

COUNCIL MEETING #22-23
OCTOBER 3, 2023

MINUTES
FREEPORT TOWN COUNCIL MEETING #22-23
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, OCTOBER 3, 2023
6:00 PM

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road			X
Councilor Edward Bradley, 242 Flying Point Road	X		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #20-23 held on September 19, 2023 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #20-23 held on September 19, 2023 and to accept the minutes as printed. (Piltch& Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Excused Daniele)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

-They are replacing the bridge over the railroad on Lower Main Street. The DeparTown Manager Pelletier:::ent of Transportation is offering a public meeting to describe what they are doing and to gather public input. That meeting is October 16th. It's a virtual meeting with information on the MDOT website.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Bradley: The Freeport HS golf team is participating in the State Championship game on Friday and he wants to wish them luck.

The town went through a process recently with respect to the Downtown Visioning and the Project Review Board consideration of a proposal for 22 Main Street. It ended with a mixed decision from the town. One Ordinance Committee approved it and another didn't. It ended in the decision by the developer to not develop the project. That left 22 Main Street as an empty parcel. A small group, after that determination went to Moser and suggested to them that they would present to the Town Council a proposal for the purchase of it under certain circumstances. The conversation is going on and he's not sure if it's productive or not. He was feeling uncomfortable that it was going on without saying something to the Council about it. There is a proposal before Moser that is about a week old. It could be accepted or modified. If anything comes out of it they will bring to the Council for consideration. The people that are doing this are Sue Nourse, Ford Reiche and Councilor Bradley.

Councilor Egan: On Friday, September 22 we had a rally outside Town Hall. It was Community Voices and gave a chance for people to share their opinions and focus on their response to the reporting of a number of

COUNCIL MEETING #22-23

OCTOBER 3, 2023

offensive graffiti and hate speech that has been found over a period of months in our community. They are relatively isolated incidents. No apprehension was made. In addition to the affirmations made here (at the Council) about what the values of our community are, we wanted others to share their opinions. There were about 10 minutes of prepared remarks that were presented. The session went on for an hour. The message we were able to hear at the session was 10 times louder than the hate messages trying to get attention. It was not a protest. Many attendees followed up by attending the Social & Racial Equity meeting on the following Wednesday. There are recommendations coming out of that committee that'll be coming forward. There are likely going to be some events coming up which people can learn about some positive and educational things that will help us better understand where these things are coming from and what we can do about tightening up penalties for graffiti.

Chair Piltch: We talk a lot about Main Street and how it relates to our Downtown Vision and making sure that we are engaging with L.L.Bean so that we do not have projects on the public side and they have projects on the private side, but to see what we can do to integrate those projects. We met with them 3 weeks ago to talk about imaginary scenarios and how to blend projects. They are doing a large redesign on their campus at the same time we are revisioning our downtown so there's a lot of reasons for us to collaborate.

We have four public hearings tonight. When we hold them, we make a motion to open the hearing and vote on that, then we make a motion to close the public hearing and we vote on that motion. Most other towns don't do that. We can't find a reason why we have to do that. He suggests that we do what other towns do and have just the Chair open and close the hearings without a motion and vote.

Town Manager search: 97 applications were received. We've gone through screenings and interview rounds. In the next meeting or two we will likely be bringing the process to a close.

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

As a result of the community workshop on the 22nd about recommendations from the Housing Committee, we formed a Commercial Core Working Group that's looking at some of the standards in our downtown district. That group meets once a week for an hour on Wednesdays. They continue to work on looking at the Design Review Ordinance and to see if there are short term changes we can make to help make things easier in the interim while we are doing an overhaul. We should see something fairly soon.

We did interviews for Comprehensive Plan Consultants. We got four RFP responses and who were subsequently interviewed. There should be an item on the October 17th agenda with a recommendation to award a contract to a firm.

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

Bill Rixon: (on the Fossil Fuel Non Proliferation Treaty) This treaty is a worldwide effort to end the construction of new fossil fuel infrastructure and for exploration. The board will be advising the Council soon as to what they have learned about the treaty. If anyone wants to learn more you can go to fossilfuel treaty.org.

He and others have been in communication with L.L.Bean CEO Steven Smith and they are trying to encourage him to encourage Citibank, which services the L.L.Bean credit card, to end the financing of new fossil fuel infrastructure. This is an ongoing effort, and they are looking for others that may be interested in joining the effort. Mr. Rixon's number is 207-798-2088 and email is rixonw9@gmail.com

Kristen Dorsey: This seems like a good time to dip our toes in the waters of reconciliation. She's asking the Council to consider developing a land acknowledgment. Many other communities and organizations have done so. What we are talking about is becoming better stewards of the land with our climate action process

COUNCIL MEETING #22-23

OCTOBER 3, 2023

and having a more reciprocal relationship with the land and living sustainably and helping others to do so. She thinks it is time to acknowledge that we took this land and interrupted and displaced a culture of people that have been here for thousands of years (the Wabanaki). She's asking that the council start that process. It's something that could happen in the Social and Racial Equity Committee. There are a lot of online resources to develop the language and think about what it is our community needs to say about what we've done to and with the land. Once that's done it should be visible at the entrances of town hall and should be stated at the beginning of meetings and events. She listed other suggested locations.

