal which is to building infrastructure around town that allows these activities to happen. The third is public art which we talked about earlier tonight. The idea that we can have more public art consideration as we do redevelopment and the revisioning process. This meets two goals, to have music festivities and the infrastructure. The infrastructure goal is the idea that we will move this structure. Mr. Bliss and the Meetinghouse Board have met and determined two spaces in the park to be used. They are also partnering with the Farmer's Market. They are doing a survey that they will pass around the market and concerts to get public feedback about how its working in these different locations ultimately working on where a permanent pavilion will be placed. They are doing a flier that will be distributed around town.

Councilor Egan: In transparency, he is a volunteer that helps put on and produce the sound for these concerts. It doesn't affect his ability to vote on this matter.

Joyce Veilleux: That sounds like a wonderful use of Memorial Park.

John Albright: All performers are paid out of a \$10,000 donation from an unidentified donor. It paid for performances at Meetinghouse Arts in 2022 and will cover all the expenses for concerts in Memorial Park 2023.

BE IT ORDERED: That the Use of Town Property from Meetinghouse Arts to use Memorial Park on June 3, July 1, July 14, August 5, August 18 and September 2 be approved. (Bradley & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Excused Fournier)

(Town Manager, Caroline Pelletier)(10 minutes)

ITEM # 104-23 To consider action relative to the option of the Town of Freeport to purchase a portion of a parcel of land located at 0 Lower Main Street (Tax Assessor Map 23, Lot 55).

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Town Manager: Many years ago, the Town and L.L.Bean did a land swap. The Town of Freeport got the land that the Freeport Community Library is on today and L.L.Bean got a piece of land between Varney Road and Lower Main Street (across from Shaw's Plaza and if you go down Varney it surrounds the utility building there). Before we even did the land swap, there was an agreement that the two parties agreed to do certain things. Two of those things for this piece of land, that if L.L.Bean decides to sell it in the future, we would have the option to buy it before they enter into contract. The second is that we would be consulted on any development there. Prior to commencement of any development, they would come to the town to make sure there is a benefit to the town. L.L.Bean has potentially entered into a potential agreement to sell land to Freeport Housing Trust (FHT). The Freeport Housing Trust often has different entities, so they would partner with a gentleman named Tim Gooch and they would develop the site into affordable housing. Before entering into a contract, L.L.Bean is approaching the town to see if the town has an interest in purchasing that land or give up our rights to purchase that and they can proceed to enter into an agreement with FHT. You have a motion before you that is very specific. As the developers go forward with surveys, there could be some tweaking needed to finalize the exact nine acres, but it would be in this approximate location. Secondly, which they could come back, but part of that provision was that we'll get the chance to determine if affordable housing there is a good thing for Freeport. That's the second part of the motion tonight or do you need more information.

Councilor Bradley-We are going to move to dissolve our option but the deal is not finalized until sometime in the future. Is there any problem with us if we decide to dissolve the option or waive the option pending the finalization and execution of the deal between L.L.Bean and the affordable housing group.

Dave Lockman (L.L.Bean Rep.) Basically, you want to retain that option in case the plan doesn't go forward? Absolutely.

Can someone explain the income criteria for affordable housing so we know who it will be that qualifies if this project goes forward.

Matt Peters-Freeport Housing Trust: We are looking to using financing that would allow people who make around \$55,000 or less (rough number). It will be for 60% of the area medium income for the region. These were just republished yesterday. They are much lower than the market rate. Yes, much lower. It's for 55 and older. The current plan is for a 42-unit building.

If we waive the option on these nine acres, would we still have the option on the remaining parcel of land? It was an old agreement, it wasn't clear. The agreement was never recorded. L.L.Bean is trying to be transparent. She doesn't know if they would have any objections. Mr. Lockman stated they would not. It was an agreement that was more of a hand shake. It does have a signature on it, so it's legally binding. It would be fine leaving the option for the town to purchase the remaining property on that parcel. It's around 52 acres.

The minutes will be sufficient record of this agreement. There is no separate letter required.

