

MINUTES
FREEPORT TOWN COUNCIL MEETING #23-23
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, OCTOBER 17, 2023
6:00 PM

The Chair called the meeting to order at 6:00 pm

COUNCILORS	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 #22-23 held on October 3, 2023 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 22-23 held on October 3, 2023 and to accept the minutes as written. (Bradley & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(0-Abstain)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- Absentee ballots are now available for the November 7th State and Municipal Elections. Please contact the Clerk's Office for more information.
- 2024 Dog Licenses are now available. You can easily register online at Maine.gov
- Property Tax bills have been mailed and are due November 15th.
- The railroad bridge over Route One to lower Main Street is scheduled to be replaced. There is a virtual meeting on the MDOT website where they go through the project and what the bridge might look like when it's done. You can submit public comments. There is a link on the town website and Facebook page.

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- The girls' varsity soccer team has made the playoffs. Congratulations to the HS golf team and their recent win in the championships and to Eli Spaulding for winning the number one spot.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Egan: The Housing Committee met last week and is continuing to refine some recommendations on specific changes to the Land Use Ordinance and to make it a bit easier for a developer to navigate through for proposals, particularly of housing projects.

Schedule changes for the Social and Racial Equity Committee: The October 25th meeting is moved to November 2, 2023. The November meeting will be pushed a week to Wednesday, November 29th.

Councilor Bradley: They have agreed to meet with the Harbormaster to discuss the Mooring Ordinance (Coastal Waters Ordinance) to see if by putting heads together they can clear up some of the confusion that occurred at the hearing and come up with a suggestion about how to redo it that meets everybody's needs.

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

We have recently posted on our website and Facebook the information for requesting an absentee ballot. There is a way to order them online.

We are in desperate need of volunteers to serve on our many Boards, especially for our Board of Appeals. We have information posted on our website. Contact the Clerk's office for more information.

The Tax Assessor and assistant have launched a new mapping platform through Vision Appraisal. She outlined the features of the platform which will provide access to maps/abutters/property data, etc. It did take a lot of clean-up work behind the scenes to get this up and running.

She wanted to acknowledge the Clerk's Office and the Finance Office, especially Robin Doak who worked on the town report that won the supreme award. The award was presented at the Maine Municipal Convention. We have an array of these awards.

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

Peter Anzuini: Occasionally, he likes to remind the Council what he believes our government is supposed to do. In a Republic we are always searching for a balanced center. The search can go from no law, to People's Law to Ruler Law. Our constitutional republic was based on people's law model. The founders wanted rule making closest to the people. The federal government in Maine and Freeport and the School Committees are moving towards the path of Ruler's Law. There are many examples including school consolidation, public transportation that started as a \$25,000 project, the fight against parental rights that are going on in the school right now, zoning usurpation by LD 2003, covid emergency declarations, climate solution, general assistance and immigration. The major premises of Ruler's Law are that government power is exercised by force, police power or conquest through funding or legislation usurpation. All power is concentrated in the rulers. People are treated as subjects and the land as a realm. The thrust of government is always from the ruler down. Silence is considered approval. Problems are solved by issuing new edicts, creating more bureaus, appropriating more administration, charging people more taxes to pay for these services. Under this, taxes are always oppressive. In summary, the Council

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and the school boards should put policies that involve children and spending up to the voter. Tonight, you will be discussing several ordinances that are examples of ruler law. He wants to make sure you keep this in mind and the policy that the town should have is one of People's Law.

William Rixon: He was here two weeks ago and spoke to the Council about the Sustainability Board discussion of the fossil fuel Non-Proliferation Treaty, which is a worldwide Treaty. They will be coming to the Council to share what they have learned. There was a treaty on the prohibition of nuclear weapons which is being considered worldwide. There's a meeting on this coming up at the end of November. He sent all the Councilors an email about this item. He hopes they will have a chance to look at the letter and consider it next month because this is at the end of November. In the letter sent to Council, he asked that they send an open letter to President Biden to encourage him to have the U.S. government send an observer delegation which would show that we're as a country are thinking of this issue and that it would be a good message to other nations today that do possess nuclear weapons. He hopes you take a look at the letter and consider it over the next month.

