

MINUTES
FREEPORT TOWN COUNCIL MEETING #20-23
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, SEPTEMBER 19, 2023
6:00 PM

The Chair called the meeting to order at 6:05 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch	X		
Council Vice-Chair, John Egan	X		
Councilor Matthew Pillsbury	X		
Councilor Chip Lawrence	X		
Councilor Darrel Fournier	X		
Councilor Jake Daniele	X		
Councilor Edward Bradley	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 #18-23 held on September 5, 2023 and Meeting #19-23 September 12, 2023 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #18-23 held on September 5, 2023 and Meeting #19-23 September 12, 2023 and to accept the minutes as printed. **(Bradley & Lawrence)VOTE: (7-Ayes)(0-Nays)**

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- The [Friends of the Freeport Community Library](#)'s annual Book Sale will be held September 21st – 24th in the library meeting room. Proceeds help support programming and museum passes at your library.
- Save the date for the Freeport Public Safety Open House during Fire Prevention Week. Wednesday, October 11th from 5-7 pm. On display will be fire equipment, police equipment and our community partners. We look forward to seeing you.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Vice Chair Egan: At our last meeting we created the Central Core District Working Group on reviewing downtown Land Use Ordinance and Design Review standards. The next meeting is tomorrow. They are meeting weekly at 12:30 pm at Town Hall on Wednesdays. Hopefully, the Planning Department and the Planning Board are appreciative of the outside input that they're creating for updating our Land Use Ordinance to streamline some things, take out some duplicates and translate it into an accessible language. It's a jumble of collecting information now, but they will have some recommendations for the council.

Chair Piltch: Met last night with the Police Advisory Committee. One of the things in their charge is to review the complaint procedure. There are no issues with that. They want to make it easier to find and simpler to follow and get more clarity when we do get a rare complaint. They are looking at other towns for guidance. They are not aware of serious complaints in recent history.

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

Hurricane update-They did meet internally to make preparations in case we did have outages and had staff on standby. We had minor electric outages and downed trees.

Training: We held customer service training for staff. We had approximately 60 employees attend.

Communications coordinator: We do have a new job posting for this position. The council has great interest in this position and funded it during the budget season. That information is on our website.

We did have a Lease with the tenants at Bartol Library that has expired. That transferred over to a month to month and allows us to access the building as needed.

Public Works road projects this year: We had road projects including Old Mast Landing Rd, Old South Freeport Road and Noble Drive. They put down a base coat, did ditching. They will have to go back in the spring to do the topcoat. She thanked everyone for being patient.

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

There was no public comment.

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

ITEM # 159-23 To consider action relative to adopting the September 19, 2023 Consent Agenda.

The Chair reviewed the items on the Consent Agenda

BE IT ORDERED: That the September 19, 2023 Consent Agenda be adopted.

MOVED AND SECONDED (Pillsbury & Lawrence) VOTE: (7-Ayes) (0-Nays)
(Council Chair Piltch) (5 minutes)

ITEM #174-23 To consider action relative to a proposed consent agreement between the Town of Freeport, Gregory and Deborah Link and Hardy Farm Investments, Inc. for a property located at 4 Dixon Road (Tax Assessor Map 1, Lot 6-1) and for the purpose of enforcing and resolving violations of the following municipal ordinances – Chapter 65 – Shoreland Zoning Ordinance, Chapter 21 – Freeport Zoning Ordinance, Chapter 16 – Flood Plain Management Ordinance, and Chapter 61 – Short-Term Rental Registration Ordinance. PUBLIC HEARING

MOTION: To open the public hearing (Piltch & Egan)(7-Ayes)(0-Nays)

Town Manager Pelletier: There are tweaks that need to be made to this agreement. There is a property that this resident purchased. They went to do some work on it. We reviewed the permitting and came up that there are a series of violations which they purchased but nonetheless are still violations. A lot of them are Shoreland Zoning violations. The Code Officer had drafted a notice of violation with eleven items. They worked with the property owners, the manager and the attorney to come up with this document. This document would allow many of the violations to remain. Some of the Shoreland Zoning violations, like too much vegetative surface, would be allowed to remain. We ran this by the DEP and if at some point it gets destroyed by more than 50 % they would have to take it up. There are also some permitting questions about the number of units on the property. There is an affidavit that in the 70’s or 80’s there was a unit permitted, and another unit was supposed to go away. That never happened for various reasons, and it exists with these three units as it does today.

There are blanks and wording corrections so they will review the document.

#8. Fourth sentence down: it notes that the construction of the patio in parking lot area. It states that increase the impervious surface, but should be changed to non-vegetated surface which is terminology we use in the Shoreland Zone. There is a blank there so that non vegetated surface on the lot, it was increased by _____, this should read “approximately 2,850 square feet”.

#11. There is a date that needs to be filled in for the notice of violation. It will be formally issued once we are aware of what the Council is willing to agree to tonight. Most likely the Notice of Violation and the Consent Agreement will be signed the same day.

#11 regarding the setback of the stone patio: Where it states “75 feet from the normal high water line”, it should “highest annual tide line”.