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

ITEM # 177-23 To consider action relative to adopting the October 3, 2023 Consent Agenda.

We are adding two people to the those listed on the printed Consent Agenda. Chad Coffin's name should be added to the Shellfish Commission appointment. We are also appointing Greg Michaud to the Cable Regulatory Board for a term to end September 2024. We also need to amend the expiration date on Susana Hancock's appointment on the Cable Regulatory Board (RSU Rep) from 2026 to 2025.

Councilor Bradley: He spoke with David Speiss directly about a possible appointment to the Planning Board. Some of his motivation is to get to know his community better, so Councilor Bradley invited him to speak and introduce himself.

David Speiss: His background is in forestry, land use and real estate. He manages a national real estate business and thinks he has a lot to offer the board.

Enoch Boudreau is a Student Representative for the Police Advisory Board. We have one other opening as a student representative on that board.

BE IT ORDERED: That the October 3, 2023 Consent Agenda be adopted as discussed and verbally amended. **MOVED AND SECONDED** (Piltch & Lawrence)**VOTE:** (6-Ayes)(0-Nays)(1-Absent)

(Council Chair Piltch) (5 minutes)

ITEM # 179-23 To consider action relative to amendments to Chapter 53 – Post-Construction Stormwater Management Ordinance related to updating the stormwater and erosion and sediment control standards. PUBLIC HEARING

Town Engineer Adam Bliss: 20 years ago, the town became regulated by the Maine DEP and EPA regarding their stormwater discharges out of our piping system and into water bodies of the State, our streams, ponds, ocean, etc. That is a permit written by the DEP and with it comes a number of control measures to protect the water quality. Every 5 years that permit gets renewed. It was reissued in 2022 with additional parameters. He is here to discuss the changes and codify them within four ordinances. They are minor in nature. It does relate to four different ordinances. To boil down the changes, they relate to erosion and sediment control which are measures we put on a land when it's undergoing development to keep sediment on site rather than flowing off site. We are also adopting references to the MDOT's stormwater management design manual. This is a design standard that we are required to have in our ordinances. It is already there by reference. We're

COUNCIL MEETING #22-23

OCTOBER 3, 2023

updating the language to make it consistent with the latest design revision. Those changes are largely connected to Zoning and Subdivision. We also have Chapter 27 & 53.

Chapter 27 is titled Non-Stormwater Discharge Ordinance which defines what is allowed or not allowed to flow out of our system and into the streams. What is being changed is a timing mechanism if an illegal discharge is observed. That gives a 60-day maintenance repair window to eliminate that discharge.

Chapter 53 is titled Post Construction Stormwater Ordinance. That is after the site has been fully developed and stabilized but maybe is not functioning the way it was designed and permitted. That ordinance is being revised to also include the 60-day maintenance repair timeline.

Councilor Egan: Do we have any outstanding violations that this is going to repair or recover with the DEP in terms of our current MS4 permit?

Adam Bliss: We have an outstanding report card with the Maine DEP, so the answer is “no” because we have done well on the test so far. We are clarifying language and definitions, so they are reflected in the ordinance.

Councilor Bradley: This does not apply to private landowners who might have an erosion control issue on their property.

Adam Bliss: the threshold is for development sites that are an acre plus and within a US Census defined area.

What are the sources of the discharge? During Construction it’s sediment laden water that flows off a site between the time the ground is disturbed until the time it’s reseeded or paved over. This is for public and private development sites. Post construction is maybe they have some sort of water quality pond that is not functioning correctly. The developer would be required to make those repairs. Then the non-stormwater discharge would be if someone has gray water that pumps directly to a stream rather than a leech field. That is one of many examples.

Councilor Fournier: We have a great report card with DEP and they’re telling us we need to do this which he doesn’t agree with. If we voted “no”, what would happen?

Adam Bliss: we could be found non-compliant which could lead to fines and bad press. We are largely already doing these. The permit that we are regulated by is codifying these into our ordinances to ensure that they happen.

The Chair opened the Public Hearing
The Chair closed the Public Hearing

Town Manager Pelletier: Are you adopting the recommendation from the Planning Board that didn’t make it into this draft for Chapter 25?