Robert Stevens: 22 Main Street purchase and what to do: We missed an opportunity a few years ago apparently it didn't fit in at that time in the view of the town. Paul Pecks, developer, recently proposed something that he had put a lot of work into. The end result was it didn't go forward. There were a lot of people who for various reasons opposed it. In town, there is a great feeling that 22 Main is a piece of property that fits in so well with what we've got here. If there is an opportunity to acquire it, he thinks it's worth the Council considering very seriously that it be acquired. He thinks developers have been scared off. He doesn't know what the town would do with it, but it will be useful in the future.

Secondly, he has heard that L.L.Bean may be interested in the purchase of the Bartol Library building on Main Street. He hopes that doesn't proceed. He thinks there is enough L.L.Bean on Main Street now. There is revitalization on Main Street. Meetinghouse Arts was opened and other places are starting to fill in. Give this time. He thinks it can be used for public purposes.

Joyce Veilleux: Thank you for extending her time last meeting.

Cemetery Work Update: They have finished with the Porter's Landing Cemetery. Next year, they are moving on to the First Parish Cemetery that is on the side road beside Wilbur's. It has a beautiful rock wall around it that was built in the 1800's but it needs work. They are reaching out to see if anyone knows a person who understands rock walls and how to repair them who would like to volunteer their time.

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

ITEM # 191-23 To consider action relative to adopting the October 17, 2023 Consent Agenda.

BE IT ORDERED: That the October 17, 2023 Consent Agenda be adopted.

MOVED AND SECONDED: (Piltch & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Absent Daniele)

(Council Chair Piltch) (5 minutes)

ITEM # 192-23 To consider action relative to amendments to Chapter 23 – Sign Ordinance pertaining to a provision regarding signs in the public right-of-way. **PUBLIC HEARING**

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Town Manager:

We are working with the Ordinance Committee to do substantial updates to the Sign Ordinance. In that was a provision that was flagged by staff and requested by one of our businesses to allow signs in the public right of way. The ordinance has strictly prohibited them. In certain parts of town like Independence Drive, Lower Main Street, Mallett Drive, we have wide old right of ways. This causes signs to appear as if they are on the lawns of businesses when in fact they are in the right-of-way. If they want to do anything beyond repair, it would be prohibited. The State of Maine has a provision if you want to allow a sign in close proximity or in the right of way you can go to the State. So, here we are proposing a similar smaller scale that could allow a sign in the public right of way with review and approval of the Town Manager. You could switch that to the Town Council instead. In the past, it had been our practice to sometimes allow these or other structures. Whoever was installing the sign on their property would sign an agreement that they are aware that we are allowing this in the right-of-way and they are responsible if it needs to be repaired or removed. The amendment tonight is for just section 4.8 of the ordinance.

Councilor Egan: Does the Police Dept. or Public Works get involved? That's what we would normally do.

The Chair opens the Public Hearing

- Jennifer Levin, owner of Chilton Furniture at 84 Lower Main Street. They are the business that wants to update their sign. They got it through the sign ordinance committee then they were told they need to move it 5 feet back. For obvious reasons, they like the idea that we would have this amendment so they could have the opportunity to present their case. Then the Council can weigh the cost to the business of having reduced visibility against the perceived benefit to the town. Right now with the inability to make an exception, it's a disincentive for businesses to update other than just repair.
- Andy Wilbur, Wilbur's Maine Chocolate Confections: They have 2 signs in the public right of way that were approved prior to the current rule following. On Lower Main Street, there are 10-15 signs anywhere from 6-10 feet away from the road that are within the right of way. Any of them that would need to modify their sign beyond repairs would have the similar implications that Chilton's experienced.

When there was discussion about the sign ordinance being revised, they had asked that building size and number of signs per building be looked at as well. It has been problematic for them at the Bow Street location. They wanted lettering on the awnings and each of those counts as a sign. There is a problem because 13 and 15 Bow Street are sometimes considered two buildings and sometimes one, making them reduce the number of awnings they could say "candy" on because of the number of signs allowed in that scenario.

Chair Piltch: there are further changes to the Sign Ordinance in the works as well.