BE IT ORDERED: that the Freeport Town Council move waive its option to purchase a nine (9) acre portion of a parcel of land located at 0 Lower Main Street (Tax Assessor Map 23, Lot 55), as currently owned by L.L. Bean, and for which L.L. Bean has the intent to sell to the Freeport Housing Trust (or an affiliated entity thereof) for the development of affordable housing.

BE IT FURTHER ORDERED: that the Freeport Town Council determined that the proposed development of this subject portion of the parcel into affordable housing would be a benefit to the Town of Freeport.

BE IT FURTHER ORDERED: that the waiver doesn't take effect until there is a firm agreement between the two parties for the purchase of the land and the Town of Freeport doesn't waive its first right of refusal on the remaining portion on the subject larger parcel. (Egan & Daniele) **VOTE:** (6-Ayes)(0-Nays)(1-Excused- Fournier)

Councilor Bradley: If a million things go wrong after the signing of the document and the project doesn't go forward, we've given up our right to 9 acres, we are taking a risk along with it. Manager Pelletier feels we are clear that we are waiving it for the purpose of them selling it to the Housing Trust or entity thereof for the approximate nine acres for the development of affordable senior housing. If they shift from that plan, they need to come back to Council.

Councilor Lawrence is still concerned that we are missing the middle section of the population here again with affordable housing. We have old people and rich people, but we won't have young people to run the town. We need other projects in addition to this. The Chair wouldn't want this to not go through while we wait for other project and it's not our decision either.

Maybe we could take an active step to work with land owners that have open land in the area that we want to see such as Lower Main Street to see if we can negotiate an opportunity to leverage parties in there to make some starter homes happen.

(Town Manager, Caroline Pelletier)(10 minutes)

OTHER BUSINESS:

1. Operating Budget Workshop (Finance Director, Jessica Maloy)(30 minutes)

We can make amendments to the budget tonight. We have one more meeting to make amendments to the budget and then the meeting after we vote on the budget.

Councilor Bradley asked what the procedure is for amending the budget. She can pull it up and be able to show the real time impacts of any changes that are made. She can handle that anyway the council sees fit. We can make changes on June 6 or June 20th. If we bring up an amendment on June 20th it would be difficult for her to make changes and then come up with numbers in real time so if we want to change we should do it tonight or June 6th. The items listed under "Outside Agency Analysis" and the page before that proposed list of changes to the FY24 to FY28 Capital Program, those are items that are not included in the budget. Does it make sense for us to have a first pass at that list and get an idea or what we may or may not want included.

The Outside Agencies were asked to attend the June 6th Council meeting and talk about their requests. If there is solid majority one way or the other, it would help guide them in what their discussion will be and whether or not they have to be here.

Councilor Egan proposed that the \$26,750 that is listed as an Outside Agency Operating request, is really a Capital Improvement for dugouts at the Hunter Road Fields facility which is owned by the Town. These would be capital improvements on town owned property. He'd like to suggest that we move that

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from the Operating Budget to Municipal Facilities in the Capital Budget finding a similar dollar amount to adjust so we are not increasing the capital budget. It's a highly required item because it ensures the safety of children that play baseball at those fields. Also, it is a town owned facility in which we are making a capital improvement and the icing is that the league and users have agreed to provide all the labor so that \$26,000 is strictly for materials.

Councilor Daniele suggested using ARPA funds. That's an easy sell for the community that we're using ARPA funds to do that because it's an important community asset. It also makes sense to put it under Capital Improvement.

When you have a Capital budget in the current budget year, the source of that money is the Reserve account for that item. It comes out of Capital Reserve Funds. That is Reserve Funds that the taxpayer already paid and is sitting in a fund waiting for a worthy project like this one. It does not transfer over to an additional burden on the current tax levy. If we added it to the Operating Budget, it would. The kids deserve a dugout when they are out there playing in a thunderstorm.

The other agency requests are for operating budget money. Anything on that list is not on the budget. Anything can be up for discussion for where the Council wants to see it. See supports either option of Operating Budget or ARPA moneys for this item.

Councilor Bradley: We did it this way so that all of these would be taken up at once and we would make a prioritization determination with all of them in mind. That's his understanding of how we got this list. We sent out applications, they send it in, and then we decide which ones to support.