K. (last violation): the applicant actually has three units there that he wishes to continue to use as short-term rentals. That mistakenly got typed as two and it should be three.

Fees and fines for consent: We talked about one the last one you did, the town issued a civil penalty, but they suspended it assuming everything was completed. If the Council is open to it, you may want to consider the same thing.

Page 5, #1: Staff would propose that for the civil penalty which you can do between \$100 and \$5,000 per violation per day. To be consistent with past practice, if you were to assess a \$1,000 for each of the eleven violations, that would be \$11,000 which would be the civil penalty. If the violator complies with the agreement that fee is suspended. That would include signing documents, providing verification, registering short term rentals and paying the fees within 30 days, that civil penalty would be suspended.

#3. There is a date that needs to be entered there for payment of legal fees. The legal fees are \$8,000. In the past we have made others pay for that so we would give a date suggestion there of October 3rd. It would be good to have this tied up before we have another council and town manager.

Finally, you need to enter the total fine amount of \$11,000 in number 8.

Neighbors and legal counsel are here if you have questions. Missing from the agenda was the Be it further ordered if you want to take action tonight and authorize the manager to sign it on the council’s behalf once the notice of violation is finalized within the next week.

Councilor Ed Bradley-He understands this agreement will bind the parties to it, but does this conclude any responsibility of the other property owners that are referenced?

Town Manager Pelletier: It is clear that this applies to this specific map and lot at Dixon Road. We did notify property owners within 500 feet of the public hearing tonight. This applies to just the Link’s property.

Councilor Ed Bradley: What brings rise to his question is the repeated reference to the winter wharf. It seems to be proximal to this property, on it or under it.

Town Manager Pelletier: It is on this property. It is not affected by this. We can have the attorney about that.

Councilor Ed Bradley: Is there any ongoing responsibility that the Winters have with respect to issues like these in that area?

Town Manager Pelletier: Not that she is aware of. They were not part of this consent even though it used to be part of one property at one point in time. The Winter’s house was one of the houses way back in the day that was involved with all the units on the property when something was supposed to be removed. They are not part of this consent; they are separate stand-alone property. The Winters have a dock on this property and the property owner has a dock, there are two docks which we don’t typically allow here. They have some history here before the town and before Coastal Waters. Greg Link is going to make sure we have whatever documentation we need to have the docks there.

Amy Chao, town attorney: It was discovered that the permitting process around these wharfs is the Winter's wharf and the Link's wharf were constructed around the 2007-2008 timeframe. The Link wharf was constructed earlier in the 2000's. Mr. Link has provided evidence that he went through a local permitting process. The current ordinance only allows one wharf per property. In light of the evidence that the town staff are reviewing, permits were already granted to both parties at a time frame a long time ago. Mr. Winter's wharf is not in jeopardy. There needs to be consideration of the documentation for Mr. Link's wharf. Her understanding is that the Link's also does show evidence of prior local permitting also.

MOTION: To close the public hearing (Piltch & Egan)

Councilor Fournier (addressing Mr. Link): In summarizing the situation, thinks Mr. Link has done the responsible thing in trying to correct the violations. He asked Mr. Link if everything discussed tonight meets his need and will put this matter to rest?

Mr. Link: yes

Chair Piltch: restated the penalty and fines part of the agreement.

Vice Chair Egan: Asked what the date was that the council had previously agreed to move this forward.

Mr. Link: three years ago.

Councilor Daniele: why are we fining him?

Town Manager Pelletier: We are charging him with the legal fees which is something we do. We suspended the entire fine assuming they comply. If he complies all he'll pay is the legal fees, not the fine.

BE IT ORDERED: That a consent agreement between the Town of Freeport, Gregory and Deborah Link and Hardy Farm Investments, Inc. for a property located at 4 Dixon Road (Tax Assessor Map 1, Lot 6-1) be approved as amended with the following changes from the printed agenda version:

Page 2, section 8: changing impervious surface to non-vegetative surface and adding on the lot by approximately 2,850 square feet.

#11 on page 3: that date will be inserted prior to signing it on the date that is on the final version of the notice of violation that gets issued.

#11(C): changing normal high-water line to highest annual tide line.

Item K: change 2 dwelling units to 3 dwelling units.

Page 5. Item 1- adding the amount of \$11,000 with all \$11,000 suspended if the violators comply with all the other requirements of the consent agenda within 30 days.

Page 5. Item 3-adding no later than October 3, 2023. Later in that paragraph, all costs incurred by the town in the amount of \$8,000.

Page 6. Paragraph 6.- adding the amount of \$11,000.

And

BE IT FURTHER ORDERED: that within 7 days upon issuance of the final notice of violation, the interim Town Manager be authorized to sign the consent agenda on behalf of the Town Council.

MOVED AND SECONDED (Piltch & Lawrence) VOTE: (7-Ayes)(0-Nays)

(Caroline Pelletier, Interim Town Manager)(10 minutes)

ITEM # 160-23

To consider action relative to setting a public hearing to discuss amendments to Chapter 31, Coastal Waters Ordinance to add language to address mooring assignments outside the Harraseeket River Anchorage.