Peter Anzuini: Temporary Sign Ordinance-The way it's written it doesn't comply with the State requirements. Our Sign Ordinance for political signs is listed as 30 days. That conflicts with the State who allows for a 6 week's windows. There are also a provision that you can't put signs on fences. He assumes that doesn't apply to private fences. There are components of our temporary sign ordinance that need to be looked at to match the State requirements. From what he understands the State is the only one

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to have the right to come in and judge political signs. It's not a town function to do that. You may need to look at that. There's also components of the Sign Ordinance that say you cannot have lights on the sign. Does that mean that your building can't be outlined in lights? We need clarification on these components.

The Chair closes the Public Hearing

Councilor Fournier: When will we be revisiting the Sign Ordinance amendments?

Town Manager: The Ordinance Committee started to look at this and had good discussions. It warranted legal review and getting those committees back together. Some of the issues mentioned tonight are already in the works but are complicated. The business that brought this forward has been waiting patiently. Originally, this got absorbed into the much bigger change. It seemed like it could easily stand alone and be considered fairly straightforward they pulled this out and brought to the Council.

Councilor Fournier: He doesn't think we've had any problems where signs have been allowed in these areas over the years.

Town Manager: Signs in the right of way aren't appropriate on all locations like the middle of the sidewalk or where they would obstruct public passage. We haven't had issues with the landowner or from the town's perspective when we've okayed these or other things in the right of way. No one wants to put a sign where it's going to get hit during snow removal.

BE IT ORDERED: That amendments to Chapter 23 – Sign Ordinance pertaining to a provision regarding signs in the public right-of-way be approved.
MOVED AND SECONDED: (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(0-Nays) (1-Absent Daniele)

(Town Manager, Caroline Pelletier)(5 minutes)

ITEM # 193-23 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. PUBLIC HEARING

These are updating our General Assistance maximum allowances, which we do every year.

Sarah Lundin, Freeport Community Services (FCS): These maximum levels are set by the State. This year we are updating Appendix A: the Overall Maximum. We are also updating Appendix B which is for food and then Appendix C which is relative to housing. For housing they are looking at any increase of \$75 per person. With food we are looking at about \$10 per person, so overall maximum we're looking at a \$90-\$100 increase per person which is pretty standard.

The Chair opens the Public Hearing

Peter Anzuini: He doesn't understand. It says the town can set up a minimum payment, but we have to follow USDA to not be below their guideline. What exactly does the town have to say about all this? What are your goals out of this? Why don't you just say the USDA sets the limit and we're done with it.

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The Chair closes the Public Hearing

Sarah Lundin: The town does have the option to adopt its own guidelines. The ones set by the State are pretty standard and what other municipalities use. The USDA does have involvement in setting in particular the food maximum which makes sense that it would then influence what the State recommends. If the municipality sets their own standards and guidelines, there is concern about whether it would be reimbursed by the State. These guidelines tend to be quite low. It's hard for someone to meet their needs through general assistance. The Council could adopt their own maximums.

These are the maximums for October 1, 2023 to September 30, 2024.

Sarah met with the families staying at the Casco Bay Inn to let them know about the resources they have at the Community Center. One of the general issues that the families are facing is around transportation. She's looking for people to provide additional advocacy for a bus stop in front of the Casco Bay Inn. She explained the challenges with the current buses.

There is a transportation committee set up under the Downtown Visioning and it meets tomorrow to renew its commitment to general transportation development throughout the community and to our outside assets. That is a great place for someone from FCS to be.

Is Portland helping with those staying at the Casco Bay Inn? They are helping so much more than they did last time. Portland is providing for their basic needs. Our role is immensely different from what it was last time. If folks come to FCS, they are welcome to use their services, but FCS is not bringing any services on site like they did before because the City of Portland has been actively involved.

BE IT ORDERED: That amendments to Chapter 46: General Assistance Ordinance and Appendices A- H for the period October 1, 2023 to September 30, 2024 be approved. **MOVED AND SECONDED:** (Fournier & Lawrence)
VOTE: (0-Ayes)(0-Nays) (1-Excused Daniele)

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

ITEM # 194-23 To consider action relative setting a Public Hearing to discuss amendments to Chapter 6. Community Antenna Television Ordinance.