BE IT ORDERED: That amendments to Chapter 53 – Post Construction Stormwater Management Ordinance related to updating the stormwater and erosion and sediment control standards be approved. **MOVED AND SECONDED** (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Absent)

COUNCIL MEETING #22-23
OCTOBER 3, 2023

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)(15 minutes)

ITEM # 180-23 To consider action relative to 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. PUBLIC HEARING

The Chair opened the Public Hearing
The Chair closed the Public Hearing

BE IT ORDERED: That 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 approved. **MOVED AND SECONDED** (Fournier & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Absent)

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)(15 minutes)

ITEM # 181-23 To consider action relative to 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. PUBLIC HEARING

The Chair opened the Public Hearing
The Chair closed the Public Hearing

Town Manager Pelletier: In memo from Planning Dept, there is mention that the Planning Board had discussion about a further amendment to Article 11.6.B.D which was a standard to strike where it said a sample of this agreement is attached as an appendix to the ordinance. The Council doesn't have section 11.6 in your packet so she would suggest leaving that out for now and when they bring back the amendments for LD2003 we'll put the clean up in. The packet before you only had 11.16 not 11.6.

BE IT ORDERED: That 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 approved. **MOVED AND SECONDED** (Lawrence & Bradley) **VOTE:** (6-Ayes)(0-Nays)(1-Absent Daniele)

COUNCIL MEETING #22-23
OCTOBER 3, 2023

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)(15 minutes)

ITEM # 182-23 To consider action relative to amendments to Chapter 27 - Non-Storm Water Discharge Ordinance related to updating the stormwater and erosion and sediment control standards. PUBLIC HEARING

The Chair opened the Public Hearing
The Chair closed the Public Hearing

BE IT ORDERED: That amendments to Chapter 27 - Non-Storm Water Discharge Ordinance related to updating the stormwater and erosion and sediment control standards be approved. **MOVED AND SECONDED** (Bradley & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Absent Daniele)

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)(15 minutes)

ITEM # 183-23 To consider action relative to amendments to Chapter 31, Coastal Waters Ordinance to add language to address mooring assignments outside the Harraseeket River Anchorage. PUBLIC HEARING

Harbormaster Tetreau: The language before you is to put an annual registration on moorings outside the Harraseeket River. The last 5 years the demand for moorings has gone up exponentially. This is trying to tighten up what we have out there, putting numbers associated with the moorings and to list the inspection date. We're not mandating inspections, but instead to list the date and what their tackle is. This doesn't include moorings within 300 yards of Bustins Island. He hopes this amendment will address ghost moorings that occur when properties are sold. He receives complaints that the moorings are just left out there and sometimes with the winter spar on it which becomes a navigation hazard.

Joyce Veilleux-opposed: She read a two-page document of problems/solutions regarding the proposed ordinance amendments summarized below:

1. Add a definition for the riparian owner. On waitlist categories there is one nonresident subsequent which is not defined.
2. Page 9 paragraph 5: She suggests adding that wait list assignments will be made in chronological order, making it hard for someone to claim otherwise.
3. Article 5: should be divided into different articles, one for moorings inside the river and one for those outside the river.
4. Page 22, Paragraph 22. D- calls for a description of the watercraft. She believes there needs to be a provision for riparian owners that have legal short-term rentals, and they advertise the mooring. They won't be able to provide the watercraft information so they shouldn't be denied the mooring.
5. Don't agree with the fees.
6. There should be two separate mooring sites for non-riparian owners where people are currently putting moorings in outside of Winslow Park and also outside the harbor at Wolf Neck Park so that

COUNCIL MEETING #22-23

OCTOBER 3, 2023

people on the waitlist could be removed.

She asked the Harbormaster why this amendment was needed. He replied that was because there are numerous moorings being placed off Winslow Park and Wolf Neck Park. Some people have put in one to four moorings. He has little to no jurisdiction to do anything about it. This amendment does not address this problem. There is no limit on non-riparian moorings or what specific areas they can be placed. She finds no reference to Freeport resident non riparian owners. Areas where Freeport residents can place moorings outside the harbor should be identified, limits set, waitlist established, etc., then they can be charged a fee.

7. No section talks about how mooring owners outside the river will be notified of the HM's decision except that termination will be done in writing, what about approval?
8. Page 20-21, article 12: appeals will be made in writing within 5 days of the decision. The postal service cannot make the 5-day timeframe.
9. Paragraph 26 fees-she strongly disagrees with this.
She does agree we need a registration, and that the Harbormaster needs to have some control and jurisdiction over the Freeport waters.

James Arrison-opposed: we are trying to fix a problem that doesn't exist. There is the potential for problems in those very few areas where there is a higher density of moorings. It would be better targeted exactly at those areas where for instance there are more than 20 moorings over a certain density.

Peter Thompson-opposed: Handed out a presentation. He lives in Swan area development, all parcels of which have a deeded fee interest in pedestrian ways to the shoreline (5 total). They are riparian owners and receive none of the correspondence in regard to other riparian owners. He reviewed his handout for the council. He concludes that moorings outside the Harraseeket take up less than 5% of the capacity of that anchorage as residents. You can anticipate a referendum on this if passed.

Allison Smith: opposed/questioning: She purchased a property with a mooring, but doesn't own a boat. Under (D.) where it says "description of watercraft to be moored" what happens? Does she lose the mooring? She doesn't have anything to list on the form.