Charles Tetreau (Harbormaster)-Outlined the changes and history for these amendments:

Currently, outside the Harraseeket River anchorage, which is the waters outside the Pound of Tea, outside of the Harraseeket River. There's currently a one-time application that people fill out when they are applying for a mooring. This one-time application is something that's been in place since 2005. He's been keeping track of the moorings since 2018 which is when he took the position. They have 75-80 moorings which they have essentially no information on. This verbiage is to put all moorings in Freeport waters on an annual registration process much like they we have in the Harraseeket River through the online mooring database.

Some issues they have with a one-time application is that properties change hands. People move out and their mooring tackle is essentially left in the water. It becomes a hazard in navigation as it becomes a big science experiment in the water with algae on it. People are not required to update their boat information so a lot of times the complaints he responds to relate to owners changing boats and they don't realize they have to upgrade their tackle and that leads to boats not attached to moorings specked for their size.

Councilor Fournier: will there be a cost associated with it?

Harbormaster Charles Tetreau: his intent is not to have a high fee associated with this, it's to have everything organized out there. Freeport, Yarmouth, Falmouth and Brunswick have seen the highest growth in the aquaculture industry. We have over 40 sites in Freeport. Complaints that he gets include why is that aquaculture site so close to someone's mooring? He'll ask if they filled out an application for that mooring and many haven't. When moorings are not documented, it's hard to make those kinds of decisions. The Coastal Waters Commission did recommend a \$50 for all moorings outside the anchorage which is about half the price of surrounding towns. Right now, we are one of the few municipalities in the State that doesn't have an annual registration for mooring and we are the only one in Casco Bay. In the Harraseeket River it's a different story, but we are just talking about outside the river.

Councilor Ed Bradley: It says that fee should be set by the Town Council. This ordinance does not set the fee. The \$50 fee is not in the ordinance.

Chair Piltch: If the fee is in the ordinance, it's more difficult to change so we have a separate fee schedule. Then a council vote can change any fee.

Councilor Ed Bradley: If we consider this next time after the public hearing, will we be setting the fee? The Chair would suggest that they do. The fee is a problem for ceb1 personally. He's sure we'll hear more around why a fee, what the money's for, how much money will be raised, what's it going to be applied to, why it's necessary and all those things that go into being fair to the user for setting the amount of the fee.

Councilor Fournier: people that are paying a large amount to live on the shore and then to have additional fees are asking why are you doing this to me? They own property on the water, we ought to be able to put a boat on it. CDF1 agrees with them not having to pay any additional fees. Is there another way to get the boats registered, which is necessary, without adding an additional fee? Maybe if they don't register, they will get a fine. He would support that as it doesn't penalize people that own the property.

Harbormaster Charles Tetreau: the software we use for inside the harbor has a \$6 fee that is charged to the town per applicant. He would like these moorings to fall under this software. It's user friendly. Once you enter your information once you never have to reenter it unless something changes.

There are approximately 120 moorings outside the Harraseeket River. That was the count 2.5 years ago. It's a mix of riparian landowners and non-residents with landowner agreements. There are a few at Harb Cottage in Winslow Park.

We could allow one mooring per landowner and any additional could have a fee. The Harbormaster is not really concerned about the fee, he just wants to be able to identify boats that are lost/found.

Councilor Ed Bradley: is the motivation any extent the degree of moorings that are being placed right outside the

Harbor which essentially are being incorporated into the Harbor but are not paying any of the fees that are associated with the services that are provided? If that is the concern, should this just be expanded to include limited areas to be a half step in the right direction?

Harbormaster Charles Tetreau: that is an area of concern but throughout the summer he's handing calls from anywhere. He would simply like to see all moorings have a number associated with it with contact information. They have areas of concern outside just there.

Councilor Ed Bradley: will there be an enhanced fee for being with the Harbor?

Harbormaster Charles Tetreau: being in the Harbor is more expensive than \$50 per boat.

Councilor Ed Bradley: if everyone is getting a mooring fee, what's the justification for charging anyone more than anyone else?

Harbormaster Charles Tetreau: in the Harbor you are more protected. You have access to the town dock and can leave your dinghy there. He routinely checks those moorings within the Harbor. You are required to have biennial inspections for safety reasons.

Councilor Fournier: likes the idea of making landowners exempt from the fee but associating a fee with non-residents.

Mark Morrissey, Coastal Waters Commission (CWC) Chair:

When you kicked this back to CWC in April 2022, they had a standing room only meeting. They fielded all the questions to get a feel for what the issues were. 95% of the people were appeased when they left the meeting, they were just concerned about losing the historical moorings they had. A few people continued through the process that were concerned with the fee. They did a study from Cape Elizabeth to Harpswell and came up with the \$50 fee for all moorings inside and outside the Harraseeket and keep the per foot inside the Harraseeket. That was based on they don't have a lot of services and parking is an issue and the areas for dinghies. There was some background and studies, it was not just a random number they throughout. We are the only municipality that does not have a mooring fee in their municipality (for that area down there). Charlie is responding down there, so he's providing a service free of charge and is that fair to others?