All this is doing is changing to be consistent with how many people are on our committee that deals with Cable TV.

Town Clerk: The Community Antenna Ordinance calls for a seven-member board however our Administrative Code calls for a five-member board. With our struggles in filling boards, we felt as though the five-member board would at least get us up and running. We are looking for consistency to switch it to five.

BE IT ORDERED: That a public hearing be set for December 5, 2023 at the meeting starting at 6 pm in Town Council Chambers, 30 Main Street, to discuss amendments to Chapter 6 to change the Committee membership requirement to five (5) from seven (7) to be consistent with Chapter 2, Section 611 of the Administrative Code. **MOVED AND SECONDED:** (Lawrence & Fournier) **VOTE:** (6-Ayes)(0-Nays) (1-Excused Daniele)

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(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 195-23 To consider action relative to approving the Freeport Momentum Grant Program.

Brett Richardson, Executive Director FEDC: The Grant Committee will make allocation of the \$40,000 that the Town Council allocated for the Momentum Program. The Momentum Program is a sister program to the Business Fit-Up Program which is currently out in the community. He is expecting good proposals coming back on that in the next few weeks. The Momentum Committee will help allocate funds for projects that will be highly visible downtown to activate public spaces and encourage folks to hang out downtown. This will advance the Downtown Vision. The committee is a great group of diverse, thoughtful people. The committee gets to make decisions on funding without having to come back to the Town Council. The average project will be \$2,500 - \$5,000.

Councilor Bradley: Asked the difference between this Grant and the \$60,000?

Brett Richardson: \$60,000 will go to the Business Fit-Up Program which is designed to activate vacant commercial spaces and bring new businesses into town. This program is more on the street, more in public spaces that are highly visible and publicly accessible and is more about community spaces whereas the Fit-Up Program is really about economic development.

BE IT ORDERED: That the following individuals be appointed to the Momentum Grant Committee.

1. Phil Wagner, Complete Streets Committee Representative
2. Jonas Werner, Downtown Vision representative
3. Kathy Smith, Downtown Vision representative
4. Enoch Boudreau, Freeport High School student representative
5. Town Manager

MOVED AND SECONDED: (Bradley & Lawrence) **VOTE:** (6-Ayes)(0-Nays)
(1-Excused Daniele)

(FEDC Executive Director, Brett Richardson)(5 minutes)

ITEM # 196-23 To consider action relative to a request from the Complete Streets Committee to hire a grant writer for an amount up to \$8,000 to assist with the Town's application for a Land and Water Use Conservation Fund Grant.

Barbara Guffin, Complete Streets: The Complete Streets Committee is here tonight to request up to \$8,000 to hire a contract position grant writer to assist with the Town of Freeport's application for a Land and Water Conservation Fund grant that has a due date of June 2024. These funds would be used to design and build an off-road multi-use trail parallel to US Route 1 from Pine Street to downtown Freeport in accordance with the Downtown Vision Plan discussed by Council on February 7th 2023. By downtown, she means to Summer Street (just south of the Fire Station). The grant would help them with design and address topography, environmental questions, right of way and other issues. The Land and Water Conservation Fund Act of 1964 was established to help federal, state and local governments in the acquisition and indoor development of public outdoor recreation facilities. These grants can provide up to 50% of the allowable costs for the approved projects. The application period is usually open until June 30th and the maximum grant award in 2023 was \$500,000. This grant writer would coordinate, prepare

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and oversee the application. The grant writer would be responsible for keeping the Complete Streets Committee on target reviewing the narrative and the different sections of the application and editing the documents to make sure all connection points and consistency issues are addressed. The Committee expects an experienced grant writer earning \$50-\$100 per hour and working with the committee no more than 80 hours to prepare, final edit and submit the grant proposal. Due to the deadline, they are hoping to have someone onboard by December or January.

Councilor Bradley: This goes to Summer Street, but why didn't you go the whole length of the proposed Frost Gully Transit. When they had talked about this before, the trail went all the way downtown, it didn't stop at Summer Street. There was to be one trail that goes up to hit Main Street, but then there would be a remainder of the trail that goes to West Street and on to Bow Street. Am I wrong?