This is the first year we rolled out the extension to Outside Agencies. The initial letter we received was from Tri-Town Little League. For her, there was no correlation with a town committee. She doesn't go through all the request to see what they are asking for, she leaves that up to the Council to do. When she sees Tri-Town Little League, she did not associate that with Hunter Road Fields. She sent the application for them to complete. This would have been clearer if the request for dugouts included a memo from the Hunter Road Fields Committee it might have stood out as more grandiose. It sounds like they are in agreement that it should be funded somehow.

She is in agreement that it would be appropriate from ARPA funding giving the timing that we have to use ARPA funding. There is about \$400,000 left in ARPA funds. The ARPA funding has to be appropriated by the end of 2024. This is exactly what the funding was designed for and it's not impacting our low Reserve balances as it stands. What may need to be maintained over time is going to be absorbable through what we have for HRF in the Operating Budget. It's not like it's a position that will require funding next year so that's her biggest proponent for using ARPA funds.

Councilor Daniele also suggested the Downtown Visioning Contract Engineer to be paid for out of ARPA too. Even if it's to have it on the sidelines to say if a project came up that we really needed something to get done for, he thinks we've got limited resources in town and we can't just expect everything to keep going so we need to fund those somehow. The Chair agrees knowing it's available if we need it is important. He doesn't know if he'd rush out to sign a contract with someone to be on standby for engineering services if we come up with a project. If there is a project that Adam can't take on, then we say yes here's a bucket that we've preapproved.

Last year we elected and picked off some one-time activities that were in the Operating Budget and we used ARPA funds and we were able to reduce the increase on the tax levy. He would be in favor, particularly since we are looking at a 6+ percent increase in the tax levy, that we try and find as many of those one-time activities that are in the Operating Budget that are not related to a person (employee), but

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if there are other items particularly since the clock is ticking on the ARPA account. We don't have to have it obligated by 2024 and we are making decisions on obligations for FY24, that doesn't give us much time after our fiscal year is over to have it obligated. That gives us an opportunity to reduce the increase that we're looking at now, which he stands by because he thinks the additions that we're making are important especially the staff additions and pay adjustments, so we can retain our staff. We found a couple hundred thousand worth of projects that were one-time expenses that we used ARPA for. We will be starting to build trails and it's going to take more than what's there. Those are things that came from the Visioning that we should do. The trails reduce cars downtown, emissions, etc. Trails allow people to ride bikes downtown. We can't do that now because the bridges aren't done. More importantly, the reason we got such a good deal on the bridges, the MDOT dropped it by \$600,000, was because we are doing the trails. We need to have a commitment to getting those done and here's the money that goes a long way towards building that. We can move the ARPA money into an Intown Trail designated fund as long as it's spent by 2026, it would be fine.

Of the 1.3 million dollars in expenses, when you talk about one time impacts that may come out there is the \$40,000 Downtown Vision grant match, she increased paving by \$25,000 (the increase came out of ARPA this year), and Regional Services to hire the Marine Conservation Corp for labor on some of the bridges. In reality, that is all she's comfortable giving you out of the majority of those expenses. The rest relates to contracted services we have for General Assistance, Dispatch and ACO contractual increases, hydrant rental increases, Bustins Island, and the wages, benefits, additional staff and COLA changes. If we use ARPA funds for trails, it's not enough to say we put it in the Reserve account for trails by the end of 2026. We actually need to pay it out. It would have to be appropriated by end of 2024 and spent by the 2026. Almost all of the Downtown Vision projects can be looked at for some use of ARPA funding because you designated the loss of revenue. These are projects that you can do if you had the revenue at the time. Does that make sense to take \$83,000 out of the operating budget and use ARPA money to pay for them so our Operating Budget comes down, meaning our tax levy comes down and maybe have a suggestion with the balance of the ARPA money, since we're getting up on the end of 2024, be allocated for whatever trail funding or similar downtown projects we see the light to be able to spend by 2026 and Jessica can come back on June 6 with a couple of recommendations.

Councilor Bradley: Rather than jump to trails, we should think about some of the other Downtown Visioning things that might compete with that in our view, before we make the call. He has a few things in mind. Transportation will have something, they will know better Thursday whether they have a Transportation Group or not. If it is, your talking equipment and we'll spend it in that next year. Meetinghouse Arts will have significant expense for air conditioning and heating. It will be very helpful if the town would help with ARPA money so they could do private fund raising along side the ARPA funding.