Councilor Ed Bradley: was there any consideration given about the need for raising additional funds through this increase fee? Usually when the government raises money, it is for a purpose or it goes to a purpose. Did you calculate the fee for what Charlie provides to people on moorings outside the harbor as opposed to inside to get a calculation as to whether you needed to fairly allocate that money?

Mark Morrissey: Noone asked what those fees were going for. That was not in the scope of what they did. Charlie spends a lot of time inside the harbor but he's outside the harbor patrolling all the areas too. They dropped the fee for inside the harbor. The number was a wash.

We collect around \$75,000 from mooring fees inside the harbor. In theory, that should pay the Harbormaster and Assistant Harbormaster's salaries, the Capital expenses, the fuel spent and potentially the wharf itself if you want to consider that. That \$75,000 doesn't cover all those expenses. We are not covering the expenses for our Harbormaster operation with the existing fees.

There are a lot of folks who pay the in-town dock fees but don't use the town facilities. There is an unhealthy number of those people as well, that's why they went back and evaluated the \$50 fee.

Chair Pilch: The CWC is supposed to look at those fees every two years and make recommendations to the council regarding any changes they want. They have that suggestion in the ordinance that they reevaluate every 2 years.

Councilor Fournier: Was Bustins Island incorporated?

Harbormaster Charles Tetreau: Any mooring within 300 feet of Bustin Island shores is their own entity. They have their own Harbor Master over there. That was a big concern at the initial meeting. We are not doing anything with Bustins Island.

BE IT ORDERED: That a public hearing be set for October 3, 2023 at the Town

Council meeting starting at 6 pm in Town Council Chambers, 30 Main Street, to discuss amendments to Chapter 31, Coastal Waters Ordinance to add language to address mooring assignments outside the Harraseeket River Anchorage. **MOVED AND SECONDED (Fournier & Lawrence) VOTE: (7-Ayes)(0-Nays)**

(Harbormaster, Charles Tetreau)(15 minutes)

ITEM # 161-23 To consider action relative to setting a public hearing to discuss amendments to Chapter 32 Shellfish Conservation Ordinance.

Councilor Fournier: He had a conversation with the Harbor Master and the Chair of the Shellfish Commission. They would like to have a public workshop with the council to discuss what is coming up. We are going to have a change in council and he would like to see a workshop with the sitting Council, they can take the information from that and pass it on. He would like to table this item to hold the workshop. One hour should be sufficient. The workshop was set for 5 pm, October 3rd before the next council meeting.

BE IT ORDERED: That a public hearing be set for October 3, 2023 at the Town Council meeting starting at 6 pm in Town Council Chambers to discuss amendments to Chapter 32, Shellfish Conservation Ordinance add an Apprenticeship Program and amendments to the Conservation Points requirement.

MOTION: to table ITEM # 161-23 MOVED AND SECONDED (Fournier & Lawrence) VOTE: (7-Ayes)(0-Nays)

MOTION: To set a workshop for October 3, 2023 at 5 pm to meet with the Shellfish Commission, the Harbormaster and the Town Council to discuss the Shellfish Ordinance. **MOVED AND SECONDED: (Lawrence & Fournier) VOTE: (7-Ayes)(0-Nays)**

(Harbormaster, Charles Tetreau)(15 minutes)

ITEM # 162-23 To consider action relative to setting a public hearing to discuss amendments to Chapter 53 – Post-Construction Stormwater Management Ordinance related to updating the stormwater and erosion and sediment control standards.

Adam Bliss, Town Engineer:

We have a new municipal stormwater discharge permit that is administered by the Maine DEP. Within that new permit are items concerning erosion control, non-stormwater discharges and maintenance of stormwater management devices. We've been regulated by this permit for 20 years. Every 5-year cycle, some measures get added to the new permit. These changes are more about enforcement. They affect four ordinances; Subdivision, Zoning, Chapter 53, Chapter 27 Non-Stormwater.

This Chapter deals with post construction stormwater. The Maine DEP has written into the new permit, if a site is found to require maintenance of their stormwater devices, whether that be a culvert or a pond, that we add a timeline for when that maintenance must be completed. This is about enforcement and ensuring that sites regulated by the DEP are compliant with the regulations.

Who enforces it? This is private property, so the Codes Officer. This is something the town already does, we're just codifying them as required by Maine DEP. The DEP are requiring us to do it and requiring us to enforce it? He has a problem with that. How many more hoops are we placing before businesses and potential businesses coming to town by codifying this agreement?

Adam Bliss: No additional hoops, these are already happening. They get added to the conditions of approval and a developer sign an agreement saying they'll inspect their site on an annual basis.

Councilor Ed Bradley: how does this affect landowners who have an embankment that is eroding as a result of natural runoff from water from the upland?

Adam Bliss: It probably doesn't at all. There are thresholds you have to cross for Chapter 53 to be applicable. You have to have a land project that disturbs more than one acre of land area. It has to be within an area regulated by the Census Bureau. We have about 6 properties that meet that criteria so probably none as it relates to shoreland.

Councilor Fournier: he would like to know for the public hearing how many enforcement items we've had that would follow this ordinance? He'd like to see what the workload increase would be on the Codes Officer by adopting this and how many violations out there.