Barbara Guffin: They are working out the whole trail, but they were just identifying a segment of it to make it more manageable and because the funding wouldn't cover the entire thing.

Councilor Bradley: Why is it manageable to not deal with the whole trail all at once?

She could see going from Cousins River Bridge to Summer Street. She looks at Summer Street north as Downtown and the downtown is a separate piece of it they haven't looked at yet.

He doesn't have a problem going after grant money. He hates to see us break up the project. Let's go for the whole thing.

Adam Bliss, Town Engineer: To clarify we are talking about the Concord Gully Brook Trail portion that is priority one. That segment runs from Pine Street to Concord Rd. That is the multi-use path section. It'll come up Concord Rd, connect to Main Street and go to the railroad bridge. That is the scope of this grant application. It will connect into existing structures, i.e. sidewalks that are already in place. The West Street section will not be a full width path. It'll be more of a nature trail so to speak as there are limitations in terms of wetlands and flood plain and streams. That segment going to West Street is just a nature trail whereas this grant covers a full multi-use path from Pine to Concord.

Councilor Bradley: You're going to come back, if you're successful, and asking for the nature trail provision to be addressed next, correct?

Adam Bliss: Yes, but it's an entirely different scope. He doesn't see construction as part of that. It won't be free. There will be easements covered by the Concord Gully credit enhancement agreement.

Councilor Bradley: He remembers from the discussions that there would be two sections of this, one more expensive and more comprehensive and the other was more for the naturist, the outdoor enthusiasts, etc. One to put it off and have to come back for another funding request makes no sense to him. You have a fully supported Downtown Vision priority focus and now you're going to split it up.

Chair Piltch: The maximum award for this grant is \$500,000 and that wouldn't cover the whole trail.

Adam Bliss: there is money programmed in the 5-year Capital Plan (FY28). There was \$250,000 worth of grant money but that was for Mallet Drive. The Chair thought it was FY24.

Councilor Bradley: His understanding was there would be some budgetary commitment which would be used only if we didn't get grants to meet the need. Let's get all the grants we can. Maybe this will eat up the whole \$500,000. It would be a shame to leave some money on the table that may be enough to do the nature trail. Will you look at it? Yes.

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Councilor Pillsbury: He's looking at the map and it looks like the piece they are talking about has been designed and engineered. It seems that is more suitable for a grant application. The Nature trail piece seems loose at best, is that why we are not going out to solicit funding for it because we don't have a formulated plan yet?

Adam Bliss: Those trails are largely in place, they are blazed by L.L.Bean. We do have work to do with them to determine that connection as well as some landowner outreach. They are two contextually distinct types of paths.

Councilor Pillsbury: If we hire a grant writer, what is the process for monitoring and approving the work as it comes in? He's referring to the \$8000 to assist with the grant application.

Adam Bliss: the Complete Streets Committee would work with that person to prepare the application and to work with the Land and Conservation Fund to make sure to make sure the application is complete. They would not be employees; they would be a contract person that submits an invoice. There would be excellent oversight of that person.

Councilor Bradley: For the \$500,000 grant is there a match? Yes, there is a 50/50 match. Part of the grant application is showing Council commitment to that match. So, the Council is going to spend \$8,000 to find out whether this Council will match up to \$500,000 of a grant.

Adam Bliss: This opens up the question, what is the funding source for that grant match. Maybe it's a combination of sources from private funding to leveraging local dollars to grant dollars. To cover construction, we should go for the entire amount.

Councilor Fournier: Spoke in support of this.

This is in support and response we made to say we didn't want to hire a full-time grant writer, but will support hiring contract grant writers if there is the need.

Joyce Veilleux: Supports the grant. She wants to make sure we are not spending money on new trails or updating old trails that are just for people who are physically fit. We need to make sure the trails take into account people in wheelchairs or with walkers.

This particular grant needs to provide a "wide range of recreation interests and abilities including the elderly and individuals with disabilities". That is what we are planning to do.

Chair Piltch: We have about \$58,000 in our Concord Gully TIF and part of the purpose of the TIF was for trails like this. The note on the agenda is a hint for the Council to say "yes" you can take the money out of the TIF. This would require a Be it further ordered. It would be a supplemental budget appropriation.