Sally Smith-opposed: Agrees with everything previously stated. It's overreach of the town. If it's crowded at Winslow Park, address that area specifically. It's crazy to have to pay \$50 for a mooring you've always had.

Nadia Saliba-opposed: This is a regulation in search of a problem. All of the Harbormaster's concerns can be addressed with a registration form which shows who is responsible for which moorings rather than an application where you are apply and are approved. This should be directed to where there is an issue.

Jay Thomas-opposed: Maybe the Harbormaster should spend some time making different anchorages out there. He suggested the different areas that could be anchorages.

Phil Clifford-opposed: Agrees with everyone that we don't need a fee.

Josh Clarke via Zoom-opposed: It makes sense to register moorings, but the fees are questionable. Why is the fee needed. Bustins shouldn't have a buffer, all should be treated the same.

Pete Bowman-opposed: They have never had an issue with moorings in their neighborhood.

Ken Mann-opposed: owned a mooring for most of life. Talked about his history on the water and

COUNCIL MEETING #22-23

OCTOBER 3, 2023

owning a mooring. His fee would be approximately \$170 for his two boats and that is too much. He outlined some areas of definition that he feels need attention. The ordinance outlines that the Harbor Master can terminate your mooring if you are not in compliance, or any other reason. If he is going to appeal the decision of the Harbormaster under “any other reason”, he can’t sight the Coastal Waters Ordinance because the Harbormaster isn’t doing that either. What does “any other reason” mean?

Page 8: only own a mooring “in your name or your spouse’s name”. He has added his wife and son to the mooring and wants to pass it down. It’s a family mooring. What about people who aren’t married and are only domestic partners.

Page 10 Abandonment: States your mooring can be terminated if you haven’t used it in the previous season. What does substantially unused mean?

It would be nice to have a map that shows where the channels are so we can see where you can’t put a mooring before this is passed.

Page 21-5 days to appeal is impractical.

Laura Vitali-opposed: Agrees with prior speakers.

Cliff Abbott-opposed: doesn’t own a mooring. Concerned with the fees. This is overreach.

Andrew Arsenault-opposed: Abandonment issue- is there a risk of losing the mooring because it wasn’t used this summer due to a summer of bad weather.

Carter Becker-opposed: reject everything in the proposed ordinance. It’s a problem that doesn’t exist.

Jessica McCurdy-opposed: It’s hard to get out of the cove due to the oyster farms. There are few moorings but a lot of oyster farms.

The Chair opened the Public Hearing

The Chair closed the Public Hearing

Councilor Fournier: He would like to table this item to a date certain in order to get more input and get it rewritten, maybe a year.

Councilor Egan: can we ask the Harbormaster for the details on the registration form. That seems like something that shouldn’t wait a year to continue to have potential hazards where the Harbormaster doesn’t know whose boat or whose mooring. It seems like we need a form and separate the fee out for now.

Councilor Bradley: there have been good points made tonight. He hasn’t heard concern about registration, so the Harbormaster knows what’s on what mooring, where and when. This ordinance confuses so much what is inside the Harbor and what is outside. He supports tabling.

Chair Piltch: He would encourage us to discuss this tonight.

Councilor Pillsbury: he doesn’t want to table something without a process to get to a resolution. He recommends a work session with Coastal Waters Commission, the Council and public input and we can hash out some issues. There are legitimate concerns here and a better ordinance that takes into account everything we’ve heard. He’s uncomfortable punting it down the road, we should set a time for us to have a targeted meeting.

We need to do a workshop as opposed to sending it to the Ordinance Committee.

COUNCIL MEETING #22-23

OCTOBER 3, 2023

Chair Piltch: It's not a money thing. It's not the motivation from Coastal Waters and it wouldn't be his motivation. The fee is almost tangential to all the other changes. He can see us passing it with a lower fee. He's eager to make it better, but we shouldn't do nothing.

Councilor Lawrence: He thinks there are two parts to this; inside the registered harbor and outside the harbor.

Chair Piltch: He brought up the concern about residents that spend winters away. He suggested a workshop in December while this is fresh and we could have something for the next season.

Chair Piltch: November 28th was discussed. We could put this on Zoom. A combined meeting with Coastal Waters will be November 28th at 6 pm in Council Chambers. This is open to the public. We will use the draft as a good base to start from. We think that Coastal Waters should take in all the comments and then we can review at the workshop.

Councilor Bradley: He thinks a lot of the problem is that people can't figure out what applies inside the anchorage and what applies outside. He thinks the Harbormaster has a very specific small proposal for outside and he thinks if everybody understood how narrow that is, they would be less concerned.

We are the only town that doesn't charge a mooring fee outside the anchorage. Anyone that has a mooring will be grandfathered and won't lose their mooring. As it is today, if a boat owner does not own a waterfront, there is nothing that stops that person from placing a mooring directly in front of someone else's residence.