BE IT ORDERED: That a public hearing be set for October 3, 2023 at the Town Council meeting starting at 6 pm in Town Council Chambers, 30 Main Street, to discuss amendments to Chapter 53 – Post Construction Stormwater Management Ordinance related to updating the stormwater and erosion and sediment control standards. **MOVED AND SECONDED (Daniele & Lawrence) VOTE: (7-Ayes)(0-Nays)**

Note: The purpose of the proposed amendments is to comply with the standards required by the State of Maine's General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems (MS4s).

(Town Engineer, Adam Bliss)(5 minutes)

ITEM # 163-23 To consider action relative to setting a public hearing to discuss amendments to Chapter 21 – Town of Freeport Zoning Ordinance, Section 529. Stormwater Management and Section 602. Site Plan Review, related to updating the stormwater and erosion and sediment control standards.

BE IT ORDERED: That a public hearing be set for October 3, 2023 at the Town Council meeting starting at 6 pm in Town Council Chambers, 30 Main Street, to discuss amendments to Chapter 21 – Town of Freeport Zoning Ordinance, Section 529. Stormwater Management and Section 602. Site Plan Review, related to updating the stormwater and erosion and sediment control standards. **MOVED AND SECONDED (Lawrence & Daniele) VOTE: (7-Ayes)(-Nays)**

Note: The purpose of the proposed amendments is to comply with the standards required by the State of Maine's General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems (MS4s).

(Town Engineer, Adam Bliss)(10 minutes)

COUNCIL MEETING #19-23

SEPTEMBER 19, 2023

ITEM # 164-23 To consider action relative to setting a public hearing to discuss amendments to Chapter 25 – Freeport Subdivision Ordinance, Article 3. Definitions, Article 11. Approval Standards, Appendix D, Appendix E, Appendix F, and Appendix J, related to updating the stormwater and erosion and sediment control standards.

BE IT ORDERED: That a public hearing be set for October 3, 2023 at the Town Council meeting starting at 6 pm in Town Council Chambers, 30 Main Street, to discuss amendments to Chapter 25 – Freeport Subdivision Ordinance, Article 3. Definitions, Article 11. Approval Standards, Appendix D, Appendix E, Appendix F, and Appendix J, related to updating the stormwater and erosion and sediment control standards. **MOVED AND SECONDED (Bradley & Fournier) VOTE: (7-Ayes)(0-Nays)**

Note: The purpose of the proposed amendments is to comply with the standards required by the State of Maine’s General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems (MS4s).

(Town Engineer, Adam Bliss)(5 minutes)

ITEM # 165-23 To consider action relative to setting a public hearing to discuss amendments to Chapter 27 - Non-Storm Water Discharge Ordinance related to updating the stormwater and erosion and sediment control standards.

BE IT ORDERED: That a public hearing be set for October 3, 2023 at the Town Council meeting starting at 6 pm in Town Council Chambers, 30 Main Street, to discuss amendments to Chapter 27 - Non-Storm Water Discharge Ordinance related to updating the stormwater and erosion and sediment control standards. **MOVED AND SECONDED (Egan & Lawrence) VOTE: (7-Ayes)(0-Nays)**

Note: The purpose of the proposed amendments is to comply with the standards required by the State of Maine’s General Permit for Stormwater Discharges from the Municipal Separate Storm Sewer Systems (MS4s).

(Town Engineer, Adam Bliss)(5 minutes)

ITEM # 166-23 To consider action relative to accepting a bid for the sale of the Fire Rescue Tanker 2.

We have a policy for when we want to sell a town property due to the dollar amount. This is something the Town Manager can’t approve; it has to come before the Council. They posted this online for public offering. They received two bids. The minimum bid was \$25,000, that was one of the bids and then they got the second bid to purchase just the tanker for \$56,329.99.

Councilor Fournier: After we sell the equipment what fund does that go into? The general budget or back in time there was a policy that any equipment that was bought and sold by Capital and sold by that department, those funds would go back into that particular Capital line item to help boost our reserves in the capital budget. He thinks that’s a brilliant policy. It gives an incentive for the department to get the highest bid for the equipment. Since we are trying to increase our capital budget, this might be a good time to talk about that.

Town Manager Pelletier: It’s general fund revenue as disposition of assets.

COUNCIL MEETING #19-23

SEPTEMBER 19, 2023

Councilor Fournier: would not be in favor of that. The old policy used to be any funds that were purchased through the capital and then sold, went back into the Capital. Any funds left over at the end of the budget year after all the expenses were covered were also put into the Capital. That was a good incentive program. We should look at it.

Jessica Maloy can come talk to the Council about that.

Councilor Fournier: Several years ago, we used a broker to sell a reserve fire truck. He's wondering if we would get more exposure with a broker. They typically get 8-10 %.

Chief Conley: Engine One was sent to bid and they received zero bids. We set the minimum bid at \$100,000. At this point we need to reevaluate and drop the price point. Also too is looking at the resellers of fire apparatus across New England and possibly listing with them for 10% of the gross of that.