At the next meeting can we get an accounting of the ARPA money we've already spent. We potentially committed some of the funding for FCS, there were thresholds we said we'd authorize up to X amount initially and then a further X amount. Before we go spending all of it, let's make sure we know what we have it to spend.

Through these Doors request is at \$500 on their application, not the requested \$900 in the letter, because that is what they requested last year, any increases would have to be added in. Their cover sheet says they are asking for \$500. They get small amounts of money from many different towns.

To get back to Councilor Daniele's topic in regard to \$30,000 for Engineering: That would be in addition to the Operating Budget which would affect our tax levy for this year. He would actually suggest ARPA funding. That would be a contractual service, so it would be covered.

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Didn't we discuss potentially using salary savings from other open positions? Any salary savings at the end of the year would go into the General Fund. We have salary savings this year and that would technically qualify for auditing purposes. There wouldn't be any issue, your contracting for services that you wouldn't have staff to do. The savings from this current fiscal year would default or transfer to Fund Balance. Currently, there is a \$675,000 use of Fund Balance. If you had an additional amount you were thinking, she would increase that Revenue side by that amount. So that's the effective tax savings. It's another option to consider.

Councilor Daniele: Does anyone else value having the Downtown Visioning Contracted Engineer and then we can decide how we're going to fund it. We are going to go line item to find out if they are worthy of being funded okay, now let's find out where we can fund them from. Councilor Bradley supports getting the Town Engineer extra help even though this is a tough year for spending money. The Chair would support tying this to specific projects that need additional engineering. He doesn't have a problem setting aside a bucket of money, it's the same money no matter under which label. If we set the bucket aside, the Engineer can come to us with a project and we can support it and take the funding from the bucket.

The Chair also supports the Farmer's Market. He didn't think they would come back for more money after the seed money to get off the ground last year. Two thousand is not a lot and we get bang for our buck out of that. Councilor Lawrence questions whether the rest of the Service Agency list is something we should be spending our money on now with a 6.5% tax increase.

Your Assessor sets the valuation of the Town and depending on where that comes in, it will have an impact on the mill rate. He doesn't commit taxes till mid-September. It may change the mill rate, but the effect will be no different. It doesn't help anyone with their tax load. She encourages discussion with the Assessor if there was something further. There are many aspects, one is new valuations, there are valuations that have gone away and changes to existing valuations. The evaluation is not going to be solely from new valuation coming in.

We will hear more information when the Service agencies come to the next meeting.

Ms. Maloy would rather leave the paving line flat. The Public Works Supervisor had initially proposed his budget flat for paving. He was reminded that he actually has a \$100,000 more but it's in the ARPA bucket. Between his staffing and where we are at with getting stuff done, that might be hard to meet. Rather than add \$25,000 into ARPA for that, she would just as soon pull that from the budget and leave paving flat.

The only change for the Operating Budget right now is the \$25,000 for paving. The changes for ARPA won't impact any of the existing budgets, not does it change any of the Capital budget.

Councilor Daniele: He thought that the Conservation Commission's Trail would come out and go to ARPA (\$18,000). With all the one-time items we discussed, it would be nice to have a breakdown of what the rate would be if we moved them. Does it matter whether the rate increase is 6 or 6.25? It might be better to get it done in one year.

The RSU had a 3.5% increase at the existing valuation. That's still a \$700,000 increase. From a value standpoint it's similar but because their budget is so much higher than ours, their percentage is so much lower.

EXECUTIVE SESSION

ITEM # 105-23

To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to a Real Estate matter dealing with town owned property.

MOTION: That the Town Council enter Executive Session. (Egan & Lawrence)

VOTE: (6-Ayes)(0-Nays)

MOTION: That the Town Council exit Executive Session. (Bradley & Lawrence) **VOTE:** (6-Ayes)(0-Nays)

(15 minutes)

END OF AGENDA (Estimated time of adjournment 10:00 PM)

Motion to adjourn 10:35

| | 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 | Explore new fire rescue substation in District 2 | | Councilors Fournier & Bradley | |