Harbormaster Tetreau: The biggest problem he has is when nothing is labeled or numbered. If a mooring shows up in a field of 10 others, there is no way to know who placed it there. Would he remove them? He doesn't have the equipment and no one else will do that service for free. There was no cap proposed for moorings outside the Harraseeket. People with cocktail moorings would be denied a permit. They could appeal to Coastal Waters.

MOVED AND SECONDED: To table this item to date to be determined.
(Fournier & Lawrence) **VOTE:** (5-Ayes)(1-Nays Piltch)(1-Absent Daniele)

MOVED AND SECONDED: To take ITEM # 186-23 out of order and to table to a date to be determined (Fournier & Lawrence) **VOTE:** (5-Ayes)(1-Nays Bradley)(1-Absent Daniele)

BE IT ORDERED: That amendments to Chapter 31, Coastal Waters Ordinance to add language to address mooring assignments outside the Harraseeket River Anchorage be approved.

(Harbormaster, Charles Tetreau)(15 minutes)

ITEM # 184-23 To consider action relative to setting a public hearing to discuss amendments to Chapter 23 – Sign Ordinance pertaining to a provision regarding signs in the public right-of-way.

Town Manager Pelletier: The Ordinance Committee has been looking at changes to the Sign Ordinance as a whole. This has gotten sidelined. We do have a business in our community that wants to replace a sign, but they couldn't because it's in the public right of way. We do not allow signs in the public right of way. In the past, even though it's not what the ordinance states, we had been allowing these if they got approval of

COUNCIL MEETING #22-23

OCTOBER 3, 2023

the Manager or Town Council and entered into an encroachment certificate. Signs in the public right of way need to sign off from the MDOT Commissioner. This would add a provision that if someone wants a sign in the public right of way, they could get approval from the Town Manager, get approval from DOT then the Code Officer could issue the permit. She doesn't think this is appropriate for signs in every location. Two locations specifically that come to mind are Lower Main Street and Independence Way where we have a really wide old right of way so what looks like a front lawn is a right of way. While there are many signs there, they can repair signs, but they can't put new ones or replace them. Another location in town is Mallett Drive that has a wide right of way. The change is just one sentence.

BE IT ORDERED: That a public hearing be set for October 17, 2023 at the Town Council meeting starting at 6 pm in Town Council Chambers, 30 Main Street, to discuss amendments to Chapter 23 – Sign Ordinance pertaining to a provision regarding signs in the public right-of-way. **MOVED AND SECONDED** (Egan & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Absent Daniele)

(Town Manager, Caroline Pelletier)(5 minutes)

ITEM # 185-23 To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance and Appendices A- H for the period October 1, 2023 to September 30, 2024.

Sarah Lundin, Freeport Community Services: Every year we need to update the Ordinance for General Assistance per the State's mandate. As long as we've been doing General Assistance, we have followed along with those ordinances set by the State. There are three key areas that we are seeing increases every year. There are the overall maximums which is like the overall pot of money they can pull from per individual and situation depending on the number in the household. There are also increases to the food maximum as well as the housing maximum.

BE IT ORDERED: That a public hearing be set for October 17, 2023, at the Town Council meeting that starts at 6:00 pm. to discuss amendments to Chapter 46: General Assistance Ordinance and Appendices A- H for the period October 1, 2023 to September 30, 2024. **MOVED AND SECONDED** (Pillsbury & Lawrence) **VOTE:** (6-Ayes) (0-Nays)(1-Absent Daniele)

(Community Services Director, Sarah Lundin) (5 minutes)

ITEM # 186-23 To consider action relative to modifying the Town Fee Schedule to adding a fee for annual mooring registrations outside the Harraseeket River Anchorage.

TABLED to a date to be determined.

BE IT ORDERED: That the Town Fee Schedule be amended to adding a fee for annual mooring registration outside the Harraseeket River Anchorage.

(Harbormaster, Charles Tetreau)(20 minutes)

COUNCIL MEETING #22-23
OCTOBER 3, 2023

ITEM # 187-23 To consider action relative to setting Carbon Reduction Targets for the Town of Freeport.

Sustainability Coordinator, Meddy Smith: The information provided tonight is the same as was provided at the last Council meeting. The targets recommended by the Freeport Sustainability Committee (FSAB) are to reduce greenhouse gas emissions by 65% community wide by 2030, by 85% by 2040 and strive for net zero emissions by 2050. There is an additional goal of reaching net zero emissions for municipal operations by 2040.

To reiterate what these targets are doing in the climate action planning process and the value of them that they see is to allow the Climate Action Plan to be data driven and allowing us to work backwards from these targets to set metrics that will allow us to understand if we are making progress towards these goals. These are aspirational targets that there are no penalties if we don't reach them.