He may return to the next meeting with a proposal. The Town of Yarmouth has offered to house that engine in their pay space where it will be protected from the weather. They are also looking at using it as a third reserve as Yarmouth is down an engine. They would insure it. They are putting a proposal to do that as we work through selling the apparatus.

BE IT ORDERED: That the Leeds Volunteer Fire Department be awarded the bid for the Fire Rescue Tanker 2 in the amount of \$56,329.99. **MOVED AND SECONDED (Pillsbury & Fournier) VOTE: (7-Ayes)(0-Nays)**

(Fire Rescue Chief, Paul Conley)(10 minutes)

ITEM # 167-23 To consider action relative to appointing a Fit-Up Grant Committee

We have established the program but have not appointed the committee.

FEDC Executive Director, Brett Richardson: The Council approved Fit Up Program is a grant program to help businesses activate spaces in town. Now we are activating it. It got picked up by Maine Biz so some good exposure there. It's time to put together the committee that will make the decisions about reviewing grants and awarding funds. The list includes the Town Manager, Rebecca Lizotte, an FEDC member, Richard Gorvett who was instrumental in bringing the Roux Institute to town and lastly a councilor.

When would this group meet? The deadline to apply is on November 15th. There would be a 45-minute orientation meeting where they pull the committee together in advance of the applications coming in. They would walk through the policy and get on the same page for how the review would take place. The first window to review would be in November. If all the funds were not allocated in the first round it would be on a rolling application process. A couple of hours a quarter.

They discussed Councilor Daniele be the Councilor that sits on the committee. He was happy to fill the roll, but reminded the council he will be off the council in November.

BE IT ORDERED: That the following individuals be appointed to the Fit-Up Grant Committee.

1. Town Manager
2. Councilor Jake Daniele
3. FEDC Board Member -- Rebecca Lizotte
4. Resident -- Richard Gorvett

MOVED AND SECONDED (Fournier & Lawrence) VOTE: (7-Ayes) (0-Nays)

(FEDC Executive Director, Brett Richardson)(10 minutes)

ITEM # 168-23 To consider action relative to approving the Freeport Momentum Grant Program.

FEDC Executive Director, Brett Richardson:

The Fit-Up Program was geared towards fitting up vacant business spaces and bringing businesses to town. The Momentum Program is the other side of the coin. It is designed to put resources in play to improve public spaces by having fun with public art, installation of pocket parks and really activate spaces in town so when people visit town they will see amenities, places they want to hang out, and they'll spend more time here. It is similar to the Fit-Up Program. \$40,000 is at play. They talked about this program with the Downtown Task force and their thought was to do some quick hitters with a little lower amount and get more resources out there. These ideas would be proposed by local community organizations and residents, so an added value is engaging people who don't typically participate in town processes. The application process for this would dovetail with the Fit-Up Program so it would be open November 15th and close December 31st, making awards in early January. The funds would be awarded quarterly so typically about \$10,000 per quarter. The way this is written up is that in the first cycle, because we are halfway through the fiscal year, we will put \$20,000 up for allocation in the first cycle. It's a good opportunity to bring out ideas and to add some nice amenities to the town. The goal is to activate spaces.

Changes from last time this was before the Council:

1. Allowing the committee to essentially make grant awards at their discretion.
2. To include VCII as well as VCI so that we go all the way to Mallett Drive.
3. They originally had a high school student on the committee but have expanded it be a student or recent graduate.

BE IT ORDERED: That the Town Council approve the Freeport Momentum Grant Program as presented. **MOVED AND SECONDED (Lawrence & Daniele) VOTE: (7-Ayes)(0-Nays)**

(FEDC Executive Director, Brett Richardson)(15 minutes)

ITEM # 169-23 To consider action relative to amending the eligibility requirements and eligible equipment and services for the Electrify Everything Municipal Rebate Program.

Vice Chair Egan: In your packets is information about the program that we approved earlier this year or late last year. We have a non-taxpayer-based funding source for this program. We are using some federal pass-through funds to stimulate individual residents to transition away from fossil fuel devices at the residential level. We initially had a lot of work on how this was going to work. They were very deliberate about how they set the eligibility as well as the equipment list. We've had less than a robust uptake. Part of the feedback is that we are finding we made it a little too restrictive.

Robert Stevens: It's discouraging that they haven't done a very good job getting the money out. What did they do wrong? They did publicity by making posters, sending postcards, Freeport Climate Action Now held events publicizing it. They most recently have written to the 33 vendors that are within 10 miles of Freeport that are participating Efficiency Maine vendors/providers.