Robert Stevens: Another source of funds, you were wise enough to include in the L.L.Bean TIF was a provision that would allow money that comes to the town to be used for this purpose. That's moving at a quick pace. There's probably \$500,000 there already or soon will be. You just adopted some goals that came from the Sustainability Advisory Committee that include trying to reduce emissions, getting people off the roads. Although this is set up as a recreational trail it also will allow multiuse. FSAB is in support of this.

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Peter Anzuini: This is fishing. For the \$8,000 you may get \$50,000 or \$10,000. The \$500,000 is the most they have given out. Is there something we can do locally with volunteers without spending the \$8,000. We don't have critical data we need about the trail specs. He wouldn't spend the \$8,000 until a better map and layout are done.

BE IT ORDERED: That a request from the Complete Streets Committee to hire a grant writer for an amount up to \$8,000 to assist with the Town's application for a Land and Water Use Conservation Fund Grant be approved.

BE IT FURTHER ORDAINED: That such funds be deducted from the Concord Gully TIF account which has approximately \$58,500.

MOVED AND SECONDED: (Egan & Lawrence) **VOTE:** (6-Ayes)(0-Nays)
(1-Excused Daniele)

BE IT FURTHER ORDAINED: that the funds

Note: The approximate balance of the Concord Gully TIF is \$58,500.

(Barbara Guffin, Complete Streets Committee)(15 minutes)

ITEM # 197-23 To consider action relative to awarding a bid for a new Harbormaster boat.

Charles Tetreau, Harbormaster: We put out 8 invitations for bids in August due September 18th. We received three bids. They decided to go with the Maritime Skiff 25-foot Voyager. They came back with a price of \$232,776 which is higher than the \$180,000 threshold. The price is so high due to the increase in the cost of resin which no one predicted. They had to make cuts to important items that we could do without which include a toe post dive door, a fire suppression system and a cabin heater. We are getting a fair trade on our boat of \$26,700. That did bring the quote down to the \$180,000.

Councilor Fournier: You list structure deck support brackets that will support the stretchers that we are currently using for rescues on the islands which we don't currently have on the boat.

This boat is similar to the boat we currently have, it's newer, two feet bigger and a little beamier. It drafts the same amount of water which is 14 inches considering how tidal we are. The current boat is a 2016 Yamaha outboard 225 horsepower. It has about 1,300 hours on it. This is the time to trade the outboard due to the amount of hours. To replace the outboard would be \$38,000 and the hull is a 2006 so it does have age and stress fractures.

This boat will have twin Suzuki's on it. The way they are geared, you can only put Suzuki's on this particular model. We don't feel there is a reduction in quality going with Suzuki.

Chair Piltch: You mentioned you cut a cabin heater which seems important.

Our boat is the only boat, other than the Coast Guard boat in South Portland, that is in during the winter in Casco Bay. Unless we get a really deep freeze, we keep our boat in year round. The heater was a hard cut for them. It would be around \$5,000 for a heater. If we are going to do this, let's do it right and put a heater on the boat.

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Jessica Maloy, Finance Director: This item is Capital in nature, so items on the boat at this time is considered part of the capital purchase and is not designed to be split between capital and operating budget for those components. The Council can decide to spend more from those capital accounts.

Councilor Egan: He supports adding the heater back in.

They did talk about and remove the fire suppression system that would be portable.

They agreed to add in \$5,000 for a heater.

BE IT ORDERED: That Chislett's Boating and Design LLC be awarded the bid in the amount of \$185,000. **MOVED AND SECONDED:** (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(0-Nays) (1-Excused Daniele)

Note: They agreed to take our current boat in trade (\$26,738.00) and will allow us to continue to use it until they deliver our new boat sometime in the spring/summer of 2024.

(Harbormaster Charles Tetreau)(10 minutes)

ITEM # 198-23	To consider action relative awarding the bid in the amount of \$144,726.00 for the Comprehensive Plan Update to North Star Planning.
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Town Manager: We put out a bid for the Comprehensive Plan update. The budgeted amount was \$150,000 but the last time we went through a planning process they realized we needed to do additional public outreach for items we needed funding for. When they put out the RFP it was for slightly under so if we had to do additional publications to get public participation, we had that available to us.