We've been having conversations around the value of these targets and what it means to set the targets to reduce emissions. She wanted to compare it to a vision zero plan. Vision zero being a planning process where there is consensus around zero is the right number of fatalities from pedestrian and bicycle traffic. We don't want any. A lot of communities work backwards from accepting the vision zero goal and work backwards to create strategies to achieve that knowing they may never reach that goal but that's the benchmark they want to work towards. In the Climate Action Planning process, it works similarly where they have a recommendation around the targets we want to achieve and what date and then in our process we will work backwards to describe strategies and actions that will move us towards those targets. There are benefits in our planning process as to adopting targets in this kind of format so we can move forward with modeling data and get into the work of refining strategies and actions with community input over the next couple months. That is the real meat of this process. We have GPCOG available to answer questions.

Susana Hancock FSAB member: Last July 3rd, we had the hottest day that the world has seen on average in 125,000 years and we followed that up with 35 consecutive days. So far, as of mid-September, we've had 23 separate disasters in this country alone related to the climate that have exceeded a cost of a billion dollars. Heat domes in the United States, Canada and Europe were virtually impossible without anthropogenic emissions that has been officially determined. For the first time we surpassed 1.5 degrees, which the global community has established in the Paris Accords needs to be our target. Canada has burnt more than 600% of it's average burn for this season. Greece is still recording Europe's largest wildfire. For each degree that the atmosphere warms in centigrade, storms like hurricanes can pack a 7% more punch when they come in to land. At this rate we are looking at four billion dollars in health impacts by the end of the century. Our emissions have destabilized Greenland so much that it's committed a minimum of 10 inches of global sea level rise. This is threatening 600,000 people and a trillion dollars of global wealth. The question is whether this is the world we want because it's currently the world we've got. We've got the Gulf of Maine which is the fastest warming body in the world and oceans are absorbing 90% of our excess heat. Our fish are migrating northward. Our plankton no longer have their lipid coating because they don't need it in our warming waters. The increase acidity from the carbon dioxide is impacting the classification of our bivalves. Half of the sea level rise that we are having here is about thermal expansion, so it's from that warming. This is causing saltwater intrusion and increased storm surge. We are not as insulated as we'd like to think. It's not just about a small town in Maine, but it's about what we are doing, our due diligence to the Paris Accords, to our future, to people who are migrating due to climate crisis, to

COUNCIL MEETING #22-23
OCTOBER 3, 2023

the 36 million people last year that suffered from the drought and starvation in the Horn of Africa, to the conflict in Sahel where the resources are driving herders and farmers against each other. We know new fossil fuel development is not going to increase our energy security and it's not going to reduce our costs. We have real-time data where we can measure the actual emission of corporations of different locals. This also means that we can measure our impact. What we can do is data driven, we can monitor it and we can have real impact. Our goals with this proposal and our actions are in line with the best available science. They're in line with international standards and we encourage you to pass this part of the Climate Action Plan.

Kathleen Sullivan, FCAN: Where are the emissions coming from? 40-50% of the emissions are not coming from residents but from the business community, mainly one business (L.L.Bean). What they want to encourage the council to do is invite the business community to the table to reach these goals. They are asking the Council to specifically ask L.L.Bean's and the business community to the table for the planning process, not plan it and then talk to them. Suggested by the head of ACTT, the most successful climate action organization in Maine, was that we involve not just by saying we have a public meeting, but involve the major organizations in this town. With that kind of involvement in the planning process we are much more likely to have these goals met. She gave examples of other towns where this has been utilized and been successful in implementation.

Robert Stevens, FSAB/FCAN: We do have different contributions to the traffic in Freeport. What we have for data on traffic is what it is over a period of a year. He requested that the Council go back to GPCOG and arrange for some data that would give us monthly information so we can see what we all are in our normal days contributing to the traffic in a non-high business season. We are not just setting aspirational goals. Goals are something that you set with the idea that they are attainable. What the Board has arranged with GPCOG is for additional data. They will provide monthly figures for our traffic data. Do we want to set a target that just we can deal with, without involving major contributors to that traffic or do we want to actually need to do this. It would be good to engage other parties in it so they are not blindsided. The idea is to adopt the goals provisionally with the direction to FSAB to be directly involved. The council may want to arrange for periodic reports on what's being done to collaborate with others in town and what progress is being made towards those goals.

Valy Steverlynk: Supports prior speakers. Last week she attended a panel meeting with B Corps at Wolfs Neck Farm to get informed about how best to approach the business community and how to highlight the benefits of adopting sustainable practices. The business community is already embracing these things. We want to have targets that are achievable. They did not arbitrarily choose them, they worked closely with GPCOG who are experts who think we can achieve them.

Kristen Dorsey: Organizations do strategic planning and that is what they begin with. Then it's backwards planning from there. These were informed targets. They are achievable. We've kicked the can down the road. This is an opportunity for our leadership to maintain that common needs are met. It's time to set these targets. It's backwards planning, you set the target, you figure out the ways to get there instead of just rolling along and hoping that people will do the right thing.