They took another look at the South Portland program which Freeport's program was modeled on. They had their income level higher than Freeports. They had 100 percent of the area median income instead of 90 %. They also had a full-time director and assistant to handle the program. Out of the \$270,000 they allocated,

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they used about \$16,000 for publicity including a saturation mailing to everyone in the South Portland zip code. They use all their \$262,000. They covered 92 heat pumps, 19 water heaters, 13 battery vehicles. In Freeport, we were trying to encourage heat pumps to reduce the use of fossil fuels but also cut down the rising cost of heating with fossil fuels. What we decided not to do was to include equipment, car, E Bikes, lawn mowers, leaf blowers and string trimmers. Those could be handled a different way. Bob gave the stats for all the equipment totaling \$95,000 that South Portland covered all of which we don't with our program. The proposal is to raise the income eligibility to 100% of the area median income and add these pieces of equipment to the program. One mistake we made is that we didn't want to spend any of the \$40,000 for publicity. We wanted to have as much money available for the rebates as possible. FCAN spent some money on publicity. It would be worthwhile modifying the program. You can get a municipal saturation mailing to both zip codes, Freeport and South Freeport for about \$1,150 without design and layout. Mason Morfit found this vendor. Use a little of the \$40,000 for that. If we use all the \$40,000, FCAN would be willing to make up the amount of money that went into the saturation mailing and publicity.

Councilor Fournier: last meeting we talked about doing a town wide mailing on the issue of getting the message. He is in favor of putting this out to the town's people to weigh in on whether this is a good idea or not. It will generate more interest. It would make him more comfortable to support that. A great opportunity for all our taxpayers to come in and say something.

Councilor Ed Bradley: these are great steps. The important from his perspective, not to protect the equity or the social equity, but to get the money out to cut down on gasoline consumption. He is going to support this. He wants to open this up to everyone in town. The important thing is to lower the temperature. If our town is not going to buy into this at these income levels, then open it to everyone, but not this time.

Councilor Lawrence: Not using gasoline: wouldn't it be better to put towards trails we are trying to build so everyone could ride their bicycles in town. Most electricity currently comes from burning fossil fuels. We're not changing it, we're just changing the location. It's kicking the problem down the road.

Robert Stevens: He agrees with Councilor Lawrence completely. FCAN is going to be working on that. If they throw bicycles into this program, we're increasing the number of people who are going to be interested in transportation too. It may be worthwhile to continue this as so much effort has gone in and not lose sight of if in fact it doesn't work, we can end the program.

40-60% of the electricity that we get as a standard offer comes from renewable sources, mostly hydro in Quebec.

Councilor Pillsbury: the money is not doing any good in the town reserves. He supports these changes. He supports a longer test period than Councilor Bradley suggested. We don't want to make a rash decision based on the season.

Councilor Fournier: he won't support without the input of towns people. He's not sure what the rush is. He won't support till we do the questionnaire.

Councilor Daniele: asked if the questionnaire could be included with something else such as the tax bill. He doesn't want to spend this money on postage. He doesn't want to do a separate advertisement.

Town Manager Pelletier: We have the newsletter that we talked about that we send out for annual donations. We also talked about soliciting feedback regarding targets for greenhouse emissions. We could put an advertisement or like we've done on social media, advertising whatever program we have at that point in time. If you want further feedback for an additional phase, we can do that also.

Chair Pilch: He would be in favor but doesn't want to say an "unlimited income level".

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Town Manager Pelletier: We've given out four rebates so far. The max is \$2,000 but there's been some that were less. She doesn't have a total dollar number. If you want to go off AMI numbers you want to go off the 2023, the numbers in the document are 2022. They were late coming out this year. She's not sure what you are going to do with the list of equipment.

Councilor Fournier: He doesn't want to expand the program. He wants more push because he wants to have a good return. It's premature to be looking at E-bikes, lawnmowers and leaf blowers. He's like the bigger bang for the buck and see it going into the buildings.

Councilor Ed Bradley: On one hand we're in favor of spending the money so that we have an effect on climate. On the other hand, we are putting qualifications on the expenditure of money so we can have an effect on climate. It seems we need to make a choice. The council needs to come to grips with the idea that we're not going to solve the climate problem by spending this small amount of money. What we are doing is sending a message to the community that we're very concerned about it and that we're willing to do something that's positive to set an example for them in their own lives. He'd like to see us continue with the big items, but he doesn't see a problem with adding some of the other things. Smaller incomes are having trouble spending on the bigger items. He would support some of the smaller items and wouldn't wait for a questionnaire.

Councilor Daniele: Do we want to take out any of those additional items? What was nice when we originally discussed this was that you weren't going to take the heat pump out of the house when you sold it. But, if you were to leave tomorrow, your E-bike, lawnmower, etc. would go away. He doesn't mind helping someone get a lawnmower, but an E-bike is a recreational thing and might not be needed.

Robert Stevens: the more electric bikes we can get out there, the more support there will be to do some things that will help reduce traffic and increase the use of trails. That's the other side.

Chair Piltch: we already debated and voted to set this money aside. We struggled now we haven't spent the money. It's not a question of should we make the money available, it's how do we make best use of the money we have set aside for this program. Someone might buy an E-bike and then move. Are we sending a message to surrounding towns that we have done this and maybe they should do this too. It's not a battle he would risk the war on.

More discussion ensued about the merits of E-bikes. There have been fires that have started due to E-Bikes.