We got 4 responses. We put together an interview committee consisting of 2 Councilors, 2 Planning Board members, 2 Project Review members, the Town Manager and Assistant Planner and Finance Director. They chose North Star Planning who we've had a relation with in the past. We used them for some ordinance work when we created the Solar regulations. They have a diverse team. They are bringing in Jeff Levine who is known for housing work in the region, Beina to do environmental work and Aceto landscape architecture who have done a lot of design work envisioning other communities.

Ben Smith, North Star Planning: The proposal does include regional experts in housing and natural resources. The intent for including Aceto Landscape architecture was to help with the visual communication both during the planning process as well as in the final product.

The time frame is for a 22-month project. Their intent is to keep this a planning project as opposed to an ongoing process with years of commitment. The RFP was for 18-24 months.

The first thing they would work on would be the data inventory chapters so you might not see a lot of them in the beginning, but in the spring there will be a lot of meetings.

BE IT ORDERED: That North Star Planning be awarded a bid for the Comprehensive Plan Update in the amount of \$144,726.00.

BE IT FURTHER ORDERED: That the Town Manager be authorized to execute the agreement on behalf of the Town Council. **MOVED AND**

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SECONDED: (Fournier & Lawrence) **VOTE:** (6-Ayes)(0-Nays) (1-Excused Daniele)

*Note: The amount of \$150,000 was budgeted in the Capital Plan.
(Town Manager Pelletier)(10 minutes)*

OTHER BUSINESS:

1. Audit Presentation (Finance Director, Jessica Maloy) (20 minutes)

Jen Conners from Runyon Kersteen Ouellette: She provided a copy of the financial overview document to the Council and displayed for the audience.

This was a clean organized audit as usual. The financial statements received an unmodified opinion which is a clean opinion on the statements. They are required to do testing under government auditing standards. Under those standards they are required to test internal controls as they relate to financial reporting. This year we did a full test of the cash disbursement process for the town as well as cash disbursements for FEDC. Under that guidance there were no material weaknesses and no significant deficiencies. They didn't even have minor recommendations.

Handout page 3-General Fund-Fund Balance: The initial portion is non-spendable, which is the portion that has already been spent. It's typically made up of prepaid expenditures or inventory. The next step is Committed Fund Balance which represents amounts set aside for tax stabilization and future employee benefits and reserves. That amount has increased 9% over the last five fiscal years. The next step down is the assigned category that is the portion of fund balance that has been set aside to use in the next fiscal year. That amount was set at \$600,000 the first three fiscal years here and then it did increase to \$675,000. Finally, we have an unassigned category and that is the amount that is left over after you put amounts into all of those other categories. Unassigned fund balance actually decreased about 6% over the last five fiscal years. In total fund balance also decreased by about 1.5 million or 17% from fiscal year 2022. Total fund balance has decreased by about \$66,000 since 2019.

Pg 4. General Fund Revenues: This is a budget to actual comparison. Looking at the larger variances, actual taxes were higher than budgeted as property tax revenues include overlay, net of abatements, and excise taxes, which exceeded the budget by \$328,000. Intergovernmental revenues were higher than budgeted as state revenue sharing was \$115,000 higher than budgeted due to changes at the state level. In addition, reimbursement for homestead exemptions and general assistance were higher than anticipated by \$230,000 and \$47,000 respectively. Charges for services were higher than budgeted, mainly due to recycling center revenues that were higher than anticipated. Fees and fines were lower than budgeted as revenues from parking and police fines were lower than anticipated. Total revenues were higher than anticipated by 4%.

Pg 5. General Fund Expenditures: General government expenditures were under budget due to a position that was budgeted but paid for with grant funds. Public Works expenditures were under budget. There was less roadwork that was completed due to staff shortages. In addition, there were budgeted positions that were not filled. Community Services expenditure was over budget due to unanticipated increase in general assistance costs. This was offset by increased reimbursements. Insurance and benefits were

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under budget due to staffing changes and enrollment elections for health insurance. Total expenditure before transfers out were under budget by 1%.