COUNCIL MEETING #22-23
OCTOBER 3, 2023

Mandy MacPherson: Also spoke about backwards planning. It's identifying where we want to go in the future and where we are in the present and how we connect the two. It's all a balance of talking about the doom and gloom and getting people excited about doing things and bringing out the positive. They have stakeholder lists that they have been reaching out to. They want to bring others to the table to share their ideas.

Suzanne Watson: We have a major employer in Freeport (L.L.Bean) who is a global hub of transportation of trucks and visitors. We are not like every other town. If we are serious about these goals and about transportation being a part of it, that we do leverage this point in time, maybe provisionally with these goals. We need to recognize the elephant in the room it will be for not.

Councilor Fournier: What about the questionnaire we talked about a few meetings ago. We need to engage our community. If we don't we are setting ourselves up for division.

Councilor Lawrence: Go to business community first to set the goals appropriately. How many other people have you reached out to. Last time you had 137 signatures, and we have 8,000 people in this town. We represent the whole town.

Town Manager Pelletier: there has been business outreach done during this process. We have an email list of about 700 that we've reached out to about these community workshops. Getting them to come is another challenge. She understood that the council was going to consider goals at this meeting knowing that we still then wanted to do additional outreach in the town wide mailer. Councilor Lawrence understood we would do the outreach and then consider the goals.

Councilor Pillsbury: We are setting the goals. The targets are informed by data, science and GPCOG who we hired to do this work. If we want realistic action against climate change, we need to open it up for a public forum. We've paid experts to do this. It's in line with what the State of Maine is doing and what the international community is doing. Where we engage the public is how we achieve those goals and that's where we engage the business community. He's not a climate expert, that's why we hired experts to do the work. Our job is to approve what's been put in front of us and work through a process to figure out how we're going to achieve these goals. That's where the rubber meets the road. We want to engage the public but there is value in listening to the data and the science.

Councilor Bradley: He doesn't see anything wrong with aspirational goals. He doesn't see how they hurt anybody. Don't stint the efforts you say you are making to directly involve those responsible for the impacts we are experiencing in our community. He agrees with Suzanne Watson. There are big businesses that have big impacts on our ability to meet these goals. They've got to be at the table and be involved.

Chair Piltch: is in support of the goals. However, they are well in excess of the State's goals. The State wants to reduce the gases by 45% from 1990 levels (33 years ago). We are saying we want to reduce it by 65% from four years ago. That's a lot more. The data shows the vast amount of emissions come from The goals are aspirational but important. It's appropriate for Freeport to be out in front given our brand; L.L.Bean, Patagonia, North Face, outdoors, etc. He has a lot of questions about data and research and looks forward to conversations there. We have to balance doom with excitement. There are things we can do to make a difference. He's in support of everything they are doing and the goals before us tonight.

COUNCIL MEETING #22-23
OCTOBER 3, 2023

Councilor Egan This is our chance as the council to demonstrate leadership. That's what we are put here for. It's important to remember that progress is made from tripping and falling. He's less concerned about whether is 17% or 22%. Let's get the conversation going so that we can have everybody understand it. The enormity of the challenge is that if you are not in this, the enormity of the data can be extremely intimidating and the gravity of the statements that are made by climate science can be very scary. It can be a turn off and that's the wall we need to break. This is not the town hitting you over the head saying you have to meet this, this is the town showing that we as a planet have to get to these targets. We all have to start working on reducing greenhouse gas emissions. We should be bold and not be afraid to revise the goal in 5 years. He was excited about Electrify everything.

BE IT ORDERED: That the Carbon Reduction Limits set out in the memo from Meddy Smith dated August 24th for the Town of Freeport be adopted. **MOVED AND SECONDED** (Piltch & Egan) **VOTE:** (4-Ayes)(2-Nays Fournier & Lawrence)(1-Absent Daniele)

(Sustainability Coordinator, Meddy Smith)(15 minutes)

ITEM # 188-23 To consider action relative to an agreement with the Town of Yarmouth to house Engine 1 and to allow them to utilize the apparatus while we search for a buyer.

Chief Conley: A few weeks back we approved the bid to sell the tank truck. Part of the aspect is our old engine 1 is setting outside right now. We sent this out to bid and received no bids. We're assessing an opportunity to readvertise it and we are looking at a broker to dispose of that asset. In the meantime, the town of Yarmouth reached out to him and inquired if they could take it and store it inside. The other aspect is they are down an engine, and they would take care of Engine 1, insure it, truck checks and maintenance while it's in their care. It would be utilized by Yarmouth as an engine for mutual aid. We are waiting for a Memorandum of Understanding from the attorneys.

Town Manager Pelletier: received an email from the Yarmouth Town Manager. This is something that he confirmed they are interested in. They would need to do certain things. The town attorney did raise a few points we will want to be clear on:

-Can Yarmouth only use it for mutual aid calls? The understanding is that Yarmouth will house it and can use it for any call.

-Either party can end this agreement at any time. If we get the opportunity to sell this, that is the preference of the town.