BE IT ORDERED: That eligibility requirements and eligible equipment and services for the Electrify Everything Municipal Rebate Program be amended as to reflect the proposed list of equipment and eligible items in the presentation of comparison municipal programs and that the income eligibility be raised to 100% of Freeports area median income using the most recent publication of such data.
MOVED AND SECONDED (Egan & Piltch) VOTE: (5-Ayes)(2-Nays Lawrence & Fournier)

(Councilor Egan)(10 minutes)

OTHER BUSINESS:

1. Discussion on the Town's continued response to recent racist graffiti in the Town of Freeport (Councilor Egan)(15 minutes)

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Vice Chair Egan: We've had continued conversations since our last meeting where we read a statement in strong opposition to the incidents that have been appearing sporadically since early this spring. Potentially, there is a connection, we don't know. There is a frequency that is disturbing and of hate speech and very disparaging verbal speech as well as physical graffiti. With some rising concerns about it. He was impressed how the community came together in June of 2022. He thought it would be good to have a public forum. He thought we could have a public forum on this Friday to address the escalating number of incidents of hate speech and very disturbing graffiti. He has a small actual agenda but it will be a chance for people to share their perspectives and responses. It will be monitored. It is not a public forum to promote any kind of speech. We can do it at 4 pm and will give a chance for residents and students to participate. There is no particular accomplishments or motive afterwards, just to reaffirm that this kind of activity is not reflective of the values that Freeport has. We are a community that is inclusive. We are welcoming people to our community all the time. Those people are finding ways to fit into our community.

Councilor Fournier: It's not a bad idea, but when we bring attention to this are we fostering the hate groups? He hates to give people the attention that makes this a bigger issue.

Vice Chair Egan: we don't want to be at a place where we are tolerating this kind of behavior. This forum will give people a chance to voice their thoughts and opinions.

If we keep it to be a positive message stating the things we stand for, these are our values and these are the things we don't tolerate. He spoke with the Chief of Police and learned how difficult it is for the Police to take action when they're not included in the chain of reporting. He encourages people to report any incidents. They are tracking any incident that has a hate related component to it and to share that with the council periodically. He's also been in touch with the Jewish Community Lines about some of these discussions and how they have had to deal with these things over the years. They were invited to attend Friday as well.

Councilor Fournier: Should we look at offering a reward leading to the arrest or identification of the people we are dealing with here?

The police do not believe this is coming from an organized group or sustained effort. It seems more likely that this is the work of an individual or small group and a strong possibility that this is a youth. That would limit the information we had access to in that is the case.

Councilor Ed Bradley: He's more in Councilor Fournier's camp. If we don't announce that we are prepared to take some positive or negative step to circumvent this or address it, then we are just spouting the word again. We should continue to discuss the reward idea. The statement we made was great. The forum was great. If we do have some positive actions we'll take in response to these things when they occur, that furthers our point.

The other thing we are looking into is having a response kit available. Visit Freeport is willing to help with this effort.

Sarah Woodbury: Worked for the Anti-Defamation League (ADL). It's good to have action items, but silence is more deafening than just standing up and saying you support the community. To hear nothing from our community leaders is more damaging than just saying you stand up and support. She is supportive of the Forum. The ADL has a "No place for hate" program for school aged children. She is a supporter of education being the key to fighting this.

Ella Tabasky: She works in Freeport and has reported two incidents to the ADL. She is returning just one week after her previous testimony with a sad heart as another swastika was discovered on playground equipment at Morse Street School. This is a stark reminder that the issue of hate speech and discrimination is not an isolated problem in this town.

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She gave her background as Jewish and the child of a Holocaust educator. Her heritage makes these incidents deeply hurtful to her personally and compels her to be vocal. We must confront this racism and anti-Semitism head-on. She previously she shared concrete recommendations on how to address these challenges and tonight she reiterates her unwavering commitment to actively contributing to the solution. While she appreciates the desire to prioritize Fridays meeting and to provide a space for our community to come together and begin this important work ahead, she also wants to emphasize the necessity for ample notice for future gatherings. She would also like to encourage some increased transparency around the Social and Racial Equity committee. It's crucial that the committee's purpose, meeting schedule and information on it's work are readily available to the community.

She would like to see us focused more on these concrete ideas, programs and activities promoting tolerance and acceptance.

Carol Wishcamper: She has sent out emails to people in her circles and these residents had no idea what is going on but want to know. The biggest problem in this situation is having it met by silence. Let us know that you care and are working on it. The meeting on Friday is important to let people know what's happening.

They briefly discussed punitive actions vs reward actions. If this is a younger person responsible then some sort of restorative education is more important than arresting someone. Maybe they be responsible for cleaning it up. If these are hate crimes they should be reported to the FBI as they track all hate crimes data. This does not appear to be a large group effort such as the Proud Boys or the Neo Nazis. It is still a hate crime if conducted by a youth because of the impact on the community,. That's the point of a hate crime, the fear it puts into that community. It doesn't matter what the intent is. These events were not just aimed at the Jewish community. This is more of a grass roots effort to get the word out for Friday's event.

EXECUTIVE SESSION

ITEM # 170-23

To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(a) pertaining to a Personnel matter pertaining to the Town Manager search.

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

MOTION: That the Town Council exit Executive Session. (20 minutes)

END OF AGENDA (Estimated time of adjournment 9:40 PM)

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