There are transfers out of 2.6 million that were not budgeted as amounts were transferred to the reserves based on the fund balance policy.

Pg 6. Unassigned Fund Balance as a percentage of budget: This graph can be used to gauge how healthy your unassigned fund balance. This is shown over the last 5 fiscal years. Unassigned fund balance decreased as a percentage of budget over FY22 to 14%. The town has a fund balance policy target of 1 ½ months of the budget, or approximately 12.5%, with an additional 5% of the target allowed for a maximum fund balance. Compared to the FY24 budget, the FY23 unassigned fund balance exceeds the maximum by approximately \$26,000.

Pg 7. Expenditures for the general fund expressed as a pie chart. Each category is expressed as a percentage of total expenditures. The pie charts displayed both FY22 and FY23 for comparison. Most of the categories are relatively the same. We did have changes in transfers to other funds which increased from 2% to 7%. Public Safety did decrease from 10% to 9%. Community Services increased 1%. Education decreased from 62% to 57%. Debt Service shows up as 0%. That is not because we don't have debt service but it's so low as a percentage that it's less than 1%.

Page 8. Town Reserves. This is where the 2.6 million dollars went. The Police Department Reserve increased by about \$263,000 due to transfers into be used for boat and vehicle replacements and protective equipment. The Fire Department decreased due to the purchase of a fire truck and SCBA bottles with a filling station. Rescue Reserve increased due to a transferrin to be used for ambulance replacement. The Comprehensive reserve increased due to transfers in, to be used for Mallet Dr/Durham Rd and Flying Point Road reconstruction. Municipal Buildings reserve increased due to transfers in for various projects. Capital reserves increased due to transfers in and revenues that exceeded expenditures and transfers out. Total reserves increased by 1.6 million which is a 13% increase.

Page 9. Other Town funds: They generally focus on the general fund. However, we do have these other funds that show up on our financials as well. They include Winslow Park, TIF funds, Bartol Building, Tower lease, Town Grants, Leon Gorman and Net fund. They mostly stayed the same with the exception of the net fund. It did have a deficit last year and then in FY23 that fund was closed.

The last page shows there is \$500,000 in a Bartol Building fund. Do we have money available for maintaining the building? The Bartol Building had been under a long-term lease. There was significant amount of revenue that came in on a regular basis that would fund our Capital Reserves as well as the General fund and a portion went into this fund, the Bartol reserve to help with building improvements and things that need to be done. We have been using that fund to maintain and pay for expenses to that building.

TIF Funds are higher than the chair thought they would be. He thought the Downtown TIF was \$200,000. This is as of a point in time. What you are seeing is where we are based on what has been put into that account as tax base revenue as well as where we are currently at for spending as of June 30th. It's not taking into consideration anything that's budgeted to be expended out of it or in the future that's going to come out of it. It's literally that midnight at June 30th.

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Councilor Bradley: Reserves clarification: (Pg 8) that has gone up 13% despite the fact that we are within \$26,000 of our policy.

Jessica Maloy: the reserve balance increased because after last year's fiscal audit and before the start of FY24 budget process, she came to the council and asked for 1.9 million dollars to transfer from fund balance into reserves to help fund what we would need for projects. They awarded that to be transferred which is the primary increase you see from 12 million to 13.5 million. When you got this report last year, we were over our fund balance policy maximum level. We were over the maximum by 1.9 million, so it was recommended to move it to reserves to fund our Capital projects. This year she only has \$26,000 so she's not coming to them with any recommendation. The 13% increase implies that we took last year's activity and we added the 1.9 million that you transferred but it hasn't taken into consideration yet the 3.6 million that you appropriated to be spend out of the capital plan for FY24. It's going to be a lot less than 13%.

Last year we added 1.9 million to the Reserves. During the year we spent 3.6 million out of Reserves. This year we don't have any money to replenish it.

EXECUTIVE SESSION

ITEM # 199-23

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-Excused Daniele)

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

(20 minutes)

EXECUTIVE SESSION

ITEM # 200-23

To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(c) pertaining to a Real Estate matter regarding property at 22 Main Street, Freeport.

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

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

(20 minutes)

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END OF AGENDA (Estimated time of adjournment 9:20 PM)