-Clarification that Yarmouth is going to be taking care of the limited equipment on it and that Yarmouth should be responsible for any damage that occurs. They are insured by the same company as us. Caroline thinks we would have to have Yarmouth on our policy which is what we did in the past with Durham. If we are going to be insuring it and housing it in Yarmouth, do we want to pass the charge of insuring it on to Yarmouth.

So, there are details to work out. If the council is okay with those final details working out, then she thinks they could authorize it. If you do want to see the final draft with those changes incorporated, we will table it and bring it back October 17th.

Chair Piltch: it says in the memo from Yarmouth that we would take full responsibility for insuring and covering all vehicle repair costs.

Town Manager Pelletier: She would have to confirm that. One of us will insure it. Before we kept it on our policy, since we are the owners of the vehicle. The attorney didn't think their carrier would insure something they don't own. The question is who pays. The council does want them to pay for the

COUNCIL MEETING #22-23

OCTOBER 3, 2023

insurance.

Councilor Fournier: When we did this with Durham, they paid the insurance. He thinks we should think carefully about passing the cost onto them. They are housing our equipment in a heated facility and keeping it maintained and we're getting the better end of it.

Councilor Bradley: Asked if we have had conversations with Yarmouth about buying the equipment or renting it.

Fire Chief Conley: He understands that Yarmouth has gone out to bid for a truck replacement. This presented as an opportunity to fill a gap that they have. They can't offer mutual aid beyond one engine and that leaves their community vulnerable. This presented as a win/win situation. Long term that truck is not in their eyesight. We are getting a mutual aid partner for us and other communities. He does not want this vehicle sitting out in the weather with the value diminishing. They get to use it until we are able to sell it.

Councilor Pillsbury: would like more information on the costs of insuring and the cost of storing for one year.

Fire Chief: wants to move the truck tomorrow. The Town Manager said it's too big of a risk to do without a signed agreement and proof of insurance coverage first.

BE IT ORDERED: That the Town of Freeport enter into an agreement with the Town of Yarmouth to house Engine 1 and to utilize the apparatus while we search for a buyer.

BE IT FURTHER ORDERED: That the Town Manager be authorized to sign the agreement on behalf of the Town Council. **MOVED AND SECONDED** (Fournier & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Absent Daniele)

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

MOVED AND SECONDED to table ITEM 161-23 to a date to be determined (Piltch & Egan) **VOTE:** (6-Ayes)(0-Nays)(1-Absent Daniele)

TABLED:

ITEM # 161-23

To consider action relative to setting a public hearing to discuss amendments to Chapter 32 Shellfish Conservation Ordinance.

BE IT ORDERED: That a public hearing be set for October 17, 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.

(Harbormaster, Charles Tetreau) (15 minutes)

OTHER BUSINESS:

COUNCIL MEETING #22-23

OCTOBER 3, 2023

1. Discussion of The Great Race 2024 (Manager Pelletier)(10 minutes)

Town Manager Pelletier: Sue Nourse had reached out to her about closing Main Street for an afternoon in June as the Great Race comes through Freeport. We held a preliminary meeting with the stakeholders. To close Main Street because it's a State road, the request needs to come through the town and we need the Town Engineer to work on the request because they need engineer drawings. Before we put staff time into this we wanted to know if the Council supports the town pursuing this request.

Susan Nourse: It's not really a race, it's a rally. She has been part of this for 5 years. Next year the race will start in Kentucky and will end in Maine. They will have three nights staying in one State and one set of hotels. On June 28th the race will come to Maine. There are approximately 120 cars. Each team of navigator and driver gets a set of instructions, and they start one minute apart. Hypothetically, you will be able to see two hours of antique cars older than 1974 go by in a parade. Then when they break, they are parked for the public to inspect. Freeport would be the dinner spot that night. The closure would be at 3 pm so they can set up the inflatable finish line and get ready for the cars to come and park for two hours while they have dinner. They come from all over the world to participate in this race and there is a monetary prize for the winners. The cars would leave at 8 pm for Augusta. There is a lot of energy around having this event come to Maine. They are using a road closure template that has been used before when L.L.Bean had their 100th celebration. Traffic could still flow in and out of L.L.Bean. The closure would affect Nathan Nye area to School Street with soft closure at Howard Place. The rally cars have to get through. We expect spectators and other car clubs to bring their cars. The race director has been to Main Street and scoped it up. They will park diagonally.

There was Council support for the idea.

EXECUTIVE SESSION

ITEM # 191-23

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

MOTION: That the Town Council enter Executive Session. **MOVED AND SECONDED** (Piltch & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Absent Daniele)

MOTION: That the Town Council exit Executive Session. **MOVED AND SECONDED** (Bradley & Pillsbury)**VOTE:** (6-Ayes)(0-Nays)(1-Absent Daniele)
(45 minutes)

END OF AGENDA (Estimated time of adjournment 10:45 PM)

COUNCIL MEETING #22-23
OCTOBER 3, 2023

